

ABSTRACT

Title of dissertation: PIRATES, ANARCHISTS, AND TERRORISTS:
VIOLENCE AND THE BOUNDARIES OF
SOVEREIGNT AUTHORITY

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This study examines how states combat episodes of violence that pose an ontological threat to the state. Sovereignty is a bundle of practices that draw, maintain, and redraw boundaries around political authority, the state is the polity constructed by these boundaries. The boundaries can be physical such as a border between state or conceptual such as that between public and private. These boundaries create the ‘conceptual maps that state leaders use to make sense of the world. The threat posed by violent action is constructed by narratives. Revisionist narratives of violence, the focus of this study, are illegible to states using current conceptual maps and therefore cannot be defeated while they remain. States are forced to redraw the boundaries of sovereign authority in the course of combating these threats, resulting in a transformed state.

In my three cases – golden age piracy in the 18th century, anarchist ‘propagandists of the deed’ at the turn of the 20th, and al Qaeda – I demonstrate that the state develops creative solutions to concrete crises. For instance, golden age pirates exploited a surfeit of ungoverned land and open markets in the early 18th century Atlantic to attack trade

forcing colonial states to bring their Atlantic colonies into the domestic sphere and shift the sea into an open space. Similarly, the rise of the labor movement and the development of fingerprint databases and the universal passport system were, in part, responses to the threat of anarchists propounding “propaganda of the deed” at the turn of the 20th century. Finally, counterterrorism innovations devised to combat al Qaeda, such as targeted killing and bulk data collection, have transformed borders from sites of exclusion designed to keep out undesirables to sites of collection where they are tracked and controlled. Each case demonstrates how states re-inscribe themselves by redrawing conceptual boundaries, such as between in order to make sense of an episode of revisionist and respond effectively.

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VIOLENCE AND THE BOUNDARIES OF SOVEREIGN AUTHORITY

by

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Dedication

This Dissertation is dedicated to my wonderful wife Fiona, who has not only provided support above and beyond what could be imagined but also proved a tireless editor. I also dedicate this to my parents, Alex and Bev, who supported me throughout my long education and my dog Cleo who doesn't care about the vicissitudes of academic life, only that she gets fed and that I pet her belly.

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Chapter 1: **Introduction**

At 2:49pm on April 15, 2013 the first of three explosions took place at the finish line of the Boston Marathon, resulting in 3 dead and 264 injured. A few days later the National Guard and Boston Police were on a manhunt for suspects Tamerlan and Dzhokar Tsarnaev. Tracked by a cell phone left in a car they had stolen, the Tsarnaev brothers would find themselves in a shootout with the authorities that killed 26 year old Tamerlan and injured 19 year old Dzhokar before the latter was able to escape. Thus began the manhunt; surreal scenes where armed National Guardsmen blocked off a perimeter thought to be where Dzhokar Tsarnaev was hiding and then went house to house, knocking on doors and searching the suburban homes of the residents of Watertown, Massachusetts. They entered houses and searched backyards producing a contrasting aesthetic of quiet, sanitized suburbia against the urgency and raw power of militarized searches. Only thing is, Dzhokar Tsarnaev was not within the area blocked out and searched. He had escaped onto a boat just outside the area, hiding under a tarp. After hours of these searches, it was only after a local man noticed blood on his boat and tipped off the police that Dzhokar Tsarnaev was arrested.

This story stands as a metaphor for many the challenges posed to the state in the 21st century. The Boston policemen and National Guardsmen sealed off a particular territory and searched it slowly, house by house, using a method of force that could be seen as an exemplify the modern territorial state attempting to exercise authority and power in the way that it knows best. Dzhokar Tsarnaev is one of the types of challenges which are posed by what has come to be known as ‘globalization’; weakening the state

from a place, physical or conceptual, just outside of its reach. No matter how much force was used, no matter how much land was covered or how many basements and sheds were searched, Dzhokar Tsarnaev would have evaded capture because he simply was not in the place police were looking. The way in which the state was responding was inadequate for his capture, and, intentionally or not, he was able to use it against them. Of course, the metaphor should not be taken too far. Dzhokar Tsarnaev was captured and police obviously were not incapable of looking at a boat a few blocks from the sealed off area. Sooner or later they were likely to get there. But it does capture the idea that the state is besieged by challenges and threats it is not currently adept at handling.

The metaphorical story told above has become part of the conventional wisdom: the state is retreating as it does not have the capacity to deal with the threats to its sovereignty posed by the set of processes we call globalization. Processes such as the movement of people, goods, money, and information across boundaries, and the developing linkages between people thousands of miles apart have come to be seen as eroding the state. They are of particular danger to the state, not necessarily because they are non-territorial (or at least function with a different relationship to territory) but because the state itself depends upon boundaries. Drawing, redrawing, and maintaining these boundaries are what make states sovereign and differentiates the state as a political form from polities such as empires, city-states, and feudal orders. If it is the creation of boundaries that defines the state, and therefore politics and political science, then globalization poses a series of problems for the future of the state.

Of course, ‘globalization’ is a rather opaque term many times taken to mean increased economic interdependence.¹ This is only a part of the ‘phenomenon’ of globalization. I define the term as a series of processes and flows of people, goods, capital, and information that have the effect of drawing the world closer together.² Inherent in many of these flows and processes are an ability to transcend the boundaries that create and define the state. It is these transboundary processes that ‘threaten’ the state. The idea of bringing the world closer together can be opposed to a world of discrete boundaries that divide it up. Of course, transboundary processes are nothing new and have existed for centuries; if there is anything ‘new’ about globalization, it is the higher volume of these process as their concatenation creates the push towards what Roland Robertson has called the ‘whole earth picture’.³ One could even argue that it is the configuration of transboundary processes that is most important, not the aspects of any particular process. For instance, where in the past migration could be defined as moving from one state to another, when combined with capital mobility, environmental degradation, increased trade, and social media, among others, migration could now also be viewed as another force erasing the distinction between those states.

How states have dealt and can deal with challenges to boundaries is the focus of this study. Of course this is a very large topic, one that many careers may not be able to satisfactorily explore, let alone a single project. In this manner I sympathize with Tzvetan Todorov in his study of ‘the other’ in which he muses, “My subject...is so enormous that any general formulation soon ramifies into countless categories and

¹ Keohane and Milner, *Internationalization and Domestic Politics*; Stiglitz, *Globalization and Its Discontents*; Friedman, *The World Is Flat*; Peláez and Peláez, *Globalization and the State*.

² Jackson and Nexon, “Globalization, the Comparative Method, and Comparing Constructions”; Robertson, *Globalization*.

³ Robertson, *Globalization*.

directions...how to speak of such things?"⁴ One way of doing this is recognizing that these types of threats are not unique to the state's history and its development from early modern Europe to the present day. Therefore, we can choose a particular type of threat and look back through history to see how the state has dealt with it. One of the major processes associated with the challenges faced by the state is that of the violence typified by, though by no means limited to, the jihadist terrorism of al Qaeda.⁵ In this instance, a group with a different relationship to territory than the state and no settled relationship to any state has successfully attacked many of the world's most powerful states, causing crises of authority and security which had at one point been unthinkable. Such terrorism is said to provide threats to the future of the state, especially as it concerns what could be called 'de-territorialization'.⁶ Willem Schinkel sums up the position nicely by stating that, "these forms of terrorism, then, leave the state seemingly helpless, thus undermining its legitimacy since they make it clear that the monopoly of legitimate violence is then helpless against globalized forms of terrorist violence".⁷ Studying the threat typified by al Qaeda is an interesting way to gain leverage on the larger puzzle posed above, that of how the state deals with transboundary processes, because the threat posed is so immediate and has been repeatedly recognized by those involved as dangerous.

The type of threat posed to states by al Qaeda is not historically unique. Al Qaeda is a group that poses a challenge to the state as a political form and history can give us some interesting parallels between it and similar episodes of violence such as the golden

⁴ Todorov, *The Conquest of America*, 3.

⁵ Ulrich Beck, "The Terrorist Threat"; Faisal Devji, *Lanscapes of the Jihad*; Barak Mendelsohn, "Sovereignty Under Attack"; Stuart Elden, *Terror and Territoriality*; Zygmunt Bauman, "The Demons of an Open Society"; Ayşe Zarakol, "What Makes Terrorism Modern?"

⁶ Bauman, "The Demons of an Open Society"; Elden, *Terror and Territoriality*.

⁷ Schinkel, "Dignitas Non-Moritur?"

age pirates of the early 18th century and the anarchist violence propagated by men who called themselves ‘propagandists of the deed’⁸⁸ at the turn of the 20th century. In both cases, the state was challenged, transformed and reproduced in a recognizable manner. There is a history of successful responses to these crises built around creative solutions. Therefore, *violence can act as a site for the drawing, redrawing, and maintenance of the boundaries of political authority*. This relationship between polities built on the drawing and maintenance of clear, delineated boundaries of political authority and entities that are able to perpetrate violence with a disregard for these boundaries hints at some central questions about the state in the 21st century.

In this work, I will not provide a definitive answer to the problem posed above about the future of the state in the face of globalization. However, the argument that the state has found ways to combat similar problems as those posed by globalization can provide us with some questions that can be used to probe the larger issue of globalization and the state. While obviously al Qaeda poses a different sort of problem to the state than increased capital mobility, social networking, migration, and climate change, studying it and its historical corollaries can give us a series of theoretical tools that could help us understand other processes and flows usually associated with the concept of globalization. Therefore, we should view the relationship between globalization and the state as part of the larger theme of this dissertation which focuses more closely on the production of boundaries through the relationship between the state and violence.

I argue that the state can be transformed and reproduced in the process of responding to this type of violence with creative solutions to concrete crises. With this in

⁸⁸ From here on out these men will be called ‘propagandists’ unless otherwise noted. For more on why please look at Chapter 5.

mind, I argue that state transformation is as likely, if not more so, than state erosion. Simply because the world does not look like it did yesterday does not mean that we have seen the end of the state. Such a position tends to overemphasize the attributes of the state, say a strong welfare state or control over a domestic economy, which were prevalent in a particular historical time and place. History tells us that the state has not been the same across time or space and therefore we need to conceive of it as something that can and has changed and keep this in mind when assessing the impact of globalization on our own polities.

The argument

My central argument is that violence with transboundary aspects acts as a site for the redrawing of the boundaries of political authority. This violence cannot be made sense of using contemporary boundaries, creating crises for states and compelling state leaders to creatively redraw the boundaries of political authority in order to effectively combat the threat. In other words, the state or states that defeat such actors are not the same entities as those which originally faced the crisis. There are new boundaries as what is now thought of as part of the state was not before, while parts that were previously included no longer are. The threat has been made legible⁹ and can now be defeated. This argument can give us insight into a few major issues in world politics. First, as mentioned above, it can give us some leverage in understanding the role and future of the state in a globalized world. It does not do so by claiming that the state will transform and remake itself as a new, yet still dominant, actor in world politics. Instead, the claim is that the state has the capacity to transform in the face of such threats, giving

⁹ Scott, *Seeing Like a State*. For more see Chapters 2 and 3.

us some leverage to think about what is currently happening in world politics. For instance, as discussed in more detail in Chapter 6, as a consequence of the Global War on Terror (GWOt) we are seeing a growth of state surveillance over both citizens and non-citizens alike through the proliferation of drones and bulk data collection, an area where previously the state did not claim or exercise authority. This is happening while it becomes easier for people and information to cross borders in a way that seems to violate 20th century practices of statehood. New boundaries have been drawn.

Second, through the use of two historical cases, we can develop a set of ideal typical tool or ‘mechanisms and processes’¹⁰ that can help us to understand the current GWOt both empirically and ethically. Empirically, the framework developed below can help us to understand the response of the United States and give us some deeper theoretical understanding of why it appears that the later strategies of targeted killings via the use of drones and data surveillance have been more successful than the previous strategy of intervention. It also alerts us to the possibility that some of what we take for granted in the states that we live in will change as a result of the GWOt.

There is also an ethical component to this study. No empirical claim proffered here should be read as determinative. There is no reason why any particular outcome had to come about the way that it did, only explanations why it did do so. When combined with the recognition that changes in these situations are largely inevitable if the threat is to be defeated, it becomes apparent that citizens of any state are empowered to shape state responses to these crises if given the responsibility to attempt doing so. If change itself is the only thing resembling a certainty, then there is both an opportunity and an

¹⁰ Tilly, “Mechanisms in Political Processes.”

imperative to shape the response in a manner consonant with the goals that we hold for our own polity. In addition, it becomes perfectly legitimate to question whether or not we would even like to ‘defeat’ the threat. Is our society better off with the threat and the status quo if the only imaginable ‘solutions’ are worse? What are not helpful are the two extremes of defeating the threat at all costs and denying the capacity to change because we are tied to current manifestations of our goals. Ultimately this entails a political morality, taken largely from John Dewey,¹¹ that may hold certain goals not as universal principles but as tools to help guide us in finding solutions in particular times and places. These themes will be revisited in Chapter 7.

Finally, this study attempts to explain change in the practice of sovereignty through processes that can be referred to as happening ‘on the margins’ of the state system. That the state has changed over time is a topic that is well covered in constructivist International Relations (IR).¹² However, most of these studies deal with changes that happen at the center, either through changes in governance and/or major changes in the interactions between states such as war, diplomacy, trade, etc. In contrast, this study focuses on change that has happened through the interaction of the state with the ‘non-state’ and ‘transnational’ in peripheral regions such as the colonial Atlantic in the 18th century and Afghanistan and Pakistan today. Such change may not have been as obviously monumental as that wrought by the French Revolution or the Second World War, but it is important nonetheless and helps us to understand the state all the more.

The argument that campaigns to combat major episodes of transnational violence force states to transform how they draw boundaries of political authority depends upon

¹¹ Dewey, *Reconstruction in Philosophy*, 161–186.

¹² Barkin and Cronin, “The State and the Nation”; Hall, *National Collective Identity*; Reus-Smit, *The Moral Purpose of the State*; Bukovansky, *Legitimacy and Power Politics*.

particular conceptions of both ‘the state’ and ‘sovereignty’ as well as the threats posed to the state by different types of violence. The state is conceived of as something performed through the practice of drawing boundaries around political authority. To quote Michel Foucault, “The state is a practice not a thing”.¹³ These boundaries define the state and set it apart from other types of polities. They include territorial borders but are not limited to them. Conceptual boundaries between international/domestic, public/private, and citizen/alien, among others, are just as important to the state as anything that can be seen on a map. Territorial borders are merely one type of boundary. If the state is a polity performed through the drawing of boundaries, sovereignty is the practice of drawing them. Sovereignty then is a bundle of practices that draw, redraw, and maintain boundaries around political authority. Traditional conceptions of sovereignty such as those leaning on ‘authority’, ‘legitimacy’, ‘the exception’, etc. implicitly recognize the claim that sovereignty is about drawing boundaries. Exercising authority, having a “monopoly of legitimate physical violence over a particular territory”¹⁴ means the construction of boundaries between one territory and another and between legitimate and illegitimate. The same goes for any attempt to “decide the exception”,¹⁵ create nations, etc. Only the focus is different: instead of a norm, a concept, or an action, it is the boundary that is the focus of this study.

This conception, or recasting,¹⁶ of the state and sovereignty helps us to view how violence can threaten and force change in the nature of the state. It is not so much through the violence itself, the casualty count, or any particular competing claim to

¹³ Foucault, *Security, Territory, Population*.

¹⁴ Weber, *The Vocation Lectures*, 33.

¹⁵ Schmitt, *Political Theology*, 5; Elshtain, *Sovereignty*, 114–117.

¹⁶ For similar treatments see R.B.J. Walker, *Inside/Outside*; Jens Bartelson, *A Genealogy of Sovereignty*; Jackson and Nexon, “Relations Before States”, among others.

authority or legitimacy. Instead it is by challenging these boundaries, by turning the boundary against the state so that its continuation means the continued existence of the episode of violence in question. In other words, violence that cannot be made sense of within boundaries *in situ* exists in part because of them and is therefore a threat to them. As described in Chapter 4, the presence of ‘the line’ in the early 18th century, an imaginary boundary that separated Europe from the New World, created a plethora of open markets, sympathetic publics, and ungoverned land that made nearly perfect working conditions for pirates. Since the state is defined by its ability to draw and maintain boundaries around political authority, this becomes something of an existential crisis for the state and requires new boundaries to be drawn in the process of combatting this threat for the state to be re-inscribed. Using the concept of ‘practice’ we can view any particular boundary as something habitual, a performance that constructs what might be called the ‘conceptual map’ of political actors. These conceptual maps tell us what is possible and not and what is thinkable and not in a given situation. The episodes of violence studied in this dissertation ‘shatter’ these boundaries, tear up these maps, and force those in power to come up with, in the words of Hans Joas, “creative solutions to [concrete] problems”.¹⁷ Thus, something new, in this case a political boundary, is brought into the world. A new conceptual map is created among those participating in the political sphere and the state survives.

Of course not all violence, or even violence directed against the state, produces this type of threat or is able to trigger these dynamics. The type of threat produced by violence varies. Violence can threaten a particular state, it can be used by a state, it can

¹⁷ Joas, *Pragmatism and Social Theory*, 5; Joas, *The Creativity of Action*, 126–144.

be carried out outside of the state, and it can threaten the state as a political form. It is only this last group, which I term *revisionist violence*, which challenges state boundaries in the manner necessary to cause the sort of change that is the focus of this study. Moreover, these threats come not necessarily from attributes of the act or actor such as the number of casualties, level of damage, ideological motivations of the actors, the structure of the group perpetrating violence, or the type of act (i.e. piracy, terrorism, infantry movements, etc.) undertaken. Instead, the meaning of violent actions, and thus the threat that they pose to the state, derives from the narratives built around those actions from a multitude of actors.¹⁸ Narratives of revisionist violence cast violence as a challenge to the state as a political form. They are used when violence cannot be made sense of or recognized within current conceptual maps, ‘shattering’ boundaries, and forcing change. In this dissertation I demonstrate how three such episodes – the golden age of piracy in the early 18th century Atlantic, propaganda of the deed at the turn of the 20th century in Europe, and the jihadist terrorism typified by al Qaeda at the turn of the 21st century – have challenged boundaries and forced change.

Finally, I want to take the time to point out two features of this argument. First, it should be noted that these ‘changes’ do not usually follow a form whereby states gain or lose control over territory, policy area, peoples, etc. Instead, what we tend to see is an ‘authority swap’ where some areas are drawn inside of boundaries that were previously outside and vice versa. This is present in each case and is important for my theory that the state re-inscribes itself as an ‘authority swap’ means that the state neither gains nor loses authority. For instance, in Chapter 4 I show how states gained greater control over

¹⁸ For more on narrative, meaning, and action see Carr, “Narrative and the Real World”; Somers, “The Narrative Constitution of Identity”; Ringmar, “On the Ontological Status of the State.”

colonial territory in the Americas as a result of their campaign against golden age piracy but gave up claims of direct control over sea lanes in the Atlantic. Since most boundaries are conceptual, as opposed to territorial, new ones tend to take the form of these sorts of ‘swaps’.

Second, while change and transformation are the focus of this study, continuity needs to be recognized as well. Recall the argument made above about the state’s continuance as the dominant actor in world politics. Here, change is the vehicle through which we view continuity. Since the state has no ontological core outside of its own performance, replacing a ‘shattered’ boundary with a new one means the state is not the same as before. Yet, it is still the state. It is still performed through the practice of drawing, redrawing, and maintaining boundaries around political authority. By changing, the state is perpetuated.

Method

The theories/conceptions of sovereignty and revisionist violence outlined above should not be thought of as hypotheses or concepts that are to be tested against an empirical reality but instead as ideal types that will be sketched out in more detail in the following chapters.¹⁹ Since we are always subject to our own biases even in ways we cannot imagine, testing theories against ‘reality’ becomes problematic. For instance, testing for X means that X is important and therefore we should look for it. Y might be present and causally important but if it is not already implicated in X, we pay little or no attention to it because we have already stated our interest in X. Therefore, we as social scientists are not ‘getting at reality’ but are instead viewing reality from a particular

¹⁹ Weber, *Max Weber on the Methodology of the Social Sciences*; Jackson, *The Conduct of Inquiry*.

viewpoint that has already valued X over Y. This is essentially the critique of mainstream social science by feminists, post-colonialists and the like. Experience, and therefore what we think of as reality, is as much fashioned by our own socially constructed view of the world as it is by that external world. For this reason there is no separation between the mind and the world as Descartes claimed.²⁰

So how can we do social scientific research if “in practice it is impossible to talk about what something ‘really is’”?²¹ This is what ideal types help us to accomplish. According to Max Weber, ideal types are “one sided points of view” based on a value position and are used to “construct a unified analytical construct”.²² It is important that they are recognized as deliberately capturing some part of reality while equally deliberately leaving other parts out in order to give us some analytical leverage on that reality. The point is not to design them so that they match up perfectly to the external world.²³ For instance, when arguing that the state is defined by the construction of clear and delineated boundaries around political authority, I do not mean to say that this is the only way the state can or should be presented. More is going on in any polity than merely the construction of boundaries. I am only saying that we should look at them in the manner I am advocating in order to see something important, something we miss if we do not. John Dewey concurs when he argues that theories are not universals that are to match reality or to be continually reproduced in a situation but instead, “they are tools

²⁰ Descartes, *Discourse on Method*.

²¹ Ringmar, “On the Ontological Status of the State,” 450.

²² Weber, *Max Weber on the Methodology of the Social Sciences*, 90.

²³ This is largely the approach taken in discussion of typologies by George and Bennett and Elman. See George and Bennett, *Case Studies and Theory Development in the Social Sciences*; Elman, “Explanatory Typologies in Qualitative Studies of International Politics.”

of insight”.²⁴ They “suggest possible traits to be on the lookout for in studying a particular case”.²⁵

Ideal types are not to be tested nor changed so that empirical reality matches up with them. Doing so, Dewey claims, “sinks [the scientist] to the level of the routine mechanic”.²⁶ They are, in Weber’s words, a “utopia...found nowhere in reality”.²⁷ Such assumptions can range from the ‘all actors are rational’ to ‘rationality is culturally determined’. Instead, ideal types are supposed to be useful, defined as “worthy of being known”.²⁸ Of course “worthy of being known” is a very subjective standard that can only be determined by the researcher, hence the importance of value positions in the creation of ideal types. The researcher must be able to persuade the reader that what they study is worthy of being known. But ideal types can be very useful in telling us about specific cases and have become increasingly utilized in certain strands of what is usually termed constructivist IR.²⁹ It is also very common in formal theory approaches, where the formal model is an ideal typical construction of the world that emphasizes only one or two aspects of that world in order to gain analytical leverage on a problem of choice.³⁰

Ideal types are meant to give us analytical leverage on a single case by comparing that ideal type to the case in question with the aim of explaining the divergence. This is best done through an analytic narrative, defined as the process of working through the

²⁴ Dewey, *Reconstruction in Philosophy*, 169.

²⁵ Ibid.

²⁶ Ibid., 168–9.

²⁷ Weber, *Max Weber on the Methodology of the Social Sciences*, 90.

²⁸ Ibid., 72.

²⁹ Jackson, *Civilizing the Enemy*; Nexon, *The Struggle for Power*; Lebow, *A Cultural Theory of International Relations*.

³⁰ Moon, “The Logic of Political Inquiry”; Hardin, *One for All*, 91–100; This argument is very similar to Waltz’s famous contention that what mattered for a theory was not empirical validation but instead logical consistency, see Waltz, *Theory of International Politics*, 71–72.

logical extension of one or more ideal types in a particular ‘case’.³¹ In this case, the emphasis on narrative analysis is due to the belief that the meaning and intelligibility of all human action comes as much from context as the action itself. Therefore, “action itself has a basic historical character”.³² Philosopher Alisdair MacIntyre argues that human life, and in fact the entire social world, is constructed of narratives with beginnings and endings. We cannot understand morality or human action without narrative since the meaning, and thus the causes and consequences, of all action is grounded in the contexts and understanding that human beings have of the world around them. For these reasons, “narrative history of a certain kind turns out to be the basic and essential genre for the characterization of all human action”.³³ It is only through telling these stories that we can understand and explain human action. What cannot be produced are generalizable laws of social and political behavior meant to be applicable in multiple cases, the goal of positivist social science where questions such as, “does democracy make war less likely?” and “why do some states put up trade barriers while others do not?” are explored. This method views such endeavors skeptically, unconvinced that we can come to final answers for such general questions, trading this type of generalizability for depth in the attempt to talk about specific cases.

The narratives are constructed by looking to excavate the narratives of both state leaders and those perpetrating the violence in question by using primary documents. For the golden age of piracy, I use sources from the Public Record Office of the National

³¹ Jackson, *The Conduct of Inquiry*.

³² MacIntyre, *After Virtue*, 212.

³³ *Ibid.*, 208. For a deeper discussion see p.208-225; For a similar discussion in IR dealing with the status of the State see Ringmar, “On the Ontological Status of the State”.

Archive in Kew, London, UK,³⁴ as well as the online database of the Calendar of State Papers Colonial Series³⁵ in addition to assorted other primary documents. For propaganda of the deed I use documents in Kew³⁶ in addition to the Archive de Prefecture de Police in Paris.³⁷ For my chapter on al Qaeda I interviewed policymakers, experts, and activists in Washington, DC in the Summer of 2014. These sources allow me to construct the necessary narratives with some confidence by using and interpreting their own words.

Each narrative in this study starts with an ideal-typical conception of the state based on one or more boundaries unique to that time and place.³⁸ For example, Chapter 4 starts with ‘the line’ separating Europe from its Atlantic colonies in the early 18th century. This does a good job of explaining patterns of colonial trade, rule, and governance in the Atlantic during the 17th and early 18th centuries. However, this ideal typical construct is not ‘useful’ in understanding these same patterns for much of the 18th century, as a system of mercantilist trade and close colonial rule developed. Why? This problem situation becomes apparent because of the decision to construct an ideal type, without which this may not look like a puzzle.³⁹ In this case, as with the others, the ‘cause’ was

³⁴ Hereafter PRO. I used the following collections in this archive for this case: Admiralty Papers (ADM), Colonial Office Papers (CO), High Court of the Admiralty (HCA) and State Papers (SP). Each collection has a series of sub collections which are numbered, specific pages within in collections are notated with an “f” for folio, i.e. PRO CO 323/2 f. 289.

³⁵ Hereafter CSPCS. Collections are numbered by date as are specific papers.

³⁶ I used the following collections in this archive for this case: Foreign Office Papers (FO), Home Office Papers (HO)

³⁷ Hereafter APP BA. I utilized the police files within the archive (BA) which broke down into either a particular suspect or a particular thread. They are notated by numbers (i.e. 77, 1215, etc.) but the specific papers are not always given identifying marks.

³⁸ This idea is taken from John Dewey’s claims that the details of any particular conception, “are things we must go into history to discover”. Dewey, *The Public and Its Problems*, 52.

³⁹ I would argue that this is the case in much of IR that deals either with this period or topic. Rod Hall is a good example of this, using the Seven Years War as typical state behavior in a system defined by the territorial sovereignty identity that grew out of the Peace of Westphalia. This will be taken up in more detail in later chapters. Rodney Bruce Hall, *National Collective Identity*; Of course, Hall isn't alone in

an episode of revisionist violence. Since I am not attempting to argue that golden age piracy, for instance, was the only factor contributing to the change described, my mission is to talk about how it interacted with other factors. The meaning of action is determined in large part by the context of that action, in particular the narratives built around it. Some of these factors will have had an effect (colonial wars, mercantilist trade in the piracy case, rising nationalism and the First World War in the propagandist case, rise of social networking technologies in the al Qaeda case) but will not be sufficient to have caused the change. The trick is to show that revisionist violence had the effect I have claimed and to show how that interacted with the context around it to create the change in boundaries. Instead of necessary or sufficient conditions, golden age pirates, propagandists, and al Qaeda are instead ‘adequate’ conditions for change. Adequate causation asks the question of why the world is “historically *so* and not *otherwise*”.⁴⁰ Therefore, golden age piracy, for instance, tells us why the practices of colonial rule in the 18th century developed *as they did*, which is vitally important for those people experiencing that episode of violence, even if vaguely similar outcomes could have developed anyway.

Since each instance of change is in many ways unique and every event is largely dependent upon its historical and social context for its outcome, how can theory help us to understand more than any single case? Again, this is the goal of positivist social science which provides an answer built around correlations across cases. Since I have

making this assumption, see: Richard N. Rosecrance, *Action and Reaction in World Politics*; Christian Reus-Smit, “The Constitutional Structure of International Society and the Nature of Fundamental Institutions”; Daniel Philpott, *Revolutions in Sovereignty*; Mlada Bukovansky, *Legitimacy and Power Politics*.

⁴⁰ Weber, *Max Weber on the Methodology of the Social Sciences*, 72; Katznelson, “Structure and Configuration in Comparative Politics”; Jackson, *Civilizing the Enemy*; Jackson, *The Conduct of Inquiry*.

stated that there is no way to view the world from the necessary Archimedean viewpoint, such recourse is not available to me. That said, I am looking at three cases and attempting to add to debates on globalization and the state or transnational violence and the state that are based on hundreds or possibly thousands of possible cases. How can I do this if my chosen method is geared towards enlightening a single case? What social scientists working in the mode of ‘ideal types’ look for is analytical, not empirical, generalizability. For instance, Charles Tilly argues that what we should look for are a series of mechanisms, processes, or configurations thereof that are recurrent through cases of particular phenomena, even as the outcomes of those cases are not generalizable.⁴¹ Mechanisms are abstract features of complex events and they “compound into processes”.⁴² How they do so in any particular case is dependent on the particulars of that case. There is no reason why any particular mechanism must be wedded to a particular outcome as in any covering law account. As Tilly explains, “their aggregate, cumulative, and longer-term effects vary considerably depending on initial conditions”.⁴³ Daniel Nexon agrees, arguing that, “dynamics will concatenate with other factors...to produce historically variable outcomes.”⁴⁴ Mechanisms and processes are abstract concepts that can be carried from case to case to help us to understand the outcome of a particular situation. As Nexon argues, “to the extent that...contexts endure across time and space, we should expect to see similar mechanisms and processes at work”.⁴⁵

⁴¹ Tilly, “Means and Ends of Comparison in Macro Sociology”; Tilly, “Mechanisms in Political Processes.”

⁴² Tilly, *Explaining Social Processes*, 9.

⁴³ Tilly, “Mechanisms in Political Processes,” 25.

⁴⁴ Nexon, *The Struggle for Power*, 65.

⁴⁵ *Ibid.*

Plan of dissertation

To restate, revisionist violence acts as a site where the boundaries of political authority are drawn and redrawn because it cannot be made sense of within contemporary boundaries. So long as those boundaries exist, so does the threat posed by episodes of violence characterized by revisionist narratives. Since the state is defined by the presence of these boundaries, redrawing them results in state transformation and perpetuation. Golden age pirates, anarchist propagandists, and al Qaeda are three such episodes. By examining how states have dealt with the former two we can develop a series of analytically general ‘mechanisms and processes’ that give us some leverage into how states are dealing with the third episode and other current and future threats. This, in turn, allows us to contribute to the debate on the future of the state in the face of globalization.

The above argument is laid out piece by piece over the next five chapters. Chapters 2 and 3 outline the theoretical framework of this project, developing the ideal types necessary to carry out a rigorous narrative analysis. The state and sovereignty are the focus of **Chapter 2**. Following post-structural or critical analyses of sovereignty and pragmatist philosophy, I will lay out a conception of the state and sovereignty as practice, as something that is ‘done’ and maintained as opposed to something that exists on its own. As stated above, sovereignty is the practice of drawing boundaries around political authority and the state is the entity that is created through these practices. As such, the state is the polity of modernity, reflecting its focus on the separation between the mind and the world. This mirrors the separation between state and society, or the boundaries between entities, that allow one to rule another. This conception of the state means that it

differs from other ideal typical polities (universal, composite, buffer, and overlapping) that are not characterized by boundaries. This definition of sovereignty is necessary for me to put forth a theory of state transformation in the face of the crises created by episodes of revisionist violence.

Chapter 3 has two parts. The first part focuses on the ways in which threat is produced from violence, focusing on role of narratives. Surveying the current literature on terrorism in IR, I describe the construction of threat from violence in a way that goes beyond the actions undertaken, the ideological underpinnings of the group undertaking them, the structure of said group, or the ‘severity’ of attacks. These more traditional ways of thinking about violence obscure how such violence relates to the state as a bundle of boundary-producing practices. Instead, building on the literature on threat construction,⁴⁶ I argue that it is narratives that explain the threat that violence poses to the state. I create four ideal typical narratives on violence in order to draw out qualitatively distinct genera of threat – Entrant, Resource, Revisionist and Criminal. This typology is derived from four short narratives on different episodes or ‘waves’ of piracy, each demonstrating one of the four types. As mentioned above, narratives of revisionist violence are of particular importance for the purposes of this project because it poses a challenge to the state as a form of governance. Revisionist violence can only be determined by looking at the narrative constructed to give that violence meaning by both the state AND those perpetrating the violence.

In the second part of Chapter 3, I typologize the mechanisms extracted from my narrative, connecting my conception of state sovereignty with my conception of

⁴⁶ Booth, *Critical Security Studies And World Politics*; Waever, “Securitization and Desecuritization”; Buzan et al, *Security*; Watson, “‘Framing’ the Copenhagen School.”

‘revisionist’ violence. Drawing heavily on the pragmatist social theory of Hans Joas, who also relies heavily on Dewey and Mead, I will show how and why these episodes of revisionist violence create crises for states by ‘shattering’ the habit of practice and forcing states to come up with something creative. From here, I construct two distinct processes: “Shattering” and “Re-inscribing”, each with their own set of mechanisms.

Chapters 4 and 5 take this theoretical framework and apply it to two historical cases of ‘revisionist’ violence in order to demonstrate how creative solutions to the crises created by these episodes of violence re-inscribed the state. Each Chapter, as well as Chapter 6, will be constructed as a narrative structured by the ‘mechanisms and processes’ developed at the end of Chapter 3 while simultaneously outlining the relevant boundaries and demonstrating each case as an episode of revisionist violence. It should be mentioned here that the ‘states’ under review in this study are of a particular type. They are all either European or what might be called a great power, often both. There are a few reasons for this. First, it is assumed that the powerful states that not only sit at the center of a state system but also compose its character. In other words, hegemonies are more likely to set standard practices and therefore their existence is more important to the continuance of the state system than their weaker peers. This also holds, though to a lesser degree, for weaker states closer to the core such as Belgium or Luxembourg in Europe. Relatedly, each of the violent actors that follows explicitly challenges the state in some manner. If you are looking to upturn the entire social and political system it makes sense to attack its center than its periphery. Finally, as will be discussed more in the conclusion, there is every reason to think that the manner in which smaller, weaker states are challenged by and combat such actors is different from how powerful ones do.

Thus this study is Euro- and great power centric; the state itself is largely a European construct and it is European states and their close cousins in North America and East Asia that have dictated the boundaries that the state draws in any particular historical time and place.

Chapter 4 examines the golden age of piracy in the Atlantic in the early 18th century. During this time, sea lanes were contested spaces between rival European powers and Atlantic colonies remained ‘beyond the line’, largely ungoverned outside of cities and ports and chiefly thought of as international holdings of the crown. Golden age pirates exploited these dynamics by relying on ungoverned land and colonial markets to attack trade. British attempts to combat piracy led states to bring the Colonial Atlantic into the domestic sphere. What we have then is a transformed state which, by moving ‘the line’ so as to include the American colonies while simultaneously beginning the process of relinquishing control over the sea, paved the way for the mercantile colonialism of the 18th century and the near constant warfare this system engendered.

Chapter 5 tackles the violence conducted by propagandists in the decades leading up to the First World War. These terrorists were able to exploit open borders to plan attacks on target states, such as France, in relatively ‘safe’ states, such as Britain. They were also able to use media coverage of state repression as a recruiting tool, making it harder for the state to crack down ruthlessly despite many attempts to do just that. In response, continental European states were forced to allow peaceful anarchists into the public sphere, following Britain’s lead, while facilitating greater police cooperation and coordination between states, and establishing greater border controls, including the institution of personal passports. Essentially, boundaries were opened up within the

domestic state, part of a process that led to more strict labor laws and greater speech rights, while they were simultaneously tightened across states, restricting the movement of people and goods that defined the prewar era.

Chapter 6 attempts to apply the insights of these two historical chapters to help us understand the contemporary violence of al Qaeda and its associates and the resulting GWoT. Of course, this story is still playing itself out, so the conclusion and the type of change that is to happen are still dependent upon further events. However, there is evidence that such changes are indeed taking place even if their content is yet to be fully settled. Therefore, this chapter will look into the future and set some plausible scenarios for how this may work out. Al Qaeda and its allies have taken advantage of greater flows of information and people to create a decentralized network that challenges strict territorial conceptions of jurisdiction and authority. This has created the type of threat that has become synonymous with the new security challenges brought about by globalization. However, once again we are seeing the development of creative solutions to the crisis created by revisionist violence. While early attempts to defeat al Qaeda by the invasions of Iraq and Afghanistan backfired or were largely ineffective, targeted killings via drones and the recently leaked NSA surveillance programs, such as PRISM, have the potential to draw new boundaries of state authority based on surveillance across borders. In particular there are three new boundaries worth watching. Targeted killing via drones in Pakistan and Yemen, among other places, has the potential to change the relationship between the US and other powerful states and the states not deemed strong enough to protect their territory. This could mean a rewriting of what it means to be a 'failed' or 'quasi' state, a shift in the meaning of boundaries for these entities. Second,

the use of drones as well as big data surveillance programs allows the US, and those who will soon be able to boast these capabilities, to track movements across borders.

Therefore, following the ‘surveillant assemblage’⁴⁷ literature, borders go from sites of exclusion meant to keep out undesirable people, goods, and information to sites of collection used to control increasingly high numbers of flows. Collection sites become new boundaries in cyberspace, drawing the state into this realm. Finally, this has the potential to change boundaries around citizens, extracting citizenship from the body and creating ‘data doubles’, part of which may not even be considered ‘citizen’. What must be kept in mind is that while there is no reason to think that this saga will turn out any one particular way, we as political actors have some control over it.

Chapter 7 will conclude this study by summing up the argument and beginning to project its implications forward. In the beginning of this introduction, I stated that there were three major payoffs from this study: great understanding of the state and sovereignty, globalization, and the Global War on Terror. Each of these will be taken in turn. First, the state and sovereignty will be put front and center as I recap the findings and analysis of this study. Second, I talk about globalization by looking forward. The theoretical tools developed above do not solve the impending puzzle of what will happen to the state in the face of globalization. What they do is provide us with another way of tackling the problem, one that works beyond the ‘will it stay or will it go’ dichotomy that plagues the literature. It can be argued that globalization is just as likely, if not more so, to transform the state as it is to erode its importance in political and social life. If we are to take the admittedly large step of generalizing this process to explain how the state

⁴⁷ Haggarty and Erickson, “The Surveillant Assemblage”; Deleuze and Guattari, *A Thousand Plateaus*.

deals with the crises and challenges of all globalizing processes, we can start to think about what the politics of the 21st century will look like. There are a number of implications of this statement and the bulk of Chapter 7 will begin to sort through them. There is the chance that that state will begin to fail to deal with a particular problem and therefore the process will be broken. There is also the interesting possibility that even if I am correct in my diagnosis of the situation, the state will change at such a rapid pace that it will become something else and it will no longer be recognizable unless we are able to create stable 'conceptual maps'. Either way, this chapter attempts to bring the focus back out to the state in the 21st century.

Finally, I attempt to draw out the implications for our understanding of the GWOI by taking a normative turn. Building on the work of John Dewey, I argue for morality to be rooted not in universals but instead in situations. If the conclusions of this study are correct, change is a necessity if we hope to defeat the threat in each case. Taking this into consideration, we must make sure that the outcome is something that is in line not with particular manifestations of universal goods but instead with flexible interpretations of them. In other words, we may have to reconceptualize what 'privacy', 'democracy', or 'justice' means in a 21st century dominated by data.

Chapter 2 The State, Sovereignty, and Boundaries

*“My task is...to maintain the skin that keeps the law in place.
Two laws in two places in fact”.*

~ *Tyador Borlu*

The City and City
*China Mieville*⁴⁸

In order to understand how the golden age of piracy, propaganda of the deed, and the jihadist terrorism typified by al Qaeda have all acted as sites for the redrawing of the boundaries of sovereign authority, we must understand sovereignty, and by extension the state, and its relationship to boundaries. That is the purpose of this chapter. It also means revisiting, as has happened so often in the past 20 years in IR, the concept of sovereignty. Despite, or maybe because of, the importance of the concept in scholarly and policy discourse, the literature on sovereignty has given us multiple variations on the use, meaning, and construction of sovereignty. Thus we get realist, liberal, constructivist, rationalist, feminist, post-colonial, and post-structural (among others) writings on sovereignty. It can reasonably be argued that most of these conceptions capture important aspects of sovereignty, the state, and international politics that others leave out. However, with so many options it is tempting to follow the advice of Nuno Monteiro and Kevin Ruby to ignore sovereignty and simply “get on” with the work of producing knowledge about world politics.⁴⁹ However, as will be shown below, how a scholar conceptualizes sovereignty can go a long way toward determining the type of theories he or she will develop. This is especially true in a project like this one that deals with

⁴⁸ Mieville, *The City & The City*, 373.

⁴⁹ Monteiro and Ruby make this statement in the context of debating ontological or philosophical foundations for the study of International Relations. However, the sentiment (and the critique) is the same. Monteiro and Ruby, “IR and the False Promise of Philosophical Foundations.”

boundaries. Therefore, there is a need for a solid, clear ideal typical conceptualization of sovereignty, one that allows us to see how these episodes of revisionist violence act as sites for the drawing of the boundaries of political authority.

The state is a polity constructed and characterized by an ideal of clear, delineated boundaries while sovereignty is the practice of drawing those boundaries. This sets the state apart from other types of polities such as empires, city-states, universal systems, etc. while tying sovereignty to the state. At any particular time, the state is made up of multiple boundaries that are not limited to the physical, territorial ones that can be seen on a map. Examples include those delineating the state from society, the public from the private, the citizen from the alien, and the international from the domestic, among other possibilities. Conceiving of sovereignty in this manner helps us to understand how the state has traditionally dealt with the types of challenges that violence presents to it. We can pinpoint particular boundaries and particular threats to them as well as the creative solutions arrived at to solve these concrete problems and redraw boundaries to mitigate such threats.

The plan of this chapter is as follows. The next section will review the different popular conceptions of sovereignty in the field of IR and how each one, while more or less useful for their own purposes, does not help us understand the problem at the heart of this study. This will be followed by a more thorough explication of sovereignty as a bundle of practices that draw boundaries around political authority and the state as a bounded polity. Two aspects will be foregrounded: boundaries and practices. I will develop each part of this concept in some detail and then draw on the work of James Scott and Tim Mitchell to show what sovereignty as “the practice of drawing boundaries

around political authority” can mean. The goal of this chapter is to develop a workable conception of sovereignty that can serve as an ideal typical platform on which to argue that states redraw boundaries as a consequence of successfully combating episodes of revisionist violence.

Sovereignty in international relations

In this section I want to split the literature on sovereignty not into the paradigmatic camps that typify the study of IR (though these splits are still apparent) but instead into the different ontological positions on sovereignty. One major school of thought attempts to define sovereignty as a property of states, something held (or not) by a pre-existing entity. Therefore, the state is something that can, in principle, exist without sovereignty. To these scholars sovereignty is an either/or proposition.⁵⁰ For example: Is Entity X, say Somalia, Afghanistan, or Palestine, a sovereign state? Can a state lose or forfeit its sovereignty? When does intervention violate sovereignty? Do powerful states actually respect sovereignty? Such studies do, of course, go beyond a simple dichotomy in talking about entities such as ‘quasi-states’⁵¹ or splitting sovereignty up into different categories, allowing for states to have sovereignty in some arenas but not others.⁵² Still, the overarching idea is that sovereignty is something states have (even if it is more or less). Therefore, despite claims that sovereignty is necessary for a state to exist, there is still a clear separation between the state that can have sovereignty and the sovereignty that can be had. The state must exist without sovereignty if it is to ‘have’ or ‘get’ it.

⁵⁰ Gross, “The Peace of Westphalia”; Hinsley, *Sovereignty*; Jackson, *Quasi-States*; Krasner, *Sovereignty*; Lake, *Hierarchy in International Relations*.

⁵¹ Jackson, *Quasi-States*.

⁵² Carlson, *Unifying China, Integrating with the World*; Krasner, *Sovereignty*; Lake, *Hierarchy in International Relations*.

This can be demonstrated in some of the major works on sovereignty in this vein. Robert Jackson talks about quasi-states as a problem since they occupy a nebulous middle ground, breaking up the naturally dichotomous nature of sovereignty.⁵³ Quasi-states are ‘states’ that cannot live up to the ‘statehood’ conferred on them by the international community. They have ‘negative’ sovereignty but cannot perform the functions of the sovereign state, or ‘positive’ sovereignty, and therefore are at the root of many security and development problems plaguing international politics. In his work on hierarchy, David Lake views sovereignty as a contract, with authority given to a party in return for protection, market access, or other goods.⁵⁴ However, here sovereignty is treated as an object, something that can be given (or not) to someone or something. Lake splits sovereignty up along policy lines (economic, security, etc.) so that it is not indivisible, therefore helping him to build his conception of hierarchy where another state may have de facto or even de jure control over an aspect of another state’s sovereignty. However, sovereignty is still a property of states – it must be in order to be contracted out – and therefore an existing entity in its own right. This property does not change. And, while it is possible that contracts could be rewritten, the fundamentals (economic, security, etc.) do not change nor is there a mechanism for this rewrite to take place.

Sovereignty can also be viewed as a certain set of rules, rights and responsibilities that is the same for all states in all times. Stephen Krasner demonstrates this concept when he argues that powerful states prioritize the aspects of sovereignty that are in their own interests.⁵⁵ While this may seem like a mechanism for change as some aspects are emphasized over others due to the interests of the powerful, it does not assume that the

⁵³ Jackson, *Quasi-States*.

⁵⁴ Lake, *Hierarchy in International Relations*.

⁵⁵ Krasner, *Sovereignty*.

list of rules, rights, and responsibilities changes at all. This constitutes his evidence of ‘organized hypocrisy’ because the conception of a particular set of rules, rights, and responsibilities is read back through time and in places where it does not fit. Instead he argues that,

...the norms and rules of any international institutional system, including the sovereignty state system, will have limited influence and will always be subject to challenge because of logical contradictions (non-intervention versus promoting democracy, for instance), the absence of any institutional arrangement for authoritatively resolving conflicts (the definition of an international system), power asymmetries among principal actors, notably states, and the differing incentives confronting individual rulers.⁵⁶

In other words, anarchy and power matter more than the rules of sovereignty because those rules have routinely been broken by those powerful enough to do so. However, as Martha Finnemore and others have pointed out, what may look like the breaking of a particular rule may actually be well within the rules and practices of a particular time period.⁵⁷

A lack of variability in sovereignty and the state is also seen in many rationalist studies that use the state as the unit of measurement, such as studies on the democratic peace, trade, development, and interstate war, among many others. This type of study tends to mold the state into a ‘box’ which contains distinct ‘variables’ that vary in time and place. One of these variables, the dependent variable, is then chosen as the important one for a particular study and the others are tested to find correlations. In doing so, a few assumptions are relevant for the purposes of this study. First, the state, as the container holding the variables, does not change. In the words of Janice Thomson, “The state is the

⁵⁶ Ibid, 3

⁵⁷ Krasner argues, for instance, that frequent intervention is a sign of sovereignty as ‘organized hypocrisy’. However, as Martha Finnemore has shown, intervention was a perfectly legitimate way to retrieve unpaid sovereign debt well into the 20th century. In this period, such intervention was not evidence of hypocrisy on the part of strong states because these interventions were not considered the type of violations of sovereignty that Krasner claims. Finnemore, *The Purpose of Intervention*.

state is the state”.⁵⁸ If it did change, the study itself would be compromised. At most, a changed container drops out of the dataset as it becomes something else since units of measurement should not vary within a particular study. While each container must be distinct from other containers in order to count as its own container, it must be similar enough that a) all containers can still be recognized as containers and b) it does not change over time. Second, the variables that are supposed to be so important are to have no effect on the presence, absence, or dynamism of the container. If different values of any of the variables could make the container exist or not, or even change into a different type of container, the study would be compromised.⁵⁹ There is a danger here that sovereignty becomes irrelevant, the state is unchanging and it can be controlled for. While many scholars doing this type of study would probably accede that the state can change, that there is dynamism, their research takes little account of this in order to draw out general, if not universal, laws of state behavior in the form of statistical correlations.⁶⁰ Studies that impart, implicitly or explicitly, that the state does not change, that sovereignty is a property of states, tend to lead us to one of the two major predictions about the future of the state facing the challenges of globalization: either that nothing is changing or that everything is changing. Both come from a place where the state is a single thing that is unchanging and therefore must either continue or pass away.

The idea that sovereignty is a variable concept has been a foundational claim of the constructivist and critical theory schools of IR since their inception.⁶¹ This has

⁵⁸ Thomson, *Mercenaries, Pirates, and Sovereigns*, 149.

⁵⁹ Jackson and Nexon, “Globalization, the Comparative Method, and Comparing Constructions.”

⁶⁰ For a similar critique of the comparative method in general, see Inayatullah and Blaney, *International Relations and the Problem of Difference*, 99–102.

⁶¹ Ashley, “The Poverty of Neorealism.”; Linklater, *Men and Citizens*; Walker, “Genealogy, Geopolitics and Political Community.”

created three relevant literatures for this study. The first is concerned with how sovereignty, or at least modern sovereignty and the modern state, came to be a major idea/force in politics. Specifically, it attempts to explain the move from a heteronomous system of overlapping or non-existent sovereignty in Medieval Europe to a system of sovereign states, the so-called Westphalia question.⁶² While this literature does not necessarily think of sovereignty only as a fixed property of states, it does bring a certain dichotomy. At one point there were no states, at another there were states. Why? Variants of this question drive all of these works. Change in this regard is seen as a change in the “organizing principle” of, and the “mode of differentiation”⁶³ between, actors in the system from one of heteronomy or suzerainty (and increasingly empire) to one of sovereignty that still exists to this day.

This literature can shed some light on any discussion about the future of the state in the face of globalization. The comparison of the ‘before’ and the ‘after’ serves to define the state while simultaneously working as an implicit theory of the state. The state is not eternal and since it developed historically, it will one day exit the world stage. It can provide a theory of what to look for in divining the presence of systems change. For instance, Daniel Nexon contends that the Reformation created linkages between Protestants that posed serious problems for the composite polities of Early Modern Europe.⁶⁴ This suggests that one site to be looking for change would be political

⁶² Spruyt, *The Sovereign State and Its Competitors*; Ruggie, *Constructing the World Polity*; Osiander, “Sovereignty, International Relations, and the Westphalian Myth”; Philpott, *Revolutions in Sovereignty*; Nexon, *The Struggle for Power*; Branch, “Mapping the Sovereign State: Technology, Authority, and Systemic Change”; For accounts outside of IR see Tilly, “War Making and State Making as Organized Crime”; Tilly, *Coercion, Capital, and European States, AD 990-1990*; Mann, *The Sources of Social Power*; Anderson, *Lineages of the Absolutist State*; Thomas Ertman, *The Birth of Leviathan*; Gorski, *The Disciplinary Revolution*.

⁶³ Ruggie, *Constructing the World Polity*.

⁶⁴ Nexon, *The Struggle for Power*.

relationships that cannot easily be folded into, in his terms, “the nested governing structures of the state”. Therefore, such a literature can prove quite valuable in not only understanding the state and sovereignty but also imagining how it might unravel.

Without denying the importance of this literature, its framing can mask change within the sovereign state. Christian Reus-Smit argues that it “obscures the significant differences between historical systems of states”.⁶⁵ Through this lens, changes in sovereignty becomes apparent but, under the two groups of literature above, they are either not apparent or not a focus of study. This second constructivist literature⁶⁶ attempts to look at how sovereignty has changed over time, what might be termed ‘systemic’ change as opposed to the systems change of the ‘Westphalia’ group above.⁶⁷ This literature attempts to demonstrate that in different eras, particular logics or normative understandings undergird the state system and the practice of sovereignty.

The era of the modern sovereign state is usually broken up into three different periods. Rodney Bruce Hall’s categorization is typical. Dynastic Sovereignty was the dominant political culture in the century and a half before 1648 and was based on the idea that the state and the crown, or court, are one and the same. What mattered politically is one’s relationship with the Monarch. The period between 1648-1789/1815/1848 was characterized by Territorial Sovereignty. While much of Europe was still ruled by monarchs, the state itself had come to be objectified above and beyond the Monarch.

Finally, from some time in the early 19th century to today is a period where sovereignty

⁶⁵ This does not mean that this group of scholars argues that there have been no major changes in the state since its inception, only that their work does not cover such changes. Reus-Smit, *The Moral Purpose of the State*.

⁶⁶ Barkin and Cronin, “The State and the Nation”; Hall, *National Collective Identity*; Reus-Smit, *The Moral Purpose of the State*; Bukovansky, *Legitimacy and Power Politics*; Bobbitt, *The Shield of Achilles*; Bull, *The Anarchical Society*; Wendt, *Social Theory of International Politics*.

⁶⁷ The latter is the change from one system to another; the former the change within a particular system Gilpin, *War and Change in World Politics*; Spruyt, *The Sovereign State and Its Competitors*.

rested in the nation. Here the nation serves the state and the state serves and protects the nation. Some scholars have begun to argue that a state based on liberal individuality and the global logics of the market have begun to develop over the past few decades.⁶⁸

Much of the literature on this topic is focused on demonstrating that such changes have indeed taken place, setting out the logics of each era and their consequences for international politics.⁶⁹ Mlada Bukovansky concentrates on how sovereignty changes across the system, building a theoretical framework around the contradictions and complementarities between ideas and practice. Starting in the 18th century, she argues for a dialectic between monarchical hierarchy as the dominant practice of rule on the one hand, and the Enlightenment as the dominant scholarly discourse on the other. The two were able to come together to reproduce aristocratic and monarchical rule, with the ‘enlightened absolutism’ of Central Europe as a clear example, but differed in the latter’s call for equality and popular sovereignty. The power of the American and French Revolutions was due not simply to their success (or lack thereof) but instead to how they spoke to political actors across the western world that had the similar ideas and levels of disaffection. While many contradictions can be ‘suppressed’ by those in power, they do create moments where disaffected actors align politics along the fissures of these contradictions. Since all eras and cultures will have contradictory ideas, it is here that we need to look when attempting to explain major episodes of political change.

While sympathetic to Bukovansky’s use of contradiction and complementarity, it is useful to question her use of ‘international culture’ as a unified and causally determinative concept. Here, as in other writings of this type, all practices of

⁶⁸ Bobbitt, *The Shield of Achilles*; Cerny, *The Changing Architecture of Politics*; Sassen, *Territory, Authority, Rights*.

⁶⁹ Hall, *National Collective Identity*; Reus-Smit, *The Moral Purpose of the State*.

sovereignty, international and domestic, derive from a single norm (or bundle of norms) of legitimacy; causation only flows from the big to the small. The cultural norms of legitimation exist in and of themselves and are the locus from which practices of sovereignty follow. Thus, sovereignty is something like an entity, if an unseen one, that is similar to the conception of the rationalist literature above. Of course instead of 'having' sovereignty, sovereignty is now something shared between states about how they should behave. But it is still a singular entity with a real, if variable, core.

Hall argues in a similar fashion, seeing practices or characteristics of an era following from these norms. One example is his discussion about the differences between the colonial practices of the territorial and national sovereigns. To Hall, these patterns of rule are not the result of actions taken in the colonies, in the process of colonial trade, or in ruling the colonies by the metropole. Instead, he argues that they follow logically from the legitimating norm that is dominant at the time, either territory or nation. Thus, the whole of sovereignty and international politics depends on a few 'crises' or a few moments when contradictions were able to lead to change. Once such a norm or culture is changed everything follows from it. Are patterns of colonial rule (especially in the Atlantic) in the 18th century really due to the legitimating norms of territory that grew out of the Treaties of Westphalia? Or is Westphalia merely a backdrop as events and actors 'on the ground' challenged current state practices and forced it to develop new ideas, interests, and ultimately new practices?

The argument that unobservable, immeasurable forces such as normative or ideational superstructures are the dominant forces in social life is not only unnecessary

but it is also suspect.⁷⁰ The idea of grand historical changes within the state system builds on just such an idea. A ‘culture’ of sovereignty has changed and with it how the state operates. However, this commonly gets it backward, ignoring how practice can come before culture. Getting the ‘how’ wrong not only means that the ‘why’ is probably wrong as well but also serves to obscure much of what is going on. Therefore, the idea that the state might be changing via creative solutions to concrete problems is off the table. However, an approach of this study allows for change in how the state operates, even at a larger level. It is possible to recognize both that the French Revolution could usher in the concept of a ‘nation’ and that smaller, yet still meaningful changes can occur as well.

Each of these three broad literatures on sovereignty has their strong points. The state as an entity that can ‘have’ sovereignty alights us to the ways in which sovereignty can be ‘given’ and yet still not realized, providing us with a jumping off point to question the world map even if many end up rejecting the proposed dichotomy.⁷¹ The Westphalia literature tends to develop sound theories of the state and has the ability to show us how systems change can occur. The systemic change literature shows us how sovereignty is a variable concept that has had different manifestations in different times and places. However, each comes with weaknesses that make them ill-equipped to deal with the subject of this study.

The state and sovereignty

The third major literature on sovereignty that has grown out of constructivism broadly conceived views sovereignty as produced through “discourse, practice, and

⁷⁰ Dewey, *Reconstruction in Philosophy*.

⁷¹ Inayatullah, “Beyond the Sovereignty Dilemma”

performance”.⁷² Here the state is not an entity that can exist and ‘have’ sovereignty, nor is sovereignty a singular norm from which the practices of states derive. Instead, it is something that creates the possibility of the state even as the state allows sovereignty to be realized.⁷³ Utilizing this literature, this section will make the argument that sovereignty is *a bundle of practices that draw, redraw, and maintain boundaries of political authority*. This section has three parts. First, I will demonstrate how sovereignty and the state are linked; one cannot exist with the other. Nor can they exist without other ‘entities’ as the relations between states and these entities logically precede the state’s existence. Second, sovereignty is concerned chiefly with boundaries, not order or authority (though these are usually necessary components for boundaries). Finally, sovereignty can best be understood through the concept of practice. Each of these aspects will be taken on its own, before being put back together and its significance demonstrated.

Before explaining the why, how, and significance of sovereignty as “a bundle of practices that draw, redraw, and maintain the boundaries of political authority” and the state as a “bounded polity”, we need to figure out what type of things we are talking about when we talk about sovereignty and/or the state. The state is an entity. It is a type of entity that we may call a polity, which, following Ferguson and Mansbach, is simply a ‘political community’ or congeries of authority relationships which have “a distinct identity; a capacity to mobilize persons and their resources for political purposes, that is,

⁷² Jackson and Nexon, “Relations Before States”: 319.

⁷³ Biersteker and Weber, *State Sovereignty as Social Construct*; Ringmar, “On the Ontological Status of the State”; Bartelson, *A Genealogy of Sovereignty*; Walker, *Inside/Outside*; Mitchell, “The Limits of the State”; Scott, *Seeing Like a State*; Onuf, “Sovereignty”; Kratochwil, “Sovereignty, Property, and Propriety.”

for value satisfaction; and a degree of institutionalization and hierarchy”.⁷⁴ The state, therefore, is merely a type of polity right alongside, but distinguished from “tribes, empires, corporations, trading leagues, city-states, rebel groups, religions, private groups, and so forth”.⁷⁵ This study is placed within a literature that describes the state as a particular type of polity as opposed to work that uses the term ‘state’ as an equivalent of ‘polity’.⁷⁶

Thinking ideal typically the state can be distinguished from other types of polities such as universal systems, composite polities, buffer zones, and overlapping or heteronomous systems. Universal systems claim all to be within their reach and therefore have no boundaries. The medieval Catholic Church and many dynastic Chinese empires made similar claims and Alex Wendt’s ‘state on an island’ displays similar characteristics.⁷⁷ Composite polities such as empires are predicated on the relationship between center and periphery, a relationship that is often personal and is usually based on some form of tribute.⁷⁸ Buffer zones exist between small polities in areas where boundaries are not drawn, for example the Italian countryside between city-states in the 15th century or the zones separating 19th century kingdoms in Southeast Asia.⁷⁹ Finally,

⁷⁴ Ferguson and Mansbach, “Politics Past and Present,” 365,372.

⁷⁵ Ibid., 372.

⁷⁶ This is a common practice in history, where many times the term ‘modern state’ is then used to delineate the state from other types of polities if such a distinction is necessary. For works in political science that use this terminology see Tilly, *Coercion, Capital, and European States*; Scott, *The Art of Not Being Governed*.

⁷⁷ Jackson, *Sovereignty*. Science Fiction is one of the places where such systems have been toyed with the most and best drawn out. For instance, in the cult classic *Firefly*, the entire known world is ostensibly governed by the ‘Alliance’ which has no viable polity to compete with it. The Galactic Empire in *Star Wars* is yet another example as is the colonial empire of *Battlestar Galactica*, though the last of these did have to organize itself against the threat posed by the Cylons.

⁷⁸ For more see Nexon and Wright, “What’s at Stake in the American Empire Debate”; Nexon, *The Struggle for Power*; Schwartz, “Globalization”; Deudney, “The Philadelphia System”; Deudney, *Bounding Power*.

⁷⁹ Spruyt, *The Sovereign State and Its Competitors*; Thongchai, *Siam Mapped*; for a study on those people living in such spaces see Scott, *The Art of Not Being Governed*.

overlapping systems break up the inside/outside dichotomy of sovereignty into multiple insides and outsides, similar to the heteronomous order of medieval Europe.⁸⁰ In fact many claim that this is what lies ahead in the 21st century.⁸¹ Of course any real world polity can contain elements of multiple ideal typical polities. For instance, during the Cold War, the Soviet Union could be characterized as both a state with clear boundaries, and a composite polity in its relations, not only with the Warsaw Pact states, but also in many areas within the USSR proper.⁸²

If the state is an entity, then sovereignty is the set of actions that it undertakes to create and perpetuate itself. However, it would not be correct to imagine a pre-existing state undertaking a series of actions called ‘sovereignty’. This is because the state does not exist outside of these actions; it is only by undertaking them that it can be recognized as such. As Michel Foucault put it, “the state is a practice, not a thing”.⁸³ There is no reason to privilege the existence of the state when attempting to undertake a study that must allow for the possibility that said existence may be coming to an end. Therefore, sovereignty and state are indelibly intertwined; we cannot talk about one without talking about the other. We can tell that sovereignty exists by observing the presence of clear, distinct boundaries and the only way that we know the state exists is through sovereignty.

Sovereignty is therefore ‘socially constructed’.⁸⁴ In order for boundaries to be created, other entities must exist and be recognized to constitute the other side of that boundary. This means that the state and sovereignty are ‘relational’ entities.

Relationalism is a theory that the relations between entities should be ontologically prior

⁸⁰ Spruyt, *The Sovereign State and Its Competitors*.

⁸¹ Bull, *The Anarchical Society*; Kobrin, “Back to the Future.”

⁸² Nexon and Wright, “What’s at Stake in the American Empire Debate.”

⁸³ Foucault, *Security, Territory, Population*.

⁸⁴ Biersteker and Weber, *State Sovereignty as Social Construct*.

to the entities themselves.⁸⁵ Actors have no prior existence outside of their relations (or actions, since most actions are relational). So a state cannot exist without the simultaneous existence of the other entities that it creates and separates from itself such as society, citizens, ‘the international’, or other states. Therefore, the state and society do not exist until the relationship that allows them to exist is formed.⁸⁶

What might stand out from the attempts to define the state and sovereignty above is a lack of specifics. The state is not defined using concepts like ‘bureaucracy’, ‘international recognition’, ‘monopoly of violence’, ‘standing army’, ‘nation’, or ‘citizen’, let alone even more specific concepts. Such specifics are rooted in time and place and using them in a definition of the state would root that definition in time and place as well. This tendency has two effects that make it hard to perceive change over time and space. First, it obscures the fact that many entities that we would define as states did not have these characteristics. So either these characteristics are imputed onto entities that did not have them or we fail to recognize some states as such. Second, doing this makes it hard to see how the organization of ‘bureaucracy’ or ‘the welfare state’ and their meanings have changed. They do not mean the same thing in all times and places and these different meanings and processes have important consequences for people living in these states and international politics more generally – not to mention scholars

⁸⁵ Dewey and Bentley, *Knowing and the Known*; Emirbayer, “Manifesto for a Relational Sociology”; Jackson and Nexon, “Relations Before States”; Tilly, *Explaining Social Processes*.

⁸⁶ The idea that the state can exist on its own, that it has an ontological existence outside of its interactions with citizens, society and other states, is not limited to rationalism. It is something that is also present in much constructivist work, as evidence by Alex Wendt’s idea of a ‘state on an island’. In *Social Theory of International Politics*, Wendt argues that, “sovereignty does not presuppose a society of states”. Wendt’s idea of empirical sovereignty means that there is a core sovereignty that exists in and of itself separate from what other states say and do. This is extended to his discussion of the state “as a person”. He claims that the state as a person goes beyond an allegory or metaphor and is instead an actuality. Of course this also assumes that we exist outside of social interaction, a position that relationalism denies. See Wendt, *Social Theory of International Politics*; Wendt, “The State as a Person in International Theory.”

who study the state. If 'statehood' is not constant over time, large-N and many comparative historical studies need to be done with care.

Many if not all of these attributes or processes have been associated with the state for periods of its history, but simply because something *has* been does not mean that it *needs* to be.⁸⁷ Friedrich Kratochwil has argued that, "The institution or institutions that are part of this concept [sovereignty] and the practices need not stay the same or have a clearly identifiable trans-historical core, but possess a certain 'family resemblance' without necessarily sharing all or several of the same features".⁸⁸ The key distinction here is the difference between a 'trans-historical core' and 'family resemblances'. This can be taken to mean that the former includes the types of specifics – features to Kratochwil – warned against above. The latter, on the other hand, calls for a level of analytic generality. 'Family resemblances' may include similar properties or dynamics around a broader concept such as 'boundaries' without mention of what types of boundaries are necessary or what their effects must be. Operationally this entails setting out large scope conditions and letting the rest play out in the process of doing narrative analysis. So the state cannot be defined in terms of bureaucracy⁸⁹ or the ability to marshal economic⁹⁰ or coercive power,⁹¹ among other popular characteristics. Both of

⁸⁷ Bartelson builds this off of the assertion, taken from Nietzsche, that "only that which has no history can be defined". I take this to mean that defining a concept or actor forces us to look for that very thing in history, causing us either to not find it or to change history in order to find it as anything with a history is likely to have changed and developed from something else. In other words, we cannot have strict definitions of our objects of study IF we hope to demonstrate how they have changed over time. Strict definitions have the downside of forcing us to decide what does and does not matter beforehand, precluding studies of change. Jackson and Nexon agree, arguing that "the acceptance of boundaries as givens (or primitives) makes it hard to theorize about the production of the...boundary in the first place". Bartelson, *A Genealogy of Sovereignty*; Jackson and Nexon, "Relations Before States," 312.

⁸⁸ Kratochwil, "Sovereignty, Property, and Propriety," 76; Ringmar, "On the Ontological Status of the State," 439.

⁸⁹ Strayer, *On the Medieval Origins of the Modern State*.

⁹⁰ Poggi, *The Development of the Modern State*; Spruyt, *The Sovereign State and Its Competitors*.

these points, 1) that the state and sovereignty are indelibly linked to each other, creating and depending on each other and 2) with features only to be decided in-case, are important aspects of the concept of the state argued for here.

Boundaries

As mentioned above, it is clear, delineated boundaries that set the state apart from other types of polities and therefore define it.⁹² This is what Deleuze and Guattari call “the state form”, which has a tendency to create bounded spaces for rule.⁹³ Boundaries are lines of political significance which “decide which issues, activities, and practices fall within [the state’s] authority realm – the political – and which lie in the provenance of non-state authority”.⁹⁴ It is said that the state is ‘Janus faced’, with an inward looking apparatus and an outward looking one.⁹⁵ Boundaries create this arrangement. However, we need to be careful that we do not start with the presence of a boundary but instead

⁹¹ Tilly, “War Making and State Making as Organized Crime”; Van Creveld, *The Rise and Decline of the State*.

⁹² The idea of such bounded political authority is reflected in the modern tendency to categorize experience. In many ways, this can be followed back into the enlightenment project and its attempts to categorize and demarcate events, objects, etc., especially the works of Rene Descartes and his mind/world or mind/body distinction. Descartes argued against the idea of using the senses as the basis for human experience as they were not adequate to get to the true nature of the object of knowledge. In order to do this, Descartes argued that we need to separate the world the senses can interpret, that of matter or body/world, from that which allows us to ‘be’, i.e. the mind. It is only through this latter realm that we can truly get to the ‘true nature’ of something. The way in which this has been mirrored by the boundaries set by states has been remarked upon by the likes of Tim Mitchell who argues that knowledge went from attempts to deepen the knowledge of universals to a “quest for certainty, understood as the correct modeling of an ‘external reality’ in the internal exhibit of the mind”. If Jens Bartelson is correct that “sovereignty and knowledge implicated each other logically and produce each other historically”, then a world in which the reasoning individual, separated from the world, is the sole arbiter of the known is likely to be governed by bounded polities. Descartes, *Discourse on Method and Meditations on First Philosophy*; Mitchell, *Colonising Egypt*, 177; Bartelson, *A Genealogy of Sovereignty*, 5.

⁹³ Deleuze and Guattari talk about three relevant concepts as per the ‘state form’. 1) They mention how the state form is against nomadism – both physical and in thought – as it tries to hem in all around it; 2) The state tries to make the areas that it rules ‘striated’ so that it makes sense to it; 3) it rules through segmentation. All three can be seen as ways in which the state draws boundaries in order to produce legibility. Deleuze and Guattari, *A Thousand Plateaus*, 23–4, 208–31, 385–7.

⁹⁴ We can add “other-state” alongside non-state in this definition. Thomson, “State Sovereignty in International Relations,” 217.

⁹⁵ Jackson, *Quasi-States*.

problematize it. This is the only way to question the state and its existence. As Jackson and Nexon argue, “It is somewhat problematic to consider the way in which the state project operates ‘domestically’ without considering how it operates ‘internationally’, and in particular to pay attention to the ways in which the operations of the project constitute this demarcation”.⁹⁶

It is these boundaries that set the state apart from other types of polities. The most obvious type of boundary is a physical one that delineates the authority of one state from that of another. These are the borders⁹⁷ that can be viewed on a map such as the 48th parallel or the Rio Grande. They are meant to be total in that while we cannot see such vanishing lines, we can say that on one side of the line lies the authority of Canada and Mexico, respectively, and on the other side that of the United States. Therefore, the state is bounded as regards other states and itself just as it is created along with those states with which it shares borders.⁹⁸

However, we can easily begin to think beyond the presence of physical, territorial boundaries and into the realm of the conceptual boundaries that further demarcate the state and are of greater significance for this study. For instance, the very idea behind there being something called ‘domestic politics’ and ‘international politics’ as opposed to

⁹⁶ Jackson and Nexon, “Relations Before States”.

⁹⁷ For the rest of this study ‘border’ will be used for this type of boundary, with boundary signifying the larger family of which ‘borders’ are members.

⁹⁸ This is not to imply that such boundaries are not contested as they certainly are. These contestations are the focus of a lot of literature on war and conflict that form much of IR as a field of study, as debates over boundaries have been an important part of conflicts between India and Pakistan, France and Germany, China and Russia, and Israel and its neighbors, among many others. However, for the purposes of this study, these are rather uninteresting boundaries. A dispute over the boundary between India and Pakistan in the region of Kashmir in no way imperils the state as a form of political community. It only imperils the size and scope of two particular states. In a study looking to question the existence of the state, other boundaries take center stage.

simply 'politics', owes its purchasing power to sovereignty.⁹⁹ This has created not only the field of study termed political science but also the very possibility of such interactions. This is not to say that we should not classify but instead suggests that those classifications change over time, that their content is embedded in historical context and that we should investigate them so as to guard as well as we possibly can against reification. Yes, physical or territorial boundaries can tell us 'where' we may look for 'domestic' or 'international' politics so that Washington refers to dealings with one side of Niagara Falls as 'domestic' and the other 'international'. However, this fact itself does not separate the difference between 'domestic' and 'international' politics. Another distinction needs to be made as there can be international issues, dynamics, crises, etc. that are not fully explained by a physical border. Therefore, in addition to territorial borders, which are 'real' in the sense that we can see them on a map and they are supposed to demarcate pieces of the earth, we can talk about a conceptual border between the 'international' and the 'domestic'.

The idea that certain processes are international and others domestic is at the root of the notion of 'two-level' games. For instance, Robert Putnam argues that U.S. President Jimmy Carter had to balance domestic politics and international concerns in his dealings with Iran¹⁰⁰; Andrew Moravcsik argues that we need to foreground domestic political concerns when looking at how states interact with each other as opposed to simply starting with the environmental pressures of the international system and the 'given' state interests they engender;¹⁰¹ and Jeffrey Legro argues that grand strategies

⁹⁹ As an example, see Nexon and Wright's argument about how empires tend to collapse the international/domestic distinction. Nexon and Wright, "What's at Stake in the American Empire Debate?".

¹⁰⁰ Putnam, "Diplomacy and Domestic Politics".

¹⁰¹ Moravcsik, "Taking Preferences Seriously".

need to be accepted by a large enough portion of the domestic constituency, enumerating the problems of such acceptance, before they can be enacted on the international stage.¹⁰²

Each study assumes a boundary.

This is not the type of study being done here. Such studies take the boundary that separates international from domestic politics as a given and looks for linkages between these two realms. Instead, this study is looking at how certain episodes of violence challenge the boundary that creates these two realms. In order to do this, we must understand what that boundary is and what the meaning of the challenges posed by violence are. Of course the argument here is that these challenges produce an ontological threat to the state as a polity. This becomes imperceptible if we are assuming the presence of the boundary that creates these two realms. In fact, the very process of practicing domestic or international politics as such reinforces this boundary and recreates these realms of action. This is something that is not remarked upon by the likes of Putnam, Moravcsik, or Legro, but is entirely constitutive of the worlds that they create.

There is no reason to stop at the boundary creating the international and domestic realms as other types of conceptual boundaries are integral to the existence of the state. For instance, we can theorize about the boundary between who counts as a ‘citizen’ and who as an ‘alien’. This is something currently playing out in the United States where debates on immigration policy are effectively debates over where to draw this line. In addition, boundaries between what is considered public and what is considered private, or what is the state and what is society are also prevalent. These boundaries have the same properties as those above. Both ‘realms’, i.e. citizen/alien, state/society, public/private,

¹⁰² Legro, *Rethinking the World*.

are created through the presence of the boundary even as acting in them as such reinforces that boundary. They are clear and distinct as well as universal.

However, it should be noted with some force that not only are these not the only places where boundaries are drawn, none are necessary for the presence of a state. The state is not simply a list of boundaries that separate pre-determined realms like citizen/alien and public/private, or even territory; this would be the creation of the trans-historical core warned against above. Instead, the state is a polity that creates such realms of political action and authority demarcated by clear, delineated boundaries. What those boundaries separate in any particular time and place is to be decided through empirical study not a priori theorizing. The examples above are just that; examples meant to demonstrate that states have multiple boundaries that are both physical and conceptual.

We should also warn against taking any particular boundary as existing wholly separate from others. The idea of a 'single' boundary that is totally distinct from others is an analytical fiction, albeit a very useful one utilized in this study. Take the border that separates India from Pakistan. Is this a single border? In one sense, we could see the border that encapsulates India from its neighbors (or the sea) as singular. In another sense, the border between India and Pakistan could be thought of as a singular segment of India's border. In yet another, the boundary between India and Pakistan that runs through Kashmir could be characterized as a single border separate from others. Therefore, what counts as one boundary is not something that is ontologically distinct but is instead something created by the researcher for the purposes of his or her study. This means, of

course, that it needs to be created and justified in the course of doing research and does not exist on its own, a process I will undertake in each narrative in this study.

A focus on boundaries also allows us to highlight the importance of action on the ‘margins’ of the state and the state system and how it affects the machinations of the center. These margins are where the cases of this dissertation take root; the colonial Atlantic, the working class slums of European cities, and the rugged terrain of Central Asia. None could be considered consolidated parts of the states of their time. Of course many of those listed in the literature above focus on interactions between centers as major moments of change. Focus on such events – the Treaties of Westphalia, Seven Years War, French Revolution, Congress of Vienna, World Wars, Cold War – can obscure the importance of the margins in constructing a polity defined by boundaries meant to keep them outside.¹⁰³ The center itself is constituted through power relations with the margins and therefore is as dependent on them for their existence as such as it is on other recognized centers. This can be captured by a theory of sovereignty built on boundary drawing since any boundary draws what is ‘outside’ as much as it draws what is ‘inside’. All three of the cases in this dissertation include groups and peoples at the margins of the state at their own times and places. The golden age pirates existed on the physical edge of the system in the Colonial Atlantic and were comprised of men who felt they were being bypassed by the state. Propagandists were comprised of those crushed by industrialization in the late 19th century and al Qaeda of men and women who feel left behind, many in places such as Afghanistan and Somalia, which are at the margins already. All challenged the state and its existence, all created crises that forced a redraw

¹⁰³ Enloe, “Margins, Silences, and Bottom Rungs”.

of the boundaries of sovereign authority. The margins have deep impacts on the machinations of the center because the center itself is defined through its interactions with the margins and the boundaries created through these interactions.

Finally, it should be obvious that these boundaries are, in real life, not as clear, distinct, or absolute as I make them out to be. Thus is the nature of the ideal type. However, making them so clear makes it more obvious when transgressions occur. For instance, as will be discussed in more detail in Chapter 5 of this study, European states in the late 19th century attempted to create a distinct boundary between those who could and could not speak legitimately in the public sphere. However, this proved nearly impossible and revolutionaries such as those promulgating propaganda of the deed found ways to get their ideas out while their suppression only sparked further attacks on state authority. This boundary was being challenged and was redrawn by many western European states in the 20th century. Here, the transgression of a boundary is the interesting part and only by setting out a clear, distinct boundary as an ideal type can we really see the transgression for all that it was.

Sovereignty and boundary drawing as practice

Finally, the last part of the conception of sovereignty outlined in this chapter is that boundary drawing is best conceived as a practice. The boundaries that define the state and sovereignty are not simply drawn on a map or decided in a legislature or smoke filled room. Instead, they are drawn as a consequence of repeated action, what has been termed practice. Practices are defined here as *habitual, patterned action that both constitutes the social world and its inhabitants and structures possible future action.*¹⁰⁴

¹⁰⁴ Adler and Pouliot, "International Practices"; Hans Joas, *The Creativity of Action*; Schatzki, *Social Practices*.

Practice allows us to look at and analyze the observable, the measurable, even the quantifiable, while focusing on the possibilities they create for or take away from actors in the material world. Sovereignty becomes something that states ‘do’.

Practice is patterned action. Adler and Pouliot make this clear by claiming distinctions between behavior, action, and practice.¹⁰⁵ Behavior is something acted upon the material world such as running through the streets. Action is behavior imbued with meaning, such as running after a thief. However, practice is patterned action and can be seen in actions such as “police squads chasing down criminal gangs” because this is action that is “socially structured and reiterated”.¹⁰⁶ Practice is patterned. It is not merely doing something or doing something imbued with meaning. It must be repeated. It is not an ‘event’, so that the drawing of a boundary does not happen with a single ‘event’, i.e. a peace treaty, a diplomatic mission, or a law passed in a legislature, but happens instead through time as actions become repeated often enough to become practices. As will be discussed in Chapter 3, events do play a role, especially in ‘shattering’ practices and in helping to decide which practices are performed at which times, but events are not enough to draw lasting, meaningful boundaries around political authority.

Over time, these patterned actions become habitual or unthinking.¹⁰⁷ As Hans Joas explains, “all perception of the world and all action in the world is anchored in an

¹⁰⁵ Adler and Pouliot, “International Practices.”

¹⁰⁶ Ibid. 5.

¹⁰⁷ Common constructivist concepts such as ‘norms’ and ‘socialization’ are not used in this study. In much of the constructivist literature, norms and socialization are used as ways to make the world better. If only we can get people to practice peace. If only we can socialize rivals into being friends, etc. While this is always possible, it does not capture the meaning of practice. This is something that realists and many rationalists critique norm-driven constructivism for. If nothing else, habit and practice can and should get us to think about how habits are hard to change and how we cannot simply make a better world through socialization.

unreflected belief in self-evident given facts and successful habits”.¹⁰⁸ This explains most of what we do. When we put our clothes on in the morning or open a door, we do not think about it. We do not debate the positives and negatives and make a calculation on whether or not we should do it. Nor do we debate whether it is appropriate or how we should attempt to solve the problem. We just do it. “Habits” are important because, as John Dewey argues, “[they] economize intellectual as well as muscular energy. They relieve the mind from thought of means, thus freeing thought to deal with new conditions and purposes”.¹⁰⁹ If we spend so much time thinking about how, why, and whether we should get out of bed, brush our teeth, or open the bedroom door, there would be little time to make economic transactions, to govern peoples, or to write academic books and articles. And of course, there is much that goes into these processes and problems that we are not thinking about. Those things that we do think about, those problems that we do solve, only happen because so much of what we do is ‘hidden’ in practices, no matter how trivial.

Practices constitute the social world by helping us to create ‘conceptual maps’ of what is and is not possible. They do this for two reasons. First, practices help to create what we think of as ‘facts’. Practices as habitual action can be so deep, so reified, that we tend to take them for granted. They become unquestioned ‘facts’ to us because we do not and cannot think of other alternatives. As examples, we can use the economic liberal thinking of the west or the protocols of diplomatic exchange. Each of these becomes a part of the conceptual maps of those actors taking part in them, unquestioned and habitual actions that give the world meaning. In the narratives below we see that in each case the

¹⁰⁸ Joas, *The Creativity of Action*, 128.

¹⁰⁹ Dewey, *The Public and Its Problems*, 61.

relevant states ‘doubled down’, a mechanism I call retrenchment, on the boundaries being challenged because they could think of no other alternatives even after recognizing the nature of the problem. In other words, practices construct the reified knowledge that we, as humans, need to think, to reason, to solve problems.¹¹⁰ This brings us to our second reason: action is the fundamental ontology of social life. Without ‘doing’ there is no doer. Without performing the functions that define it, namely boundary drawing, states do not exist.

Think about what a state is. How do we know that the United States exists? Is it because we can visit Washington, D.C. and see the White House or the Capitol? Or is it because those of us who are citizens pay taxes to it, vote in the elections that it administers and abide by the laws that it has passed? If the Department of Treasury stopped performing the day to day tasks that it is assigned, would it exist? Would it not just be a building with a bunch of people in it? This is based on phenomenalist ontology. As Dewey argues, there is no need to “transcend experience by some organ of unique character that carries them into the super-empirical”.¹¹¹ Therefore, “knowledge is purely related to things that can be experienced and empirically observed”.¹¹² There is no ideal form in which the state exists. If it does not draw boundaries through its practices, we would have no evidence of its existence and therefore it would not exist.

Finally, practices have a discursive effect (i.e. the action conveys meaning to those who experience it), creating and structuring possibility in the material world. In other words, since they are unthinking and since they constitute the world, they help to dictate subsequent action. The decision to undertake any sort of action is dependent upon

¹¹⁰ Levine, *Recovering International Relations*.

¹¹¹ Dewey, *Reconstruction in Philosophy*, 77.

¹¹² Jackson, *The Conduct of Inquiry*.

historical context; on what is happening around any actor or group and what has happened to her or them in prior situations. Therefore, the unthinking actions that are practices are what create the possible menus of action. Of course most of the time action is repeated, we make the action of turning a doorknob because we have experience that doing so opens the door. We do not think about it. But even in cases, such as those highlighted in this project, where practices change, where they are shattered, what is possible depends on what came before (the shattered practice) and/or what is currently happening (other, ongoing, unshattered practices). New actions are not taken from a menu of all possible action. Even if the list of possible actions is infinite, all of those options are not open to actors because they either have not or cannot think of them in a context in which so much of what they do is based on the idea of habit.¹¹³

So what does it mean to think of the state as a bundle of practices? It means that it is manifest in habitual action that creates our ‘conceptual maps’ of the world, not by drawing lines on a map. An example from the narrative on golden age piracy in Chapter 4 can help to demonstrate this. This narrative focuses on an imaginary line drawn in the Atlantic that separated Europe from its colonial enterprises in that region such that there was no ‘peace beyond the line’. This line, a major feature of the historiography of the Early Modern Atlantic, has been said to have been drawn by Pope Alexander VI as part of the Treaty of Tordesillas.¹¹⁴ Putting aside controversies over whether or not this was

¹¹³ A clearer idea of this claim may necessitate a thought experiment. Think for a moment about the total amount of numbers between the integers 1 and 2. The answer is clearly infinite right? 1.1, 1.11, 1.111, 1.1111 are all different numbers that stand between 1 and 2 and there is no reason we cannot just simply add another one on the end. However, this is also clearly not the exhaustive list of all numbers, as the number 3 is not between 1 and 2 and yet it is a number. This is why we can say that even while the possible list of choices an actor can make is infinite, there are still other choices he or she cannot make because of the reified practices upon which he or she is building a ‘conceptual map’ of the world.

¹¹⁴ See Mattingly, “No Peace Beyond What Line?”; Benton, *A Search for Sovereignty*.

the case,¹¹⁵ we can begin to question the idea that boundaries are drawn in the conscious act of doing so. First of all, such a boundary needs to be agreed upon by all actors involved, not just in the act of drawing it but in subsequent years as the sides involved act as though the boundary or boundaries in question are meaningful. Simply drawing a line on a map and shaking hands does not create a boundary. At most, it starts a process of doing so wherein those involved now have the challenge of acting in ways that re-draw and maintain said boundary.

Secondly, a boundary is usually only drawn in a way that reflects what has already taken place or is currently taking place. It must in some way reflect current practice in order to be intelligible. If the Spanish did not hold colonies in what is today Latin America while the Portuguese had their colonial holdings centered on Africa, Brazil, and South Asia, drawing the line where it was would have made little to no sense. Finally, in this case, the meaning of the line changed dramatically between Tordesillas and the early 18th century. When it was originally drawn in 1494, it was meant to separate the New World into two realms, one for Portugal and one for Spain in order to settle disputes about future findings and rights to major trading lanes. By the early 18th century, it was used to separate the states of Europe from their colonies as two different spheres of politics. So while ‘the line’ that is so important in understanding how states dealt with golden age piracy may have been ‘drawn’ in the late 15th century, it was not this act that drew it. Instead, it was a series of practices such as the protection of trading lanes, low levels of direct colonial governance, and the use of peacetime privateers that

¹¹⁵ Steinberg, *The Social Construction of the Ocean*.

upheld the boundary and gave it its meaning. These practices became so commonplace that when they were challenged, the first impulse of states was to double down on them.

It is important that boundaries are habitual, meaning that there is a certain level of stability inherent in the actions that draw these boundaries and give their meanings to those participating in 18th century colonial politics. If these boundaries are not drawn by habit but instead are drawn by any action, if they are so in flux as to not be recognizable, the state project itself begins to unravel. Habit and stability are immensely important for the construction of the state as conceived in this chapter.¹¹⁶

In other words, to focus on the boundary and when and where it was drawn, not to mention simply assuming its existence, is to miss virtually everything interesting about that boundary. It misses how the boundary was cemented as something meaningful, it misses why the boundary was drawn where it was, and it misses the way in which the boundary took on meaning and had consequences far beyond its original intent. These are all aspects that are picked up by looking not only at the state as a boundary drawing enterprise but also at that enterprise as one that is built on practice. Boundaries are not drawn on maps but instead through habitual, patterned action. This allows us to better investigate how they are drawn, why they are drawn, and more importantly for this study, how and why they change and the consequences of such changes.

Finally, echoing my warning of overspecification above, what these practices are can only be decided in case. As Dewey warned after giving his own conception of the state, “What the public may be, what the officials are, how adequately they perform their

¹¹⁶ This is a point that will be taken up in Chapter 7 during a discussion of how the state might recede or vanish from world politics even if one were to accept my argument as valid.

functions, are things *we have to go to history to discover*".¹¹⁷ For instance, in the case of golden age piracy, pertinent practices such as the use of privateers, loose governance of the colonies and colonial land, and the competition over sea lanes all created a boundary separating the colonies from their European masters, setting them apart as a different, non-state sphere. The boundary for the narrative on propaganda of the deed is one in which western states attempted to control the public sphere, shutting out revolutionary voices while also allowing citizens and goods to cross borders easily in the name of free trade. This is the two-pronged boundary that was seized upon and turned against European states by the propagandists. As these two examples illustrate, there is no particular boundary, set of boundaries, or bundle of practices that create boundaries that we can define before looking at the case. Nor is there a particular type of boundary that is linked to major episodes of transnational violence. However, we can come up with the conception of sovereignty as boundary making and the state as the bounded polity.

The state as a bounded polity

That the state is and should be defined by the practice of boundary drawing is apparent in the works of Timothy Mitchell and James C. Scott, respectively. In *Colonising Egypt*, Mitchell argues 'order' was applied to Egypt by colonial power by creating a 'state' that was set above 'society' so that it could be governed without effecting the nature of this 'society'. From this vantage point, the colonizers saw disorganization and chaos and attempted to 'solve' the objective problem of chaos through measures such as reforming schools so that they 'made sense' in the mind of the 'objective' observers and redesigning houses, villages, and streets. Egypt had its own

¹¹⁷ Dewey, *The Public and Its Problems*, 33.

order prior to the arrival of the colonizers but this order was viewed as chaotic by western observers. 'Disorder' was created by the British in their attempt to create 'order'.

Elsewhere, he argues for the state as a 'structural effect', something that is created as apart from and above society by those undertaking different practices of political authority.¹¹⁸ This necessitates boundaries. In order to have the state set apart from the society that it exerts control over, boundaries must be created that separate it from that society. These boundaries are created not by being drawn on a map or by law or decree but by the practice of ruling, by sovereignty, and are reinforced through the creation of 'order' as a means of dispelling 'chaos'. Mitchell echoes Foucault by stating that "the politics of the modern states were modeled on this method of replacing a power concentrated in personal command...with powers that were systematically and uniformly diffused. The diffusion of control required mechanisms that were measured rather than excessive and continuous rather than sporadic".¹¹⁹ R.B.J. Walker echoes this thought:

I have come to believe that it is less important to insist on the possibility of a critical social theory of international relations as such than to refuse the Cartesian demarcations between inside and outside, "Us" and "Other", which permitted the theory of international relations to occur as a discourse of community and anarchy in the first place.¹²⁰

A similar dynamic is demonstrated by James C. Scott in his inquiry into failed state projects, *Seeing like a State*.¹²¹ Scott argues that major state development projects, derived from what he calls "Authoritarian High Modernism", necessarily fail because they neglect to take account of practical knowledge, *metis*. For our purposes, we can see

¹¹⁸ Mitchell, "The Limits of the State"

¹¹⁹ Mitchell, *Colonising Egypt*, 175; Foucault, *Society Must Be Defended*.

¹²⁰ Walker, "Genealogy, Geopolitics and Political Community: Richard K. Ashley and the Critical Social Theory of International Politics," 85; Thomson, *Mercenaries, Pirates, and Sovereigns*, 13.

¹²¹ Scott, *Seeing Like a State*.

his emphasis on how states make people and things 'legible' in order to rule them. This is apparent in his discussion of 19th century German forestry where trees were valued only for their timber. Therefore, forests were created that contained only those trees that produced the highest yield of desirable timber, only to grow fallow in a few generations due to a lack of biodiversity and the resultant rich soil. This is shown further in the distinction between 'crops' that we use and 'weeds' that we do not. Animals that we use for food or other purposes are 'livestock' and those that we do not use are 'pests' or 'varmint'. He argues that similar processes occurred during the creation of surnames for the inhabitants of early modern England and Wales, the development of planned cities, the process of Soviet collectivization and Tanzanian villagization. In each case, the state made people 'legible' according to their own interests in order to rule. In the language used for this study, the state had to make people and things 'legible' and in the process, drew the boundaries of rule that sustain, create, and define it. Both Mitchell and Scott provide useful examples of what a social scientific study of the state built around the practice of drawing boundaries can look like.

This section can be summed up as follows. The state and sovereignty implicate each other as the former is an entity that can only exist in how it undertakes the actions implied in the latter. The actions that it takes logically precede the entity taking them because without those actions, the entity would not exist as such. Those actions involve drawing boundaries around political authority so that the state is a polity defined by those boundaries and sovereignty is the action of drawing them. This is evidenced by how states have been able to set themselves apart from society, creating both in the process, in order to rule. These actions, as described by Mitchell and Scott, could not be undertaken

by other types of polities. Finally, boundaries are drawn through a bundle of practices which become habitual, creating ‘conceptual maps’ of what is and is not possible. They are not drawn through the action of drawing lines on a map or other singular events. This helps us to understand the types of change argued for in this study as it allows us to pinpoint particular boundaries that have been challenged by major episodes of transnational violence that take place on the margins. By understanding what these boundaries mean, we can also understand the stakes involved.

Conclusion

As the quote at the beginning of this chapter demonstrates, the state and sovereignty are not defined by law, authority, control, territory, nation, or coercion but by the boundaries that allow such concepts to take hold in a particular place. In order to understand the effects of revisionist violence, and by extension globalizing processes, on the state we need to come up with a workable conception of the state and sovereignty, one that allows us to study how the state can adapt in addition to the possibility that it erodes. In other words, we need to understand these boundaries. This chapter attempts to do this by defining the state as the bounded polity set apart from other polities and its own society and sovereignty as a bundle of practices that draw, redraw, and maintain boundaries of political authority. Therefore, while in its ideal-typical form the state may be singular and cohesive, it can be broken up into different boundaries that can be studied on their own. Particular boundaries are not clearly distinct from one another and existing as such in the world. Instead, it is more accurate to say that these boundaries are a single boundary that can be broken up and studied in different segments depending on the needs of the researcher.

Breaking up the state into different boundaries in this way gives us the ability to see how it could change in response to the ‘threats’ that the golden age of piracy, propaganda of the deed, and al Qaeda (circa 2001) posed. Common conceptions of sovereignty as a property of pre-existing states do not leave room for the possibility of change and lead to the Manichean character of most writings on the state and globalization. In addition, studies conceiving of sovereignty as an overarching, singular bundle of norms (and therefore the state as a singular type) tend to overlook what might be called smaller scale changes in favor of larger ‘revolutions’ such as the Treaties of Westphalia, the French and American Revolutions, and the end of colonialism. These are, indeed, major turning points in the history of the state, but this type of study probably overstates their importance as it leaves no room for change through the solving of concrete, practical problems. Conceptions of sovereignty as the drawing of boundaries and the state as the creation of a series of boundaries allow for the possibility of such methods of change and therefore for the possibility of a shifting state in the face of globalizing processes.

The next chapter covers two more theoretical issues before heading into the historical narratives. First, it will outline the types of threats that violence can pose to the state and sovereignty. In doing so, we will see how a particular relationship between the state and violence can pose the ontological threat necessary to be a challenge to the state and how this can lead to the redrawing of a boundary. Second, the chapter will outline this process by drawing the work of Hans Joas and pragmatist philosophers such as John Dewey and William James to show how the concept of practice, and by extension sovereignty as practice, plays into a theory of change based around creative solutions to

concrete problems. This should provide us with the theoretical platform on which to construct the narratives in Chapter 4-6 that are the center of this study.

Chapter 3: **Violence, Threat, and the Boundaries of Sovereign Authority**

At the turn of the 20th century, bombings and assassinations by men reputed to be anarchists put Europe and North America on edge. Between 1892 and 1894, eleven bombs went off in Paris. Between 1898 and 1901, four heads of state were killed. These ‘propagandists of the deed’ became ‘enemies of humanity’¹²² and arguably the greatest security threat of the age. A major, multi-lateral effort was launched – including summits, overt and covert police cooperation, and the acceptance of transnational spying – that some have likened to the current global war on terror (GWOt).¹²³ However, while propaganda of the deed subsided prior to the First World War, assassinations of European leaders actually increased in the interwar years due to a spate of anti-colonial groups.¹²⁴ The response to these attacks by affected states was more localized and less urgent. Why? Both groups have been described as “terrorists” and utilized the same tactic: assassination.¹²⁵ How can we understand differing responses to similar actions? Why would the period that resulted in fewer deaths and less destruction have provoked the more comprehensive, urgent response? Why did these similar actors and actions pose diverse threats to the states of their time and place?

Similar puzzles present themselves across history. Piracy has posed different threats and as a consequence has been accepted, used, criminalized, and extirpated by states, sometimes simultaneously. Similarly any familiar military action ranging from launching a missile to shooting a gun has provoked different sorts of threats. Threat is a

¹²² Land, *Enemies of Humanity*.

¹²³ Butterworth, *The World That Never Was*; Jensen, “The International Campaign Against Anarchist Terrorism”; Gelvin, “Al-Qaeda and Anarchism.”

¹²⁴ Ford, “Reflections on Political Murder”

¹²⁵ Rapoport, “Four Waves of Rebel Terror”

relational concept. In order to understand how threat is constructed from violence we need to place context logically prior to actor, action, motivation, structure, and even body counts. In particular we need to focus on the case-specific narratives constructed upon the relationship between violence and the state.

In Chapter 1, I briefly introduced a concept called ‘revisionist violence’ that I use to refer to the golden age of piracy, propaganda of the deed, and al Qaeda. The mission of this chapter is to outline the concept of revisionist violence and demonstrate how it interacts with sovereignty as the practice of drawing, redrawing, and maintaining boundaries around political authority. The practices that draw boundaries are given meaning through narratives that give state actions a past, present, and future. Violence is a large part of these narratives and there are a few basic ways that it relates to boundary-producing practices which range from producing them to upholding them to challenging them. *Therefore, different narratives or narrative configurations on the relationship between the state and violence produce distinct qualitative genera of threats.* For instance, the dominant narrative built around propaganda of the deed was that they posed a threat to the existence of the state and bourgeois society. Violence in this case posed a threat to the state’s ability to draw boundaries and reproduce itself. However, the narrative built around the anti-colonialists was that they posed a threat to specific imperial holdings of specific states. Violence here posed a threat to the amount of political power held by those able to draw boundaries. In each case, violence had a different relationship to the boundaries that produce the state and therefore posed different threats.

The plan of this chapter is as follows. First will be a look at how violence and threat are characterized in much of IR by looking specifically at the literature on terrorism. Next, building on the work of Ayse Zarakol, Barak Mendelsohn, and Oded Lowenheim in addition to the emphasis on threat construction in the securitization literature, I put forth a theory that the type of threat posed by violence is best understood through narratives on the relationship between violence and the state. This will be followed by a section explicating four basic, ideal-typical narratives – entrant, resource, revisionist, and criminal – each posing qualitatively different threats to states. The significance of each will be fleshed out by looking at different episodes of piracy. The last part of this chapter will then explore the relationship between revisionist violence and sovereign boundaries, developing a series of ‘mechanisms and processes’ through which we can understand how revisionist violence has the potential to force the redrawing of the boundaries of sovereign authority.

Terrorism and threat

Much of the literature on violence in IR explains the threat violence poses to states using variables associated with either the type of action undertaken or the attributes of the actor(s) involved. While these can be important variables, I argue that we need to understand narratives on the relationship between violence and sovereignty in order to understand threat. In this section, I explore examples of each in the context of the literature on terrorism. First, the literature on violence in IR is massive – including war, conflict, nuclear politics, and non-state violence among others – and it makes sense to winnow to a single literature that deals with these issues, though I will touch on the wider

literature as well. Second, the terrorism literature displays features of each variable listed above as well as growing voices of dissent that are the jumping off point for this study.

Many studies on terrorism¹²⁶ obscure variance in threat by decontextualizing the actor(s) perpetrating the violence, assuming that this actor comes into being with its own interests, goals, and preferences *de novo*. The focus is then on actor attributes either as a set of variables or as a background categorization exercise. Such an approach, while useful in many situations, cannot explain how actors and their attributes emerge. This is important in divining the types of threats or challenges posed by violence. The most common of these are studies that start with the tactic, method or action of a particular group in an event-based framework and then allow for the variance of pre-specified variables to cause the outcome of interest (or not). At its heart, such work tends to assume that all terrorism, for instance, is largely similar and asks questions like “what causes terrorism?”, “how do states respond to terrorism?”, and “what types of counter-terror strategies work?”. Examples of literature in this vein include Robert Pape’s study on suicide terrorism, Max Abrams’ study on the success of terrorist acts, and Ethan Bueno de Mesquita’s study on the effectiveness of conciliations as a tool of counter-terrorism.¹²⁷ All three studies are event-based, taking each attack as the object of study, necessarily making use of datasets constructed on the assumption that the relevant action, terrorism, is similar enough to be taken out of its context and studied separately. In addition, some of the more well-known historical approaches to terrorism such as those

¹²⁶The working definition of terrorism in this literature tends to be the increasingly standard “the use or threatened use of violence against noncombatant targets by individuals or non-state groups for political ends”, Frieden, Lake, and Schultz, *World Politics: Interests, Interactions, Institutions*, 381; Abrams, “Why Does Terrorism Not Work?”. Another useful definition used outside of the literature above is, “the premeditated use of unlawful violence intended to inculcate fear in a large audience in pursuit of a political goal”, Zarakol, “What Makes Terrorism Modern?,” 2312.

¹²⁷ Pape, “The Strategic Logic of Suicide Terrorism”; Abrams, “Why Does Terrorism Not Work”; Bueno De Mesquita, “Conciliation, Counterterrorism, and Patterns of Terrorist Violence.”

by Hoffman and Lacquer focus on the similarities of the act of terrorism to construct a narrative as opposed to its diversity.¹²⁸

Another way that action is said to determine threat is through the scale or severity of the attacks; the damage caused. One class of argument deals mostly with ‘severe’ terrorist attacks or how to explain the frequency of such attacks.¹²⁹ Similarly, Garrick et al talk about the ‘scale’ of threat being similar to the scale of harm or damage.¹³⁰ One may argue that it was the nearly 3,000 people killed on September 11th, 2001 which determined the United States’ response. However, even if this were the highest death toll of any single attack, al Qaeda is not responsible for the most deaths as a result of its activities. Many secessionist groups which have utilized ‘terrorism’ have been responsible for many more deaths without provoking a ‘war on terror’ and state on state violence far exceeds both. The same point can be made using the contrast between propaganda of the deed at turn of the 20th century and the anti-colonialists of the interwar years.

Additionally, threat is said to be derived from the attributes of those actors posing the threat. One common manifestation of this claim in terrorism studies are those who focus on the motivations of the groups in question, whether religious, ideological, nationalist, etc. Toft, Philpott, and Shah concentrate on the Salafism of al Qaeda to explain the group’s actions.¹³¹ Andrew Phillips draws parallels between al Qaeda and the French Protestants of the 16th century, arguing that religious terror transcends boundaries

¹²⁸ Hoffman, *Inside Terrorism*; Laqueur, *A History of Terrorism*.

¹²⁹ Clauset, Young, and Gleditsch, “On the Frequency of Severe Terrorist Events.”

¹³⁰ Garrick et al., “Confronting the Risks of Terrorism.”

¹³¹ Toft, Philpott, and Shah, *God’s Century*.

and threatens the state.¹³² Barak Mendelsohn focuses on how the religious doctrine of al Qaeda places it outside of international society.¹³³ Audrey Kurth Cronin argues that groups with nationalist aims tend to last longer than those with ideological ones.¹³⁴ In each case the salient factors determining threat are the ideas or motivations of the terrorists.

Another common categorization is along the lines of group structure, specifically the way in which terrorist groups have come to be identified as networks.¹³⁵ Usually, networks are described as flat and decentralized (though they may include a central node) and are purported to have little regard for the state. The argument is that terrorism, in its networked variations, provides different challenges than other types of violence. The focus is on tactics: networked groups use different tactical configurations than hierarchical organizations because they developed to counter the strength of the latter. If the theory is correct, a network is likely to succeed against a state or group of states ill-equipped to oppose it. This is evident in Jacob Shapiro's work on the organization of terrorist groups.¹³⁶ He claims that it is the trade-off between the desire to be covert and the need to control group members that determines how networked or hierarchical terrorist groups are. This is of interest mainly because of an implicit assumption that the structure of terrorist organizations produces different sorts of threats to those combating them.

¹³² Phillips, "The Protestant Ethic and the Spirit of Jihadism "

¹³³ Mendelsohn, "Sovereignty Under Attack."

¹³⁴ Cronin, "How Al Qaeda Ends"

¹³⁵ Williams, "Transnational Criminal Networks"; Adamson, "Globalisation, Transnational Political Mobilisation, and Networks of Violence"; Eilstrup-Sangiovanni, "Transnational Networks and New Security Threats."

¹³⁶ Shapiro, *The Terrorist's Dilemma*.

The wider IR literature on threat shows similar tendencies.¹³⁷ Stephen Walt's famous addendum to Waltzian structural theory that threat matters more than power focuses on the intentions and actions of the threatening state.¹³⁸ Randall Schweller's typology of great powers acts similarly, classifying states by their intentions.¹³⁹ James Fearon contends that threat comes from incomplete information and structural incentives to mislead.¹⁴⁰ Nuclear deterrence theory melds action (nuclear attack) with damage as they argue that the act itself is uniquely destructive.¹⁴¹ Common themes emerge: action, incentive/motivations, and damage. Only in this literature system structure tends to replace group structure. Psychological theories do add to this list by focusing on the threatened. For instance, prospect theory has the threatened looking at what can be lost and gained in divining threat, with loss aversion a key finding.¹⁴² Others point to status and/or emotion as important determinates of threat.¹⁴³

This set of assumptions about terrorism has not gone unchallenged. Cronin advocates a group-based approach as opposed to an event-based one.¹⁴⁴ Christine Hellmich has argued that the now common focus on the religious, and especially the Salafi, origins of al Qaeda has more to do with the researcher than the researched.¹⁴⁵ Mendelsohn, for his part, allows for other types of ideologies to also challenge international society, focusing on the difference between trans-state and non-state

¹³⁷ Stein, "Threat Perception in International Relations."

¹³⁸ Walt, "Alliance Formation and the Balance of World Power"; Walt, *The Origins of Alliance*.

¹³⁹ Schweller, "Tripolarity and the Second World War."

¹⁴⁰ Fearon, "Rationalist Explanations of War."

¹⁴¹ Schelling, *Arms and Influence; Cold War Statesmen Confront the Bomb*.

¹⁴² Jervis, *Perception and Misperception in International Politics*; Levy, "Prospect Theory, Rational Choice, and International Relations."

¹⁴³ Löwenheim and Heimann, "Revenge in International Politics"; Lebow, *A Cultural Theory of International Relations*; Hymans, "The Arrival of Psychological Constructivism"; Mercer, "Emotional Beliefs."

¹⁴⁴ Cronin, "How Al Qaeda Ends"

¹⁴⁵ Hellmich, "'Here Come the Salafis'"

violence. Others stress the importance of historical context, such as Ayse Zarakol, who places terrorism in the context of the Westphalian state system.¹⁴⁶ Still others argue that terrorism is a tactic, so understanding the political goals is important.¹⁴⁷ Those identifying with critical terrorism studies maintain that terrorism is a word used to chastise political enemies, so the use of the term is an interesting puzzle and does not intrinsically pertain to the actions of any group.¹⁴⁸ Common to all of these critiques is the assumption that even if terrorism were an action or set of actions (though one with admittedly disputed contents), then we can state that the meaning and consequences of that action depend upon the context. The action itself carries little meaning and it certainly does not carry all of the meaning that is imputed to it.

The idea that terrorism provides different types of threats to states makes it difficult to study it as a single phenomenon. Mendelsohn and Zarakol both make variations of this claim. Mendelsohn argues that there is a distinction to be made between non-state and trans-state terrorism wherein the latter threatens international society. Zarakol makes a distinction between system threatening and system-affirming terrorism, placing al Qaeda in the former group. Similar claims are also made by Oded Lowenheim and Brent J. Steele in their study on great power authority and the GWoT.¹⁴⁹ Elsewhere, Lowenheim broadens the framework to include persistent agents of transnational harm, which he splits up into parasitic and predatory harm, the latter

¹⁴⁶ Zarakol, "What Makes Terrorism Modern?"

¹⁴⁷ Tilly, "Terror, Terrorism, Terrorists."

¹⁴⁸ Jackson, "Core Commitments of Critical Terrorism Studies"; Jackson, Smyth, and Gunning, *Critical Terrorism Studies: A New Research Agenda*; Stump and Dixit, "Toward a Completely Constructivist Critical Terrorism Studies."

¹⁴⁹ Lowenheim and Steele, "Institutions of Violence, Great Power Authority, and the War on Terror."

causing greater harm to, and provoking a greater response from, great powers.¹⁵⁰ This allows Lowenheim to make comparisons between the terrorism of al Qaeda and other types of actions such as piracy and drug trafficking, getting us closer to a theory of violence and threat.¹⁵¹

None of this is to say that those approaches using the variables listed above are ‘wrong’. They all have the potential to provide us with useful knowledge and we as scholars would be worse off without them. However, the relationship between violence and the state, and hence the threat posed, cuts across these groupings. Groups of similar actions, motivations, internal structures, or damage levels can all pose different threats to states. Because of in-type variation, these ways of thinking about terrorism do not give us much analytical leverage on the types of threats violence poses to states.

Violence, narrative, and threat

Understanding narratives on the relationship between violence and the state is imperative to understanding the different types of threats violence poses. This statement builds upon the work of Zarakol, Mendelsohn, and Lowenheim while making two key additions. First, I posit that it is best to take Lowenheim’s instinct to broaden terrorism into transnational harm and go even further to include all violence. If we want to think about how any particular act or episode of violence threatens the state, it is best not to start with violence perpetrated by ‘state’ or ‘non-state’ but instead create a framework meant to encapsulate all violence. This permits the investigation of how violence becomes state/non-state, piracy/privateering, terrorism/crime and therefore how it constructs, re-inscribes, and threatens the boundaries that produce the state.

¹⁵⁰ Lowenheim, *Predators and Parasites*.

¹⁵¹ See also Richardson, *What Terrorists Want*; Thorup, “The Anarchist and the Partisan”

Second, for the purposes of this study it is best to move beyond frameworks built on the ideological motivations of the violent. Mendelsohn focuses on the ideologies of the terrorists, Zarakol on the types of legitimation claims they make, and Lowenheim and Richardson are quite explicit that motivation is important in their typologies.¹⁵² However, by framing the situation as transnational vs. great power, the actors themselves are given primacy and their motivations put front and center. If narratives on their relationship constitute the actors, as argued here, we need to move beyond motivation if we are to begin to theorize about violence and threat. Securitization theory and the wider threat construction literature provide one way to begin moving past intention or motivations by focusing on how actions or situations are turned into different types or levels of threats.¹⁵³ To these scholars, “Threats are not self-evident or easily measurable realities, but the outcome of a complex process of social and political construction through the means of language”.¹⁵⁴ Similarly, “acts of political violence do not necessarily ‘speak for themselves’; they have to be narrated and interpreted in meaningful ways within a particular social, cultural, and historical context”.¹⁵⁵ However, this literature has a tendency to look at, in Christopher Meyer’s words, “types of events” as though they present different challenges.¹⁵⁶ Threat construction is also common in the critical security studies¹⁵⁷ and framing¹⁵⁸ literatures as well as the critical terrorism studies literature mentioned above.

¹⁵² Lowenheim does point out that motivation cannot be absolutely known and therefore great powers must act on their impressions of motivation.

¹⁵³ Waever, “Securitization and Desecuritization”; Buzan, et al, *Security*.

¹⁵⁴ Meyer and Miskimmon, “Perceptions and Responses to Threats,” 626.

¹⁵⁵ Jackson and McDonald, “Constructivism, US Foreign Policy, and the ‘War on Terror,’” 18.

¹⁵⁶ Meyer, “International Terrorism as a Force of Homogenization?,” 650.

¹⁵⁷ Wyn Jones, “‘Message in a Bottle?’: Theory and Praxis in Critical Security Studies”; Booth, *Critical Security Studies And World Politics*.

¹⁵⁸ Watson, “‘Framing’ the Copenhagen School.”

In Chapter 2, I laid out a concept of sovereignty as the practice of drawing boundaries around political authority and the state as the polity derived from those boundaries. Practices create the conceptual maps that we use to navigate the world and therefore give us an idea of what is and is not possible. A practice framework helps us to understand both the constitution of order and new possibilities for meaning and action¹⁵⁹ through the ‘shattering’ of habit.¹⁶⁰ While actions and activities are a part of practice, it is narratives that give those actions meaning¹⁶¹ and therefore constitute them as practices. People, singular or collective, are made of stories. Therefore, narratives are “a central component of the organization of practice”¹⁶² as they provide meaning to action and provide links to the past, present and future, constructing all three. By creating understanding and the meaning of actions and actors, such an approach is relational, providing the platform on which actors are constituted. Violence is a large part of the narratives that turn state actions into boundary producing practices. Looking at the role of violence in these narratives allows us to, following Lowenheim, see how some violence uphold existing practice and others do not, providing leverage into how threat is constituted. This means looking at how violence is placed in relation to boundary producing practices.

Of course, those using violence have a role in creating the narratives that surround their actions – these narratives can come from and be reinforced by any number of sources – but it is best to think of justification in this context, not motivation.

Justifications are the reasons given for violent action, are necessarily context-dependent,

¹⁵⁹ Neumann, “Returning Practice to the Linguistic Turn.”

¹⁶⁰ This is discussed in more detail below. See also Joas, *The Creativity of Action*.

¹⁶¹ Wagenaar, *Meaning in Action*.

¹⁶² Bueger, “Practice, Pirates and Coast Guards.”

and may or may not have anything to do with the internal or ideological motivations individual actors have for undertaking violence. Therefore, to the degree that it matters what those perpetrating violence say, it is in the context of justification, which is part of the narrative, rather than motivation.

Narratives of violence

I begin the process of understanding how violence can pose different threats to the state by creating a set of ideal typical narratives on the relationship between violence and sovereignty: entrant, resource, revisionist, and criminal. Narratives of **Entrant** violence characterize violence as constituting a threat to the power of a particular state or set of states. Such threats are either to the existence of *a* state, the territorial integrity of a state or the power/rights structure within a state. In other words, entrant violence is that used to either enter or gain more power within the system. While some boundaries are threatened, entrant violence is made legible by current boundaries, and threats can easily be understood using current conceptual maps. These narratives tend to be used in relation to coups or secessionist or revolutionary groups such as the LTTE, IRA, HAMAS, and the Pied Noir. Other examples include episodes of piracy such as the *corso indipendente*, or independence corsairs, who raided Spanish shipping in the Latin American wars of independence in the early 19th century, or the privateers associated with Greece's War of Independence. Similarly, an invasion of one state by another or violence over contested territorial claims fit into this narrative as could violence experienced at demonstrations, riots, or upheavals interpreted as gaining greater rights within a state.

Narratives casting violence as a **Resource** characterize it as something to be used by the state. In this way it is inherently legitimate, though disagreements do arise as to whether any particular usage may be legitimate. It is neither an explicit threat to the power of a state or to boundaries. Common examples of violence understood as a resource could be police attempting to assert the rule of law, standing armies, or mercenaries. In addition, narratives of resource violence can be built around state sponsored terrorism (think Iran and Hezbollah) or any violence perpetrated as part of a state's involvement in illicit trade such as the Taliban's control over the poppy trade at the turn of the 21st century. Ostensibly, this type of violence is used within and reinforces standard practices and norms surrounding violence and thus is implicit in the drawing of boundaries. Though, it does present certain types of threats to those states, groups, or individuals on the receiving end of this violence.

Revisionist narratives cast violence as an ontological threat, not just to a particular state but to *the state as a political form*. This type of violence is a threat to the system as a whole as it exists in a particular time and place (i.e. those boundaries currently drawn through state practice). It is typified today by the threat that al Qaeda is said to pose to the national, territorial state. The threat is such because it cannot be made sense of within the conceptual maps of relevant actors; the violence is, in this sense, illegible. Other examples include the cases in this study: golden age pirates and the anarchist propagandists of the turn of the 20th century. The Earth Liberation Front could also be described in this way. As a consequence, episodes of revisionist violence have the potential to result in major revisions in how the boundaries of state authority are drawn,

leaving a different breed of states in the wake of successful campaigns to combat such threats.

Narratives of **Criminal** violence cast violence as something outside of, but not necessarily a challenge to, the sovereign state. While criminal and revisionist narratives both recognize violence as transcending boundaries, episodes of the former are seen to provide tests for boundaries while the latter directly challenge them. The presence of such narratives point to how ‘criminality’ is due as much to how violence is explained and justified as any a priori decision to ‘break the law’.¹⁶³ In this context, the word ‘criminal’ seems apt as Mafioso and Drug cartels are examples of this sort of violence. Many episodes of piracy fit into this type, such as that currently taking place in the Gulf of Aden. Below is a table provisionally placing selected episodes¹⁶⁴ of the two types of violent actions covered in the cases that follow – piracy and terrorism – into each of the four narrative types.

¹⁶³ For more on the line between criminality and politics see Scott, *Two Cheers for Anarchism*; Lukes, *Power*.

¹⁶⁴ Episodes in this instance can be described as demarcations of violent actions constructed through narratives, For more on ‘episodes’ see Tilly, “Mechanisms in Political Processes.”

Table 3.1: Narratives on Historical Episodes of Violence¹⁶⁵

Entrant	Resource	Revisionist	Criminal
Palestinian resistance¹⁶⁶ LTTE IRA ETA Hezbollah Al Qaeda Corso Independente Piracy in the Gulf of Aden	17 th century Buccaneers 18 th wartime century Privateers Corso Independente Algonquin and Iroquois tribes during Seven Years War Hezbollah	Golden Age of Piracy Propaganda of the Deed Al Qaeda	Chinese Pirate Confederations 19 th century Malay Piracy Piracy in the Gulf of Aden Al Qaeda

Table 3.1 demonstrates how similar actions are spread across the four narratives. Groups traditionally denoted as terrorist organizations are marked in bold. What we see is that both ‘terrorism’ and ‘piracy’ are spread across multiple boxes and each box tends to have more than one type of action. We could do the same thing by extending the list of tactical types or by focusing on religious/ideological classifications or group structure. For instance, only one of the episodes with revisionist narratives listed above is religious and two are secular. Many religious groups fall into the entrant box, but many of those groups are also considered secular. We see groups with networked structures in both the revisionist and criminal boxes and it is possible we will see them in the resource box in years to come. This demonstrates a benefit of the typology; it is not only useful for looking at some key distinctions between actors or groups within traditional types, but it can also provide a larger universe of apt comparisons. We also see some episodes appear

¹⁶⁵ It should be noted here that each of these types could be useful when talking about the relationship between violence any other type of order: liberalism, capitalism, Christianity, Marxism, etc. Each of the four types can fit into such a framework, though of course any particular episode would most likely shift types. For instance, a Marxist rebel group looking to take over a state would be best understood as entrant violence in the context of sovereignty (looking to get a piece of the pie) but revisionist in the context of capitalism.

¹⁶⁶ Episodes are usually denoted by either group name or a time and place. Which one is chosen is due to how easy it is to identify as such. This is not meant to be a final listing or a concrete typology but instead a rough sketch of similar actions that have different narratives built around them.

more than once, a reminder that any particular episode can be constructed from multiple narratives.

Significance

So what is the significance of this typology? As argued in Chapter 1, any ideal type should be judged on how useful it is and on what it can tell us that we did not know before. We cannot accept or reject it simply because it may or may not match reality in some manner, nor is it important simply because it arranges life in a superficially appealing way. This typology is useful because it shines a light on the relationship between the state/sovereignty and violence. Different ideal-typical narratives of this relationship signify different threats or challenges to the state. A narrative of revisionist violence signifies different threats to the state than one of resource violence, etc. In addition, we can connect these threats to state responses and the consequences of each episode, using this typology as a springboard to a better understanding of historical episodes. The outcomes will not be identical, but the underlying dynamics – what Tilly has called ‘mechanisms and processes’ – will be similar.¹⁶⁷ What follows is an exploration of the threats posed to states by episodes of piracy that can be characterized by each of the four narratives outlined above. Piracy is chosen because it is a single action – here defined as robbery at sea – for which we can establish each of the four narratives above being used to construct threat.

Entrant Violence: corsos independente

Narratives of entrant violence construct any action or episode of violence as a threat to the balance of power and rights within the current system. Such violence is not

¹⁶⁷ Ibid.; see also Nexon, *The Struggle for Power in Early Modern Europe*, 65.

thought to challenge the state as a political form but instead upsets who wins and loses within it. This can be demonstrated in a narrative built around the *corso independente*, or independence corsairs: pirates/privateers who fought on the side of the emerging South American states during their wars of independence against Spain in the early 19th century. The Latin American Wars of Liberation took place largely in the aftermath of the Napoleonic Wars. Starting in 1808 when Napoleon invaded Spain and cut it off from its colonies, those same colonies decided to take advantage of a weakened colonial overlord to gain independence and statehood for themselves. The wars grew in intensity after the end of the Napoleonic Wars freed Spain to concentrate on the continent. They lasted for nearly two decades, until roughly 1826 when Peru, Chile, and Ecuador joined Mexico, Uruguay, Colombia, and others in effectively achieving independence. Only Cuba remained as a significant Spanish colony in the region at the close of the conflict. While these wars were largely decided on land, there was also a key maritime component as many of these emerging states commissioned privateers to attack Spanish (and Portuguese in the case of Brazil) shipping as part of the war effort. Many of those commissioned came from the lower rungs of Caribbean society and fought for ideological as well as monetary reasons. This includes former slaves who valued a chance to fight back against colonial oppression and “French West Indian Privateers who combined a Jacobin ideology with a consciousness of themselves as ‘*les garçons de la cote*’, the heirs of the *flibustier* tradition of the seventeenth century, now savaging the Spaniards in a more honourable cause”.¹⁶⁸ Many also were from the United States and viewed this as an

¹⁶⁸ Earle, *The Pirate Wars*, 215.

opportunity to liberate the continent and spread freedom in the wake of the War of 1812 against their own former colonial oppressor.¹⁶⁹

The crews were multi-national and flew under a variety of flags, with many ships holding multiple 'letters of marque' – privateering commissions. The *corsos* and the emergent states they took commissions from both used a narrative of entrant violence to legitimate their own actions and it even seeped into the understanding of the Spanish themselves. The fight became one over Spanish territory in the region and resulted in major changes to physical boundaries and a raft of whole new states into the system.¹⁷⁰ They played an important role in the liberation of a continent by cutting off Spanish access to the colonies even after the Napoleonic wars had drawn to a close and significantly shifted the boundaries of the Spanish state while creating new states across the continent. The response by the Spanish was localized as most other naval powers viewed it as a Spanish problem in the early stages. Similar mechanisms were at play in the Eastern Mediterranean during the same period as privateers played an important role in winning Greek independence from the Ottomans. Responses to threats of entrant violence tend to be localized or take the form of alliances for or against the threatened state.

Resource violence: buccaneering in the 17th century

Resource narratives construct violence as a legitimate part of current boundary producing practices as they are part and parcel of the construction of these boundaries. Therefore, such violence is not always constructed as a threat, though certain problems do arise. The buccaneers were largely privateers whose mission was to attack the ships

¹⁶⁹ Griffin, "Privateering From Baltimore During the Spanish American Wars of Independence."

¹⁷⁰ Konstam, *Piracy: The Complete History*.

of rival states, commissioned with a letter of marque signed by a Monarch. For much of this period, colonies were viewed as a sphere of influence outside of Europe; they were ‘beyond the line’, a disputed and imaginary boundary separating Europe from its colonies. What might have been construed as an act of war had it happened nearer Europe was not considered such in the colonies because there was ‘no peace beyond the line’ as “no other rule is recognized but that of force”.¹⁷¹ The economic system of the Atlantic during this time was built on the extraction of raw materials such as bullion, fish, and timber, whose proceeds went directly into state coffers. Consequently, land not deemed valuable for extraction was left alone while the sea became an area of contestation over shipping.¹⁷² Peacetime privateering was very useful in this economic climate as a way to gain access to bullion largely extracted by Spain.

Buccaneers were viewed as patriotic heroes standing up to enemies in the great wilderness of the colonial Atlantic. They also tended to stick together with English bases in Jamaica, French bases on Tortuga, etc. As one contemporary opined, “The privateers of these parts...theire bodys are habituated to this country, they knowe each place and creeke, know the mode of Spanish fighting, townes being never so well fortified, the numbers being never so unequall, if money or good plunder be in the case they will either win it manfully or dye coradgiously”.¹⁷³ If the buccaneers were viewed as a threat it was because they were an arm of the state. In an account by one Spanish engineer who was a part of an anti-buccaneering mission, the nationality of the pirates captured was constantly repeated: “The number of English dead was six”, “On 10 September an

¹⁷¹ This is from the Venetian Ambassador to England in a letter to the Doge, see Earle, *The Pirate Wars*, 92.

¹⁷² Glete, *Warfare at Sea, 1500-1650*.

¹⁷³ PRO CO 1/25, f.160

English ship was sighted”, “These English pirates were taken back to the mainland”, etc.¹⁷⁴ They were constituted as a threat in the context of interstate competition over resources in the Americas.

Of course, many privateers went beyond their mandate, partaking in unsanctioned predation which was tolerated so long as the enterprise benefitted the state. As Lauren Benton argues, “letters of marque...could be broadly interpreted to permit attacks on a wide range of targets”.¹⁷⁵ For instance, Henry Morgan strayed beyond his letter to sack Panama City. Alexander Exquemelin, who sailed with Morgan and was present during the Panama City incident, commented that Morgan’s men “committed many...cruelties. They showed little mercy, even to the monks...Nor did they spare the women, except for those who yielded themselves completely”.¹⁷⁶ Frustrated, the English appointed Sir Thomas Lynch to enforce the Treaty of Madrid – meant to end hostilities between the British and the Spanish in the Americas – and clean up privateering in Jamaica. Morgan was captured and sent back to London for punishment but was instead knighted and awarded the position of lieutenant governor of Jamaica. Morgan may have been viewed as a morally deficient outlaw but his services were deemed a beneficial resource for the state and thus not a threat to the English.

The challenges posed by the buccaneers are common to the resource narrative. First, not all states had access to this ‘resource’ which would cause tensions between states. Second, the principle/agent problem is a danger as Henry Morgan’s saga confirms. Third, as the context shifts so can the narrative causing conflict between those benefitting from old and new narratives. This is basically what happened with many of

¹⁷⁴ Exquemelin, *The Buccaneers of America*, 125.

¹⁷⁵ Benton, *A Search for Sovereignty*, 113.

¹⁷⁶ Exquemelin, *The Buccaneers of America*, 200–1. For more on the saga see p. 186-208.

the so-called ‘Red Sea Men’, who were active just as privateering was no longer useful, such as Captain Kidd and Thomas Tew who took privateering commissions only to be proclaimed a pirate while at sea.¹⁷⁷ Both were captured and hanged despite not doing anything different than they had as privateers.

*Revisionist violence: golden age of piracy*¹⁷⁸

Narratives of revisionist violence cast it as a challenge to the ontological security of the state, its existence and identity.¹⁷⁹ This is visible in the dominant narrative of the golden age of piracy. As Chapter 4 will cover in more detail, these pirates ravaged Atlantic trade between 1716-1726 as the rise of trade, existence of ‘the line’, and the end of the practice of peacetime privateering allowed for ungoverned land, open colonial markets, and an influx of slaving ships to attack. English trade leveled off despite being surrounded by long periods of growth.¹⁸⁰ In 1720 alone English merchants lost seventy slave missions, each valued at £3,000, in attacks while commerce into and out of ports such as Charleston and Philadelphia were interrupted for days or even weeks at a time. While Morgan was thought cruel, he was also considered a patriot. Pirates were cast as the ‘enemies of all mankind’, the ‘villains of all nations’, and as being against ‘god, country, and labor’, and authority itself. The pirates of this period were ‘against authority’ because the crown no longer had a need for them.

They responded by embracing this characterization. They called themselves the devil’s spawn and challenged how political rule was legitimated at that time, typified by Black Sam Bellamy’s self-identification as, “a Free Prince...[with] as much authority to

¹⁷⁷ For Kidd see Ritchie, *Captain Kidd*; for Tew see McDonald, “A Man of Courage and Activity.”

¹⁷⁸ This section is kept purposefully short as it is the topic of Chapter 4.

¹⁷⁹ Giddens, *Modernity and Self-Identity*; Huysmans, “Security! What Do You Mean?”; Mitzen, “Ontological Security in World Politics”; Steele, *Ontological Security in International Relations*.

¹⁸⁰ Davis, *The Rise of the English Shipping Industry*.

make war...as he who has a hundred sail of ships at sea, and an army of 100,000 men in the field”.¹⁸¹ The golden age only came to an end as ‘the line’ was abolished, colonies were brought into the domestic sphere, and the process of turning the sea into a truly open space was initiated: the redrawing of the boundaries of political authority.¹⁸²

Narratives of revisionist violence force change as they recognize and construct crises that compel states to come up with creative solutions to defined, pragmatic problems that result in new boundaries.¹⁸³ This is the dynamic under investigation in this study.

Criminal violence: piracy in the Gulf of Aden

Narratives of criminal violence aim elsewhere. The state as a polity is not threatened, instead boundaries are challenged with no claim to political power. Violence becomes a question of law and order where ‘criminals’ create ‘zones of exception’ to state rule and therefore the peace and security of society. This can be seen in the contemporary narrative on piracy in the Gulf of Aden, a major trade route serving as host to “12% of global maritime trade and 30% of the world’s crude oil shipments”¹⁸⁴ that in 2010 cost 12 billion dollars, including 240 million dollars in ransom payments.¹⁸⁵ The vast majorities of these pirates originate from the coasts of Somalia, especially villages in the Puntland region, and use smaller fishing boats to attack fishers, oil tankers, and others, usually for ransom payments.

This narrative views Somali piracy as a criminal enterprise attacking commercial shipping and food aid. In this narrative, piracy is illicit and connected to economic

¹⁸¹ DeFoe, *A General History*, 587.

¹⁸² Rediker, *Villains of All Nations*; Woodward, *The Republic of Pirates*; Kuhn, *Life Under the Jolly Roger*.

¹⁸³ Joas, *The Creativity of Action*.

¹⁸⁴ Pham, “Putting Somali Piracy in Context.”

¹⁸⁵ Gill, “Maritime Piracy Costs Global Community Up to \$12 Billion a Year.”

opportunities.¹⁸⁶ This is reflected in the questions asked of Somali pirates by reporters such as, “Isn’t what you are doing a crime? Holding people at gunpoint?” and “What has this Ukrainian ship done that was a crime?”.¹⁸⁷ Actions like the capture of U.S.-registered Maersk Alabama, which led to the kidnapping of Captain Richard Phillips and a four-day standoff before the U.S. intervened, have become emblematic of their criminal activity.¹⁸⁸ This is usually blamed on the domestic situation in Somalia, with the country in turmoil since the fall of Mohamed Siad Barre’s regime in 1991. Pirates have been acting in a loophole in international maritime law. The United Nations Convention on the Law of the Sea (UNCLOS) covers piracy on the high seas while states are responsible for their territorial waters.¹⁸⁹ However, in cases like Somalia, where the state has no ability to police its waters, there is a gray zone that pirates can exploit.

There is some disagreement about the severity and level of threat posed by piracy in the Gulf of Aden. British Prime Minister David Cameron invoked language similar to that of the golden age, “Frankly, the extent of the hijack and ransom of ships round the Horn of Africa is a complete stain on our world”.¹⁹⁰ However, the response of the United Nations Security Council (UNSC) has been much more muted in its assessment. In resolutions 1814, 1816, 1838, 1846, and 1851, the UNSC professed itself “gravely concerned” about piracy in the region. That said, typical solutions involve “calls upon states interested in the security of maritime activities” to work, “in accordance with

¹⁸⁶ For an example of academic repetition of this narrative, Jablonski and Oliver call piracy “a modern scourge...[that] delays shipping, drives up security costs, hinders development in coastal states and is a potential source of funding for terrorist groups, insurgents, and international criminal organizations.” Jablonski and Oliver, “The Political Economy of Plunder.”

¹⁸⁷ Gettleman, “Q. & A. With a Pirate”

¹⁸⁸ Sanders and Barnes, “Somalia Pirates Hold U.S. Captain.”

¹⁸⁹ See United Nations Convention on the Law of the Sea, 10 December 1982

http://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm

¹⁹⁰ “Armed Guards to Protect UK Ships.”

international law”.¹⁹¹ While cooperation and multi-lateral efforts are called for, a passive voice is used as the UNSC, “Urges states in collaboration with the shipping and insurance industries, and the IMO [International Maritime Organization] to continue to develop avoidance, evasion, and defensive best practices”.¹⁹² Resolution 1838 even goes so far as to claim that “this resolution shall not be considered as establishing customary international law”.¹⁹³ This is reflected in the UNCLOS definition of piracy that starts by calling it, “any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft”.¹⁹⁴ Piracy here is both criminal and private, outside of the state. While the United Nations certainly takes piracy as illegitimate and a serious problem, it is seen as a challenge for which current law is adequate. Even the language of universal jurisdiction derived from pirates as ‘*hostes humani generis*’ is standardized.

The lower level of threat posed by piracy in the Gulf of Aden as opposed to the golden age is a question of type, not scale. This may explain why criminal episodes have historically had longer life spans and take longer to provoke responses than revisionist episodes. The danger is cast as areas of the globe where state authority is exceptionally weak to non-existent, indirectly challenging claims that the state is the most effective and legitimate way to order political life. Responses usually include attempts to extend state authority or build state capacity such as the proliferation of boats patrolling the Gulf of Aden. What we see here are four historical episodes of a common violent action, piracy, in which each case has developed a different threat narrative. This is meant not only to

¹⁹¹ United Nations Security Council Resolution (UNSCR) 1838, 7 October 2008

¹⁹² UNSCR 1851, 18 December 2008

¹⁹³ UNSCR 1838

¹⁹⁴ UNCLOS, Article 101

demonstrate the threats and dynamics of each narrative in greater detail but also to further demonstrate that it is not the action undertaken, in this case piracy, that determines threat but instead the narrative built around that action. A summary of the threats posed by all four narratives is provided below in Table 3.2.

Table 3.2: Threats and Dynamics Involved in Each Narrative

Entrant	Resource	Revisionist	Criminal
Violence challenges a particular state or a set of states as a means of making a claim within the system. Potential to change the borders of existing states and/or the rights structure of any particular state. Responses localized.	Part of the drawing of boundaries. Can strain the relationship between states as some make use of the resource and some do not. Also provides a principal-agent problem and the question of how to stop using this 'resource' when it is no longer useful.	Threatens the existence of current boundaries by using them against the state. High potential for forcing states to redraw boundaries and thus re-inscribe the state. Major multi-lateral efforts common.	Threatens states by attempting to create de facto areas of exception. Uses current boundaries of state authority for its own interests, irrespective of the state. Attempts to reassert authority within boundaries is common.

Of course, no episode of violence is limited to a single narrative, many if not most are characterized by multiple narratives. We can think of these narratives as complementary, competing or parallel. Narratives are complementary when multiple actors agree on the basic narrative. This dynamic is apparent in the struggles of secessionist and rebel groups. While the state and the rebel group are unlikely to agree on many things, they do agree that the violence used by the rebel group contests the balance of power and rights within the state. Each of the cases in this study has complementary narratives. Narratives compete when different sides have different ways of understanding and justifying the same act(s) of violence. As demonstrated by Christian Bueger, this dynamic is present in the narratives on piracy in the Gulf of Aden.

On the one hand we see the pirates partaking in a ‘useful fiction’ of themselves as the de facto protectors of local (if not state) interests in the gulf. One pirate was quoted in the *New York Times* saying, “We don’t consider ourselves sea bandits. We consider sea bandits those who illegally fish in our seas, dump waste in our seas, and carry weapons in our seas. We are simply patrolling our seas. Think of us like a coast guard.”¹⁹⁵ This narrative has been used in legal defenses of pirates and has constructed a community of practice in the region built around piracy. On the other hand, this narrative is in direct competition with the narrative given by the world’s naval powers outlined above that paints these men as criminals.

Parallel narratives are at play when we can see multiple narratives at work side by side. For instance, in addition to the narratives of entrant violence used to characterize the corso indipendente, we also see narratives of the corso indipendente as an example of an illegitimate use of an accepted resource. Many of these corsairs strayed beyond their letters of marque to attack ships from the world’s ‘neutral’ naval powers.¹⁹⁶ One corsair named Jean Michel Alury even managed to annex an entire island in the Gulf of Mexico and turn it into his own private pirate paradise before the U.S. intervened. These actions, in addition to similar problems off the Barbary Coast and in the Eastern Mediterranean, ultimately led to the ban on privateering in the Treaty of Paris in 1856.¹⁹⁷ So in addition to a narrative of entrant violence their story includes a narrative of resource violence: what was once a major resource for states, wartime privateering, came to be seen as illegitimate as it became available to a wider group of actors. Of course,

¹⁹⁵ Gettleman, “Q. & A. With a Pirate: ‘We Just Want the Money.’”

¹⁹⁶ White, “The Marshall Court and International Law.”

¹⁹⁷ Thomson, *Mercenaries, Pirates, and Sovereigns*; White, “The Marshall Court and International Law”; Benton, “Toward a New Legal History of Piracy.”

combinations of these dynamics are likely to be present in any single case. In the narratives creating the GWoT, there is convergence between al Qaeda and the U.S. on threats to the state system as well as parallel narratives that portray al Qaeda as trying to force the West out of the Middle East, overthrow secular dictators in Iraq or Syria,¹⁹⁸ or partake in the Afghan poppy trade. These come with competing narratives themselves. Therefore, it is useful to remember that the narrative sketches above are only ideal-typical. When looking to understand a particular episode it is advised to look at narrative configurations.

Revisionist violence and sovereign boundaries

In Chapter 2, I posited that the state can be viewed as a polity constructed and demarcated by boundaries while sovereignty is the practice of drawing, redrawing, and maintaining those boundaries. In this Chapter, I have argued that we can only understand the challenge or threat that violence can pose to states, and in connection state reaction to violence, by focusing on narratives on the relationship between an episode of violence and the state as a boundary producing entity. I would like to conclude this chapter by explaining how revisionist violence and sovereignty interact to create sites where boundaries are drawn and redrawn. I will do this by emphasizing the practice element of sovereignty, especially a pragmatist conception of practice, and develop a series of mechanisms that can help us to understand how revisionist violence threatens the state and forces states to redraw the boundaries of sovereign authority.

So how can practices help us to theorize change? This constitutes a developing split in the ‘practice turn’ literature in IR. Adler and Pouliot, among others,¹⁹⁹ focus on

¹⁹⁸ Of course the group attempting to do this today, ISIS, has since splintered off of al Qaeda

¹⁹⁹ Adler and Pouliot, *International Practices*.

how practices can explain and even bring about change and progress while Ted Hopf, drawing on the works of Bourdieu, Dewey, and Theodor Adorno, focuses on how practice explains continuity and the challenges of bringing about meaningful change.²⁰⁰ In many ways this could be seen as a reproduction of the realist/liberal split that has defined the field since its inception manifest in the practice turn. However, this debate is a false one. Hopf talks about the skepticism towards social change of someone like Theodor Adorno following the horrors of the Holocaust. Hopf is referring to large scale change on par with something like the French Revolution or the Civil Rights Movement as the only meaningful type of change. Hopf is correct that this type of change is not only rare but also very hard to bring about in part for the very reasons of habit that the practice turn highlights and this is a worthwhile empirical critique of Adler and Pouliot's attempts to use 'practice' to create a better world.

Because practices are about the unthinking, they are fundamentally unchanging. What we are not thinking about we cannot change. However, they also give us many sites of potential change as these habits are 'shattered'. In a world made up of a nearly infinite number of practices, meaningful change is always possible without grand structural change. This is the type of change focused on in this study: the meaningful change of boundaries that construct the state even if they do not result in the type of grand systemic change many IR theorists talk about or the types of social change that are Hopf's focus. Here the debate about practices and change dissolves. This is where the claim in Chapter 1 that this is both a study of change and continuity comes from. These

²⁰⁰ Hopf, *The Unbearable Liberalness of the Practice Turn*.

changes in practices that construct borders are also simultaneously a reproduction of the state itself. Hence, meaningful change *and* continuity can exist simultaneously.

Practice theory may not be a theory of change, learning the practices of a group, entity, or individual does not necessarily give us leverage in trying to change their actions. But what practice can do is give us a theory of how change can happen, how habit is thrown into flux. Pragmatist social theorist Hans Joas puts forward the following model of creativity and change:

...belief, and the routines of action based upon it, are repeatedly shattered; what has previously been a habitual, apparently automatic procedure of action is interrupted...our habitual actions meet with resistance from the world and rebound back on us. This is the phase of real doubt. And the only way out of this phase is a reconstruction of the interrupted context... If [the actor] succeeds in reorienting the action on the basis of his changed perception and thus continuing with it, then something new enters the world: a new mode of action, which can gradually take root and thus itself become an unreflected routine. The pragmatists therefore maintain that all human action is caught in the tension between unreflected habitual action and acts of creativity. This also means that creativity here is seen as something which is performed within situations which call for solutions, and not as an unconstrained production of something new without any constitutive background in unreflected habits.²⁰¹

If we interpret Joas' 'unreflected habit' as practices, we see a pattern that can help us to understand social change. Habit/practice → Shattering of habit → Creativity in solving to problem → New Habit/practice. However, we should also be careful not to mistake the shattering of habit and the ensuing problem situation as a brute fact, obvious to anyone looking at the situation. Joas credits Dewey with adding a wrinkle to pragmatism's underlying model:

He [Dewey] takes as his point of departure not a simple collision between habitual action and reality, but rather the diffusely problematic quality of an action situation as a whole, which must first be recognized as problematic by the actor himself... And it is this definition of the problem that determines the direction in which the actor will look in order to find solutions.²⁰²

²⁰¹ Joas, *The Creativity of Action*, 128.

²⁰² *Ibid.*, 131.

In other words, any crisis or problem that arises in the practice of drawing conceptual boundaries cannot be defined *a priori* as would be the custom in a rationalist explanation. It can only be defined in the situation by the actor(s) involved. Until it is defined as such it does not exist. Therefore, it is possible that in an identical situation happening to a different set of actors the problem would not be identified as a problem at all, a new problem would be focused on, or the problem would be identified in a similar but still divergent manner. As a consequence, the future courses of action would be different and the ‘solution’ or ‘adjustment’ would end up being different. There is no single answer to piracy or even to golden age piracy. It depends on how the problem or crisis is recognized and defined in the situation. This is especially true when problems are defined by aggregates like societies or states; there is always room to frame the problem and therefore create possibilities for solutions. This is why we need to focus on the role of narratives in divining how violence produces threat. It is only through the understanding of those whose habits have been shattered that we can tell a) if habits have been shattered, b) in what ways they have been shattered, and c) the meaning of this shattering. All of this is only intelligible by looking at narratives.

Here, it is important to spend a bit of time differentiating this approach from a rationalist one. Is this not simply a case of adaptation and instrumentality? Of actors choosing the best possible solution when faced with a problem? The answer is that to a certain degree there are elements of each but they by no means fully or even accurately describe the ‘model’ presented here. Two reasons are covered in the discussion above: creativity and the contextual nature of the crisis. The options chosen are not selected from of a pre-determined list of possibilities as they are in rationalist models; they are

instead cases of true agency, creative selection of new things being brought into the world. Rational choice models that select a few options for actors (cooperate/defect, yes/no/abstain, etc.) can be useful in certain situations but they do nothing to further studies where the payoff is novelty. Similarly, in most rationalist models the ‘crisis’ or problem is one that can be outlined ‘objectively’ from outside the situation. However, as discussed above, such an assumption does not hold in this model and may not be useful in most instances.²⁰³

However, the real difference is in the focus on a situation. While this may make it look similar to the ‘game’ metaphor commonly used in rational choice models, in fact this is what makes it so different. Here ‘situation’ can be seen as ‘situated’. This is why creativity and crisis recognition are so important because one can only see the crisis if one is immersed in the situation, the broader context. Context creates the actors as they exist in a specific time and place. It helps us to understand action, its consequences, and its meanings. This is why such an emphasis is placed on narrative in this chapter, any violent action whether terrorism, murder, rape, or piracy is best placed into a ‘situation’ if we as social scientists want to understand its consequences and causes. Rationalist models, on the other hand, presume generalized situations and they are not context dependent. The approach in this study is not about ‘interaction’ between preconceived actors but instead ‘transaction’ between continually recreated and re-inscribed actors.²⁰⁴

This can be seen in Dewey’s claims about the goals that actors have. Across numerous works, Dewey puts forth a theory that means and ends are not as self-evident as they may appear to be, with the exception of situations he refers to as “work”, where

²⁰³ For more critiques along these lines see Festenstein, “Pragmatism’s Boundaries”; Onuf, *World of Our Making*, 258–262.

²⁰⁴ Dewey and Bentley, *Knowing and the Known*.

goals are externally set. Typically, he states that goals are not set when action begins but become more clear only as we choose the means of our actions. In the words of Hans Joas, “Only when we recognize that certain means are available to use do we discover goals which had not occurred to us before”.²⁰⁵ In other words, goals are not something pre-set; they come about as we discover the means of action that are available to us in any particular situation. Human action can only partially be understood in conditions with externally set goals, as it tends to be in rational choice models. There are situations where the goals themselves develop depending upon what the actor is experiencing in that situation. While Dewey calls these situations “play”, they happen to form the backbone of many of the most important political actions and processes, including the perpetuation of the state in moments when it is threatened.²⁰⁶

In the empirical chapters ahead we will see this process in action. For instance, in the case of propagandists in Chapter 5, it is hard to argue that instituting passports was the goal of state response to the threat. It was not an option that could be chosen from a list. Instead it is something that became available as the situation played itself out. This is the creativity of the process. It is not that passports had never been thought of. They had been used in the past and were currently being used in Russia and the Ottoman empire, but their universal use for the purpose of closing off borders in early 20th Europe was something entirely new. The goal develops as the situation unfolds, giving creative action its impetus. The same can be said of the solutions currently being worked out for the GWoT. The idea of collecting bulk data to track and identify terrorists had been

²⁰⁵ Joas, *The Creativity of Action*, 154.

²⁰⁶ For more on this aspect of Dewey’s thought see Dewey, *Democracy and Education*; Dewey, *Experience And Nature*.

thought of in the 1980s and experimented with in the 1990s.²⁰⁷ However, it was not until after 9/11 and the introduction of the GWoT that this became a major part of counter-terrorism policy and the boundaries it is drawing as a result are new.

To this point, I have spoken rather abstractly about the relationship between sovereignty and revisionist violence through the lens of a pragmatist view of action. However, in order to begin putting together the historical narratives that form the empirical portion of this study, we need to start ideal typifying the ‘mechanisms’ that can help us to identify and understand this phenomenon. They are split up into two processes. The first of these processes is called ‘shattering’; it includes the mechanisms ‘legibility/illegibility’, ‘crisis production’, and ‘retrenchment’. The second process is called ‘re-inscribing’; it includes the mechanisms ‘creative action’, ‘boundary drawing’, and ‘authority swap’. It should be noted that there is no necessary chronological order to these mechanisms within each process as many are happening simultaneously. Creative action can draw boundaries as part of an authority swap; there is no reason why these must be viewed as steps with one happening after the other. Instead they are analytically distinct, capturing discrete parts of action that are separated because of their ‘situated’ meaning, allowing us to gain analytical leverage on a messy reality.

Shattering

Each of these mechanisms will be taken in turn, starting with the three mechanisms contained within the process of ‘shattering’, a process through which the unreflected habits, or practices, of political actors are thrown into flux. This process

²⁰⁷ Harris, *The Watchers*.

helps us to understand the context in which the creative action that redraws boundaries is made possible.

Legibility/illegibility

In many ways, the onset of the crisis (see the next mechanism) starts with a lack of understanding and recognition. In Chapter 2, I briefly introduced James Scott's concept of 'legibility' in arguing that attempts to make citizens and society legible in the modern era meant drawing boundaries. Scott operationalizes this concept of legibility as attempts, "to arrange the population in ways that simplified the classic state functions."²⁰⁸ In other words, actions, people, and processes are legible when they can be made sense of within a particular conceptual map. Legibility, however, was not simply the process of the state learning more about its citizens and territory in the form of accumulated knowledge. To Scott, these attempts "represented only that slice of it [society] that interested the official observer."²⁰⁹ Since legibility is dependent upon the interests and goals of those making society legible, there must also be actions, people, and processes that are then illegible. Thus we have the dying of German forests after their reconstruction for timber productions, the misery of Mao's Great Leap Forward, and the problems with geometric cities. Actions, people, and processes that are illegible are those that make little sense within the current conceptual maps of those acting in the world. The actions in each of the cases in this study were illegible to states due to the contemporary boundaries of the state in that time and place. This can happen in numerous ways but two patterns are worth highlighting. First, contemporary boundaries can be used against the state, denying them necessary tools and even facilitating the

²⁰⁸ Scott, *Seeing Like a State*, 2.

²⁰⁹ *Ibid.*, 3.

actions of those perpetrating violence.²¹⁰ For instance, golden age pirates were able to take advantage of boundaries that left Atlantic colonies outside of the state by exploiting local markets for pirated goods and basing themselves on ungoverned land. So long as this boundary existed pirates would always have these advantages. In this manner, contemporary boundaries are complicit not only in the violence but also in the threat being perceived.

Second, contemporary boundaries can make the claims and narratives of those perpetrating violence illegible. This can be clearly articulated in the case of al Qaeda. I argue in Chapter 6 that al Qaeda's mission is one of metaphysical politics; a plane where Muslims, Christians, Jews, and others reside divorced from materiality and geographical locale.²¹¹ This is a form of politics which makes little to no sense in a world of geographically bounded entities, hence the debates over what exactly al Qaeda is after following 9/11. Both of these manifestations of illegibility work to create a crisis and frame violence as revisionist. Contemporary boundaries deny tools to states in these cases and reinforcing them may even prove counterproductive. They also obscure the claims and narratives of those perpetrating violence, making it harder to figure out what is going on. Finally, it should be noted that there is no reason why this mechanism must be tied to revisionist violence. Illegibility need not create a crisis and other types of narratives may also be solved with new boundaries, for instance when the drawing of a border creating a new state leads to the end of a secessionist movement. However, one could characterize this entire process as an attempt to make illegible violence legible so that it can be dealt with. In fact, it could be argued that success in each case below

²¹⁰ For Lowenheim, both predators and parasites do this but only predators create major threats for great powers. Lowenheim, *Predators and Parasites*.

²¹¹ For similar arguments see Devji, *Lanscapes of the Jihad*.

revolved around making the threat legible, albeit in different ways. Piracy did not go away after the end of the golden age of piracy – it just became a manageable criminal problem. Neither assassinations nor anarchism disappeared after the bombings stopped but they became decoupled. It is highly unlikely that terrorism will ever disappear and ridding the world of all jihadists is implausible. But in each case, the threat became (or in the case of al Qaeda is on the way to becoming) something that can be made sense of within the system, i.e. legible.

Crisis production

Violence characterized by illegibility tends to create crises for states. If violence cannot be made sense of there is no way for the state to control, repurpose, or defeat it. Since this illegibility is dependent upon those boundaries that construct the state, illegibility goes a long way to determining a crisis. However, exactly what this crisis entails can only be decided in case by the narratives developing around that particular episode of violence. This is because each one attacks a different part of the state and the state system, something that is important in that time and place but is not timeless. For instance, piracy's attack on the slave trade acted as an attack on the mercantilist system of early 18th century in a time when the state legitimated itself through the fostering and production of trade. It would be a fallacy to conclude that episodes of violence that disrupt trade lead to the type of crises triggered by the golden age pirates. This attack only creates this type of crisis for the state as it was manifest in the early 18th century Atlantic. We can observe the onset of a crisis through state reaction and the correspondence of state leaders and how they are casting the dangers of a particular episode of violence while remaining aware of the context of those actions. Remember

Dewey's claim that the problem situation is only created by those experiencing it; crises cannot be determined outside the situation in which they develop. As mentioned above, boundaries can be important for violence and yet still not create a crisis. This is, therefore, an important mechanism in understanding how violence can shatter boundaries and force states to redraw them.

*Retrenchment*²¹²

This is not an absolutely vital step. It is entirely possible for the two previous steps to 'shatter' a boundary and lead to the creative action of drawing a new boundary. However, this step is observed in all three cases below and may be a signal as to the importance and habitual nature of a particular boundary. Retrenchment is a mechanism through which states immediately respond to the types of crisis listed above by attempting to reinforce or 'double down' on a current boundary. In the early 18th century, this meant the issuing of pardons which mirror the letters of marque of the 17th century and using convoys and large men of war to attempt to drive pirates out of the sea. At the turn of the 20th century this meant trying to clamp down on all anarchist activity, no matter the intent, in the hope of crushing the entire strain of thought. In the early 21st century this meant responding to al Qaeda by invading two states, one of which had a very tenuous connection to the aforementioned group. In each case, the early response was to double down on a boundary which is making violence illegible. This is a sign that it is hard for states to begin thinking about new boundaries because they are part of the 'conceptual maps' of those governing the state. Many times, there is recognition of the situation as something new and yet retrenchment is still the response. In all three cases, it

²¹² The traditional definition of this word is 'a curtailment of expenses'. This is not the conception that I attempt to capture. Another definition, 'entrenchment – providing for defense with a trench – consisting of an additional interior fortification to prolong the defense', better captures my use of this word.

is only after reinforcing the failing boundary that it is truly shattering to those whose actions draw and maintain it.

Re-inscribing

This is the process through which states come to grips with the threat and form creative solutions to pragmatic problems. Essentially this is the back end of Joas' pragmatist model for social action. It is how states make revisionist violence legible. It includes three mechanisms: Creative Action, Boundary Drawing, and Authority Swap. While the mechanisms in the first process above tend to appear chronologically with some overlaps, each of the mechanisms in this process are best understood as analytically distinct parts of simultaneous actions. However, it is important to retain these analytical distinctions as they each capture aspects of state action with different consequences.

Creative action

Since the boundaries that constitute the state are constructed through practice, the shattering of a boundary has the potential to lead to creative action, to, in the words of Hans Joas, 'bring something new into the world'. Since a shattering of a boundary means that a particular conceptual map no longer helps its holders navigate the world, a new one must be drawn up. In order to be 'new' this map must include boundaries that had, up until this point, been unthought-of. This does not mean that every part of the actions taken to defeat revisionist violence have no historical antecedents. In fact, solutions depend heavily upon both the constraints and possibilities of previous experience and concurrent habits. Rather, they create realms of state action that, prior to the shattering, were not a part of the conceptual map.

That the Atlantic Colonies were a part of the state, as opposed to international holdings of the crown, was new and creative even if some aspects of the policies had historical antecedents. There were passports in the past, but the idea that the state would be able to give everyone who traveled a passport and therefore be able to control who and what entered and left their borders was unthought-of in the late 19th century. That the state today would have the ability to track people across their own borders and sift through large amounts of metadata without specific court orders was not thought possible and therefore it was not something where the state had an authority claim. Each action is creative, not because its components are new, but instead because the context and use of those elements are new as the state creates novel realms for its authority even as old ones die.

It is important here to take some time to discuss how these actions are undertaken. It is argued here that this creativity is unlikely to be centrally planned or discussed. After boundaries are shattered there is a period of trial and error where those combatting the threat search for what fits into an ever-changing definition of success. This is the environment from which creativity springs, not a centrally planned process where a new strategy is implemented and meets pre-determined measures of success. This follows the definition of the state as a practice constituted out of nothing more than the boundary-drawing actions undertaken by particular actors. If the state is no more than a practice, then it is actions from a variety of actors that compose it not always a center undertaken carefully sorted out plans. In fact, these actions can change the composition of elites whose actions draw boundaries and therefore hold power within a state. However, it should be mentioned here that in each case I will refer to 'the state' or a specific state

(UK, US) to denote what is actually a less centralized action. This is done for expediency necessary from the contrast behind a relational ontology and a language that doesn't naturally incorporate such ontology.

This can be demonstrated in each case. Colonial correspondence shows that the fight against golden age piracy was conducted largely by colonial governors, merchants, and others in the colonies as it was in London even if certain actions, such increased control over colonial governance, were undertaken centrally. While passports needed to be centrally instituted and there is a record of international deliberations on this topic, the databases that made it possible were created by police departments trying different tactics to see what worked. There many tactics, ranging from ineffective data collection techniques to brutality that did not find success during this time. Allowing the anarchist idea in the public sphere only occurred to France, for instance, following the failure of the Trial of Thirty, certainly not a planned event. Finally, while the use of drones and the collection of bulk data have been conducted centrally, they were first undertaken by particular sections of a large government bureaucracy alongside other policies that have since fallen by the wayside. Both innovations were undertaken not by central directive but instead by particular parts of the government given the leeway to innovate in response to the threat. It was only with the success of targeted killing and a particular data collection and analysis system (it wasn't the only one) that they became standard.

Boundary drawing

In many ways it is hard to make an empirical distinction between boundary drawing and creative action for the cases that follow. In each case, the creative action has the effect of drawing new boundaries of sovereign authority. Therefore, they are one and

the same. But there is an analytical distinction here. Of course, there are certainly situations where creative action will not draw boundaries. This is important in the development of mechanisms that can provide us with analytical generality, enabling us to travel from case to case, project to project. Similarly, the drawing of a boundary is in many ways not purposeful in that those drawing said boundary are not undertaking creative action with boundary drawing in mind. They are undertaking an action to relieve themselves of a threat, but they are put into a situation in which doing so draws a new boundary. Therefore, we should be utilizing an analytically distinct mechanism of 'boundary drawing' in order to fully understand and make sense of the cases that follow in this project. Creative actions become boundaries when they meet success and are habituated. Therefore, success is an important part of each story but it is important to stress that success is something that has a tendency to be a moving target in such instances. I will revisit the idea of success in each case and how it was not simply getting rid of pirates, anarchists and terrorists – these goals were not reached – in the conclusion. Since the boundary is still being drawn, I also discuss success in the GWoT in some depth in Chapter 6.

Authority swap

By 'authority swap', what is meant here is that in each case states not only gain new authority claims, say over big data, their own colonies, or their borders but they relinquish effective control over something as well. For instance, the pirate case in Chapter 4 is not simply the story of the state gaining more control over colonial territory but also how it gave up direct control over the sea, beginning the process of moving it to an open space. Boundaries are not simply about authority claims but also spaces where

no authority is claimed. As described in Chapter 2, they create inside and outside, foreign and domestic, public and private, etc. While new boundaries mean new areas of control, they are also very likely to include old areas of control that are now outside of the purview of the state. Since boundaries demarcate outside as much as inside, the process of redrawing boundaries and re-inscribing the state necessitates authority claims that are abandoned as much as it necessitates those that are gained. Much of this means coming to grips with new realities such as the disjuncture between public brutality and a mass media able to cross boundaries in the late 19th century or the ability for people, goods, and ideas to cross boundaries in the 21st century.

Conclusion

After building a theory of sovereignty as practice of drawing, redrawing, and maintaining boundaries around political authority and the state as the polity that results from these practices, we move in this chapter to the way(s) in which violence interacts with these boundaries. Taking a relational approach that focuses on the narratives that develop around episodes of violence, it is argued that different narratives are how challenges, threats, and opportunities are constructed. In this chapter, I have created four ideal-typical narratives between violence and sovereignty: entrant, resource, criminal, and revisionist. It is the last of these that is the focus of this study, because it helps us to understand how the states draw and redraw boundaries and pushes us into thinking about the future of the state in a world of increasing global processes. Revisionist violence provides a direct challenge to states, many times openly challenging their authority and existence. However, it is only through the recognition of these challenges as such that they become real threats. Episodes of revisionist violence like the golden age pirates,

propagandists, and al Qaeda, all take advantage of existing boundaries and force states to redraw them if they wish to alleviate the threat.

The second part of this chapter attempts to create ideal typical mechanisms through which we can understand this process. Here, I talked briefly about the importance of practice and habit, drawing on practice theorists both inside and outside of IR. Drawing on the work of social theorist Hans Joas, I develop a process of Habit/practice → Crisis/Shattering of habit → Creativity in solving problem → New Habit. In the context of understanding threats to the existence of the state through violence, I develop two processes, each with three mechanisms. The first process is ‘shattering’ and includes the mechanisms legibility/illegibility, crisis production, and retrenchment. It helps us to understand how habit is shattered and the space is created for the drawing of new boundaries. The second process, ‘re-inscribing’, includes the mechanisms of creative action, boundary drawing, and authority swap. It can help us to understand how boundaries are redrawn in each case in order to perpetuate the state, albeit in a revised form.

These ideal typical instruments – sovereignty as the practice of drawing boundaries, the state as the polity constructed by these boundaries; narratives of revisionist violence; the processes of shattering and re-inscribing – will be used to structure the cases that follow. The chapters are written as narratives and are largely chronological. They are structured using the two processes outlined in this chapter. Further exploration of the relevant boundaries and evidence of narratives of revisionist violence are folded into the story. We start with the golden age of piracy, which took place in the Atlantic in the aftermath of the Treaty of Utrecht.

Chapter 4: **The Golden Age of Piracy and the Creation of an 'Atlantic World'**

This chapter is the first of three historical narratives meant to demonstrate how a boundary was redrawn in the process of combatting revisionist violence. In this case, the ideal typical boundary to be interrogated is one created in the early modern colonial period that marked 'Europe' or the 'domestic' off from the 'Atlantic colonies' or the 'international'. This boundary was drawn through a configuration of six practices: 1) direct protection of ships on trading lanes claimed by a state, 2) warfare over trading lanes, 3) the use of privateers to attack rivals during nominal times of 'peace' in Europe without warfare ensuing, 4) economic patterns of extraction, 5) the enforcement of 'no peace beyond the line', and 6) low levels of involvement in colonial governance. There are, of course, many other things that went into colonial governance during the period which remained static, but those above drew a distinct boundary between different types of political authority that can be used to explain what was happening in colonial America up until the end of the 17th century. By the middle of the 18th century, this ideal typical boundary no longer helps us to understand what is going on.

This is where the argument of this chapter, and indeed the entire project, lies. The golden age of piracy acted as a site for the drawing of a new boundary through new practices. Each of the next three chapters is structured in the manner shown here. The rise of mercantilist trade, in place of extraction, as the chief economic value of the Atlantic colonies towards the end of the 17th century ended some of the practices listed above while others persisted, leaving the line largely intact but creating tensions in colonial rule. This boundary was exploited by pirates (illegibility), resulting in a crisis of

trade and state legitimacy (crisis production). Early in this process colonial states attempted solutions that only reinforced the current boundary (retrenchment, completing the process of shattering), however they soon either changed or abandoned each of the six practices listed above for new ones (creative action). This had the effect of redrawing the international/domestic boundary (boundary drawing) so that the Atlantic colonies were brought into the domestic sphere while the sea was left outside (authority swap, completing the process of re-inscribing).

What follows is focused largely on the threats to, and response of, England. This makes sense in this case for two reasons. First, England had become the dominant actor in the Atlantic by this time and therefore had the most to lose from piracy and the most to gain by its demise. This is especially true as the center of the Atlantic shifted north at the outset of this period because much of the economic value lay in English hands as opposed to French or Spanish. Second, most of the pirates of this period were English and most used the English government as their rhetorical bogeyman. None of this means that piracy was not a major problem for the French, Spanish, Portuguese, Dutch, or any other European power with colonial holdings in the Atlantic. It most certainly was and all will be mentioned along the way as there is no attempt to exclude the experience or response of these colonial powers. However, due to its prime position, England gives us the best demonstration of what happened.

Who Were the Golden Age Pirates?

Before getting into the narrative, I want to take some time to define the golden age of piracy. What and when was the golden age? What are its characteristics? What differentiates it from other “waves” of piracy? If piracy is defined as “the act of boarding

any vessel with intent to commit theft or any other crime, and with an intent or capacity to use force in furtherance of that act”²¹³ then it has undoubtedly existed since the beginning of maritime trade, if not before. Piracy as sea robbery was a real threat to merchant and naval ships throughout the early modern era. However, I claim that the golden age pirates created an unparalleled crisis for states because they were different from previous (and subsequent) waves of piracy. This distinct character is what makes them so significant and is something that much of the piracy literature in IR does not recognize. Heretofore, the literature has tended to collapse piracy and privateering, focusing on method or action (i.e. seaborne robbery) as opposed to the context in which that action takes place.²¹⁴

In addition to the buccaneers, corso indipendente, and Somali pirates – covered in Chapter 3 – the golden age can be differentiated from still more waves of piracy. In the 18th century, wartime privateering was very common but peacetime privateering and piracy were rare. The Barbary corsairs of the early 19th century claimed to be working for the principalities of North Africa but were cast as criminals by Europeans.²¹⁵ They effectively lasted as a serious threat until about 1820, when France invaded and colonized Algeria. Piracy was also rampant in Asia well into the 19th century. Large pirate confederations, such as those led by Koxinga, Cheng Yi and his wife Cheng Yi Sao, and Shap Ng Tsai, occasionally rose to prominence in the 18th and 19th century in the South

²¹³ “IMB Piracy Reporting Centre.”

²¹⁴ Colas and Mabee, “The Flow and Ebb of Private Seaborne Violence in Global Politics”; Salter, *Rights of Passage*, 16–24; Thomson, *Mercenaries, Pirates, and Sovereigns*; Puchala, “Of Pirates and Terrorists”

²¹⁵ Pennell, “The Geography of Piracy: Northern Morocco in the Mid-Nineteenth Century”; Tinniswood, *Pirates of Barbary*.

China Sea²¹⁶ while the entire period was also marked by petty piracy both in China and the Malay world.²¹⁷ The Malay pirates, similar to those in Somalia, in particular combine elements of criminal and entrant narratives where they were the defenders of local interests from foreign intrusion (in this case the British) while they were cast as criminals.

The golden age of piracy lasted from roughly 1690 to 1730, peaking between the years 1716 to 1726.²¹⁸ The pirates of the golden age differed from the previous and successive waves of piracy in more than just volume of plunder, because in some cases they were no more prolific. Golden age pirates were in no way beholden to the state; they did not act on its behalf. In fact the narratives of both the pirates and the English cast them as rebelling against it. Not only did they rebel against *A* state like the *corsos independente* did against Spain or Portugal but they rebelled against *THE* state, the form of governance itself and the type of control it engenders. They were not simply criminals looking for economic gain. They were social rebels arrayed against their society and the forms of power therein. This is what makes them so important and unlike previous or subsequent waves of pirates because other waves of pirates were not estranged from the state; in various ways, they were a part of the its fabric..

²¹⁶ Fox, *British Admirals and Chinese Pirates 1832-1869*; Murray, "Living and Working Conditions in Chinese Pirates Communities, 1750-1850"; Murray, "Cheng I Sao in Fact and Fiction"; Antony, *Like Froth Floating on the Sea*.

²¹⁷ Tarling, *Piracy and Politics in the Malay World*; Loyre, "Living and Working Conditions in Phillipine Pirate Communities, 1750-1850"; Anderson, "Piracy in the Eastern Seas."

²¹⁸ Rediker breaks this period up into two distinct periods. The first was that of the 1690s, when most piracy was based in Madagascar and the Indian Ocean had become the major playground. Second, is the period from 1716 to 1726, when the Atlantic was center stage. I am collapsing the two while recognizing the later period as the heart of the golden age. Rediker, *Villains of All Nations*; Sherry, *Raiders and Rebels*; Bialuschewski, "Pirates, Markets and Imperial Authority."

“No Peace Beyond the Line”

The purpose of Chapter 2 was to outline ideal typical conceptions of the state as a boundary-drawing polity and sovereignty as the bundle of practices that draw, redraw, and maintain boundaries of political authority. This is, admittedly, a vague definition bereft of specifics but it is designed to be this way. We should recall Dewey’s conception of the state and his statement that specifics are “things we have to go to history to discover”.²¹⁹ The exact nature of the ideal typical boundary that is interrogated in each case is something to be outlined in the context of that case.

The dynastic sovereigns of the 17th century treated Atlantic colonies as an international holding of the crown. This relationship developed in part due to the type of economic goods that the colonies provided.²²⁰ For the 16th century and much of the 17th century, the major value of colonies lay in their ability to fill the coffers of states with precious metals as directly as possible. Gold and silver were the most sought after property, prompting Spain’s incursions into South America and Mexico, where there was gold, rather than North America, where there was little. In order to protect the commodity chain from mine to court, states attempted to gain control over the seas directly by laying claim to trading lanes to and from colonial holdings. In turn, they tended not to be very involved in the everyday governance of their colonies, focusing more on those areas that were necessary for extraction. As a result colonial governors were given wide latitude of action, with control over non-trade policy in a colony, colonial courts which were not directly supervised by the imperial center, and the ability to commission privateers on their own authority. To some degree this makes sense since

²¹⁹ Dewey, *The Public and Its Problems*, 88.

²²⁰ Colonialism of this period was also characterized by a) religious zeal and/or b) freedom from religious persecution. These are other reasons why colonies were still ‘international’ during this period.

the colonists were often religious exiles. This does not mean they were independent as there was loose state control. However, governance over the day to day happenings of a colony (especially one without gold, silver or other valuable raw materials) was not of major concern to colonial states.

Sovereignty was being practiced, and was recognized, over the sea as if it could be expropriated as land had been, with states claiming and fighting over discreet sections of it. While there was still a distinction between sea and land, there were attempts to claim parts of the former *vis a vis* one's rivals as if it was the latter. Even those arguing for a 'freedom of the seas', such as Hugo Grotius, recognized that states could have jurisdiction over the sea. While Grotius argues against ownership of the seas for reasons of natural law in *Mare Liberum*, in *De Iure Belli ac Pacis* he argues that states had the ability, "to take Possession or Jurisdiction only over some Part of the Sea".²²¹ In other words, Grotius' arguments for free navigation of the seas were against ownership of and against jurisdiction over the entire sea, not against jurisdiction over some part of the sea. He was actually reinforcing standard practice through attempts to reform.²²² Since the major threats to states at sea were the activities of rival states, this situation, whereby the sea was split up into sections, made sense and became part of standard practice. It made so much sense, in fact, that fights over trading lanes proved to be a legitimate *casus belli*.

Warfare over trading lanes and extracted goods such as gold and silver was carried out in large part by privateers. At a time when states were not necessarily able to completely internalize violence in the form of standing armies, they "preferred to conduct

²²¹ Grotius, *The Law of War and Peace*, 466.

²²² See Benton, *A Search for Sovereignty*, 131–137.

foreign policy using private means”.²²³ The most famous pirates or buccaneers²²⁴ of this age were considered patriots. As mentioned in Chapter 3, Henry Morgan went beyond his ‘letter of marque’ to sack Panama City in a gruesome fashion. However, upon being captured and sent back to London for punishment, he was knighted and made lieutenant governor of Jamaica. It was common for privateers to go beyond their mandate to undertake unsanctioned actions, blurring the line between pirate and privateer. Buccaneers tended to raid with their fellow countrymen; in this period, a French pirate was based on Tortuga and an English one on Port Royal, Jamaica, etc. The general pattern was that privateers with the sponsorship of England would attack French, Spanish, and Dutch trading ships while privateers with French sponsorship would attack English, Spanish, and Dutch trading ships, etc.

This competition went beyond times of war, though it was expanded during periods of official hostility, to include times of peace. The use of privateers during peacetime was legitimized by the idea that, ‘there is no peace beyond the line’, i.e. peace agreed upon by states after wars on the continent did not apply to the colonial, international sphere. The New World was demarcated as an area separate from Europe, part of a ‘layered sovereignty’.²²⁵ The origins of the ‘line’ date back to the 15th century disputes over New World jurisdiction between the Portuguese and the Spanish. However, the identity and position of the line was and remains quite vague. It has been

²²³ Ritchie, *Captain Kidd*.

²²⁴ The term “Buccaneer,” derived from the French ‘boucanier’ or the Carib ‘Bukan,’ methods of preserving meat by smoking. It reflects early 17th century pirate origins as coming from a group of “French political and religious refugees...[who] eked out a living providing hides, tallow, and dried meat ...in exchange for guns and ammunition,” Thomson, *Mercenaries, Pirates, and Sovereigns*, 46.

²²⁵ Benton, *A Search for Sovereignty*.

argued that it is simply the Tropic of Cancer,²²⁶ the Tropic and a “prime meridian passing through Ferro in the Canaries” set at the Treaty of Cateau-Cambresis in 1559,²²⁷ and the Equator, among others.²²⁸ While there tended to be little official recognition about the placement of the line, its function was clear: what happened beyond the line was recognized to be “behind God’s back”.²²⁹

On one side of the line were the affairs of Europe, on the other were colonial affairs. In this situation, warfare could happen in the colonies without breaking out in Europe and vice versa. Despite being claimed by the same monarchs, what we see here are separate realms. These realms are conceptual and were not drawn consciously but evolved over time due to a series of practices. Competition over trading lanes, economic patterns of extraction, direct protection of ships carrying extracted goods, the use of privateers, enforcement of ‘no peace’, and low involvement in colonial affairs created this line. It was ‘the line’ that made piracy’s golden age so explosive and it was ‘the line’ that needed to be addressed in order to bring about the end of this golden age, transforming the state in the process.

The economic patterns of 16th and 17th century colonies facilitated a competition for raw materials in the colonies in the form of seizing, finding, and developing trade routes, ports, ships, and/or mines. However, as the 17th century progressed, colonies

²²⁶ Mattingly, “No Peace Beyond What Line?”

²²⁷ Ibid., 145.

²²⁸ Kenneth Steele argues that ‘the line’ became the equator with an exception for North America. He also points to the 50W meridian, the supposed line drawn up in the papal Bull *inter caetara*, signed by Pope Alexander VI in 1493, dividing the New World into Spanish and Portuguese spheres of influences. Steele, *The English Atlantic*; Benton, *A Search for Sovereignty*, 114 n.20.

²²⁹ Steele, *The English Atlantic*, 191.

came to be able to provide agricultural goods and even some manufactured ones.²³⁰ This created a demand for workers which was filled by the rising number of slaves available from Western Africa. Trade, not simply extraction, became the chief source of colonial value and, in many ways, the chief source of wealth out of the growing mercantilist economic system. Additionally, England's rise as a naval superpower meant that new colonies also came to the fore with North American tobacco and cotton, West Indian sugar, and West African slaves replacing Central and South American gold and silver as the goods of choice. This system was vital to the patterns of rule, warfare, and competition that characterize the 18th century territorial state.

However, as economic and colonial interests changed, patterns of colonial rule were slow to adapt. There is little reason to assume that, in a vacuum, 17th century boundaries would have had to change, or change in the manner that they did, simply because of new economic patterns. While the mix of new economic patterns and old patterns of colonial rule created the structural conditions needed to spark change, it did not determine the change to come. However, it created tensions that were critical to piracy's golden age. A change in the colonial economy from extraction to trade combined with patterns of colonial rule during this period created space for pirates to thrive, making their actions and demands illegible to colonial states. This becomes important as colonial governors and those in London tried to look for ways to make sense of this wave of piracy. As will be seen later it was not until the pirates could be made legible, until their demands and their actions made sense within the boundaries of

²³⁰ Much of this change happened in the Atlantic. Eastern colonies such as India provided luxury goods and therefore were not as important economically as western colonies. Black, *Eighteenth Century Europe*; Stern, "British Asia and British Atlantic".

sovereign authority that colonial states were able to defeat them. This will be covered in subsequent sections.

Trade functioned best in peace and it became harder and harder for states to justify continued warfare ‘beyond the line’ to other states, to merchants who brought wealth, and to their own treasurers. Attempts to enforce peace beyond the line started in the middle of the 17th century with states allowing for a grace period of enmity of nine months after a peace treaty had been signed (which did not stop Morgan’s sacking of Panama). However, it was not until the 1670s that England began to tell colonial governors that they could not undertake measures of war without London’s blessing and until 1689 for all West Indian governors to be barred from issuing ‘letters of marque’, though the practice continued.²³¹ Of course, privateering was still used extensively by European states in wartime well into the nineteenth century.²³²

These attempts created nearly perfect working conditions for pirates. A lack of even attempted control over much of what was claimed as colonial land gave pirates a series of bases from which to work in Madagascar, the Bahamas and other small Caribbean islands, and the many capes on the Carolina shore. As Rediker puts it, “The sailor knew...the Atlantic was a big place, that the empires were overstretched...these circumstances created openings from below”.²³³ It also provided pirates with markets for their goods. Throughout the 17th century, pirates and privateers alike found welcome buyers in Atlantic colonies, especially in North America. One English official remarked

²³¹ See “Measures for the Suppression of Piracy” doc 643 in Labaree, *Royal Instructions to British Colonial Governors*; Steele, *The English Atlantic*. For an example of uneven enforcement Archibald Hamilton gave out letters of marque to privateers under the guise of ‘fighting piracy’, see PRO ADM 1/1471 and PRO CO 137/11.

²³² Thomson, *Mercenaries, Pirates, and Sovereigns*, 24.

²³³ Rediker, *Villains of All Nations*, 24.

that, “The Pirates themselves have often told me that if they had not been supported from the traders from thence [New York, Pennsylvania, and Rhode Island] with ammunition and provisions according to their directions, they would never become so formidable, nor arrived to that degree that they have”.²³⁴ This was not a major problem to colonial states so long as these privateers were serving their interests. Once peacetime privateering was no longer useful, the openness of colonial markets to pirate goods became a problem as it gave these pirates an outlet to get rich off what was now illegal plunder.

A common reason given in the historiography for the rise of golden age piracy was the end of the War of Spanish Succession in 1714 and the drawdown of naval forces following the Treaty of Utrecht. This follows with an economic view of piracy as being determined by supply and demand. After the war, the English navy went from roughly 50,000 sailors to around 15,000, creating a large group of men with sailing experience and no work. A number of early pirate captains such as Henry Jennings and Benjamin Hornigold were former privateers, who, while willing to attack French and Spanish ships illegally, refused to attack English ships. This has led some IR scholars who have dealt with piracy to focus on the link between privateering and piracy as a major causal claim.²³⁵

That said, however dire the employment situation was among those with sailing experience, many pirates were not involved in the war. While the numbers above show an influx of 35,000 unemployed sailors, Rediker estimates that only about 4,000 or 5,000 men went ‘upon the account’ during the entire period, and only 1,500-2,000 in the years 1716-1718, which is when one would expect the influx of unemployed from the recent

²³⁴ PRO CO 23/1, f.47

²³⁵ Colas and Mabee, “The Flow and Ebb of Private Seaborne Violence in Global Politics”; Thomson, *Mercenaries, Pirates, and Sovereigns*.

war to be at its highest. Pirates tended to derive from two different sources. One early source of pirates was a group of ‘freebooters’ who started diving for sunken Spanish gold ships off the coast of Florida in 1714-1715. In fact, Jennings and Hornigold used Jamaican commissions as a cover to dive on the wrecks.²³⁶ When the gold dried up, they found themselves outside of society and willing to start attacking ships.²³⁷ As the golden age wore on, pirates also tended to come from captured or mutinied ships. With these two facts in mind it becomes hard to justify that it was the end of the War of Spanish Succession and the use of privateers therein which caused the golden age of piracy. Where the war does seem to have causal power is in its importance to the sequencing of events. First, the understanding at Utrecht was that it would set up a “lasting peace in America”, making it safe for trade.²³⁸ Pirates stood in the way of this goal. Second, without the war, piracy would have been squelched earlier with the lessons of Captain Kidd (see below) and others fresh in the minds of those in authority. The war gave a kick start to the age, but it did not define it.

While the war of Spanish Succession and the use of privateers therein played a small role, the major causes of the golden age of piracy were the change to a mercantilist economy in the Atlantic and patterns of rule that had yet to catch up with this new reality. The combination of the growing importance of trade and methods of colonial governance created for the era of bullion produced favorable structural conditions for piracy. Pirates of the golden age rebelled against their society as political actors while using common practices of that society against it: as long as the line itself existed so would the pirates.

²³⁶ “...their design, as they said themselves, was upon the wrecks. They went to sea, and in a shorter time than could be expected, return’d again with a considerable sum of money” from the letters of Capt. John Balcher PRO ADM 1/1471, f. 14.

²³⁷ Bialuschewski, “Pirates, Markets and Imperial Authority.”

²³⁸ Savelle, *Empires to Nations*, 122.

The line gave them shelter, open markets, and made them illegible to the point that attempts to defeat them were futile. This is important as we will see below how attempts to defeat piracy by using tools provided by a world demarcated by ‘the line’ only made the problem worse.

“Committing Depredations and Acts of Hostility”

The construction and recognition of piracy as a crisis began in the East Indies at the turn of the 18th century and grew out of the practice of privateering. The saga of Captain William Kidd demonstrates this transition and the competing narratives over piracy at the turn of the 18th century. Kidd, a renowned privateer from King William’s War,²³⁹ was a captain who took a commission from the English king to capture pirates and attack French shipping in 1696.²⁴⁰ While on his mission, he performed largely the same actions he had on previous commissions, even going beyond his ‘letter of marque’ to attack merchant shipping. He soon discovered that his actions had been termed ‘piracy’ while he was at sea. One of the ships he captured, the *Quedah Merchant*, was owned by Abd-ul-Ghaffur, an important figure at Indian Mughal Aurangzeb’s court and therefore a powerful man with the East India Company (EIC). Kidd soon became the unsuspecting poster boy of the EIC’s campaign against piracy. Kidd learned of his predicament while still at sea and decided to return to New York, where his former financier Richard Coote, Earl of Bellomont, had been made governor.

However, upon Kidd’s return, Bellomont, whose faction in London had fallen out of favor, turned him in as part of his new anti-pirate mandate. Bellomont told Kidd, “I set myself a rule never to grant a pardon without the King’s express leave or

²³⁹ CSPCS 13/789

²⁴⁰ For a copy of the letter of marque see PRO HCA 25/12. For a copy of the registration of his ship, the Adventure Galley see PRO HCA 26/13.

command.”²⁴¹ Kidd left London as a respected privateer and returned five years later as a pirate who was destined to hang in chains. The actions which had been undertaken to gain rival specie in the late 17th century had come to be seen as detrimental to trade and English interests by the early 18th century.²⁴² Henry Morgan strayed from his letter of marque and was knighted. Just a few decades later Kidd did the same and was hanged. The buccaneer narrative of the 17th century no longer defined these actions and was being replaced by a new narrative where the pirate was ‘hostes humani generis’.

Kidd’s successors in the Atlantic accepted this framing and created a crisis in colonial governance and trade in the first quarter of the 18th century. The presence of pirates was not itself the crisis; the crisis or problem must be defined as such by the actor or actors experiencing the ‘shattering’. Piracy proved a test to state authority and economic well-being, challenging the rights of property that underpinned the emerging system of mercantilist trade. If the state could not protect property rights, its utility to those it claimed to rule would dwindle significantly. The disruption to trade took money directly out of state coffers in the form of stolen treasure. It is estimated that roughly 2,400 English ships were taken between the years 1716-1726 by pirates, more than the privateering ventures of any state during the recent war without the concurrent gain in privateering booty as an offset. The triangular slave trade, crucial to colonial agriculture and state power,²⁴³ was interrupted repeatedly by pirates to the tune of £204,000 worth of damage to the English slave trade in 1720 alone at a time when the average outlay of a venture was £3,000.²⁴⁴

²⁴¹ PRO CO 5/860 f. 165

²⁴² McDonald, “‘A Man of Courage and Activity’”

²⁴³ Brewer, *The Sinews of Power*.

²⁴⁴ These figures are taken from Rediker, *Villains of All Nations*.

These losses were not offset by compensating captures which was the case during the war or during the 17th century, nor do these numbers reflect losses to French or Spanish shipping. On top of this, pirates proved apt at concentrating their attacks. Blackbeard halted shipping to and from Charleston for more than a week in 1718 in response to the capture of his former shipmate Stede Bonnet;²⁴⁵ Black Bart Roberts paralyzed trade to the West Indies in 1721 and took an £80,000 prize off the coast of Brazil.²⁴⁶ The Grand Banks Fisheries off the coast of Newfoundland were assailed, losing more than 50 English and French fishing boats in 1720.²⁴⁷ Philadelphia had its entire trade halted for a week in 1722. Virginia and Maryland merchants complained that in 1717 pirates had cost them £300,000.²⁴⁸ At the very least, golden age pirates proved adept at paralyzing trade into or out of any particular port, creating a sense of terror among the authorities.

This contributed to a period of stagnation in trade. 1720 had the lowest volume of slaves shipped during a year of peace. Historian Marcus Rediker points out, “there was zero growth in English Shipping between 1715 and 1728, a prolonged period of stagnation between extensive periods of growth”.²⁴⁹ This is borne out in Table 4.1 below:

²⁴⁵ CSPCS 30/730 f. 366

²⁴⁶ Bialuschewski, “Pirates, Markets and Imperial Authority”; Rediker, *Villains of All Nations*.

²⁴⁷ Pritchard, *In Search of Empire*.

²⁴⁸ This claim may be an exaggeration as there are no other numbers to back it up. However, one may be able to come to this conclusion when thinking beyond ships that were captured and instead about the knock-on effects to trade. PRO SP 42/123, 1717

²⁴⁹ Rediker, *Villains of All Nations*.

Table 4.1²⁵⁰

English Trade (000 Tons) Entries and Clearances 1686-1779						
Year	Entries			Clearances		
	Total	England	Foreign	Total	England	Foreign
1692-3	177	70	107	181	89	92
1693-4	201	95	106	143	74	69
1696				175	92	83
1697				245	144	101
1699-1701				338	294	44
1700-1702				290	244	67
1709				318	274	44
1710				311	244	67
1711				324	266	58
1712				356	327	29
1713				438	412	26
1714				479	445	34
1715				426	406	20
1716	349			456	439	17
1717	347			429	414	15
1718	369	354	15	445	428	17
1723	393			420	393	27
1726-8	421			457	433	24
1730		422				
1737		404				
1744		269				
1751	480	421	59	694	648	46
1758	413	283	130	526	427	99
1765	693	568	125	758	690	68
1772	780	652	128	888	815	73
1779	710	482	228	720	581	139

While the data above is admittedly spotty some trends can be discerned. First, we see that the trade numbers in each column tend to grow or decline in correlation with the others, years with high entries tend to be years with high clearances, etc. Second, looking at total clearances, we see a small boom in 1713 as the War of Spanish Succession was winding down. However, from about 1715 until the data fades away in 1726-28, we see a leveling off, then much higher numbers in the middle of the century. Finally, if we look at English Entries, we see growth between 1718 and 1730/1737. Putting these three trends together it stands to reason that trade leveled off during the golden age of piracy.

²⁵⁰ Davis, *The Rise of the English Shipping Industry*, 26. Entries are goods entering port through customs, Clearances are those leaving.

While certainly piracy was not the only cause of this lack of trade growth, the evidence mentioned above would seem to argue that it played its part. However, even if it was not the case that piracy played a role in the stagnation of trade, the lack of trade growth itself may have deepened a sense of crisis which, combined with the aforementioned widespread piratical activity, forced the state to define piracy as a crisis and take action accordingly.

Piracy also threatened to tear apart the peace that was recently agreed to at Utrecht. For this reason, Hornigold and Jennings ‘patriotic’ decision to only attack Spanish and French ships was actually a major problem for the English.²⁵¹ The problem got bad enough that the Lt. Gov. of Virginia, Alexander Spotswood, complained that pirates were “committing depredations and acts of hostility upon the Spaniards and other nations in amity with his Majesty,”²⁵² while one Spanish official claimed that such acts were “deviating from the publick faith”.²⁵³ These attacks took place at a time when the Spanish were seen as a major problem in the Bahamas and elsewhere,²⁵⁴ eventually leading the English into the War of the Quadruple Alliance in 1719.²⁵⁵

Pirates were not simply an economic problem; trade was viewed as a major arm of statecraft. It became a major area of competition and was used to fill state coffers and pay off the debts incurred during almost constant warfare. Colonies, especially in the Atlantic, had become prized for trade. This is an era in which the state and the economy were intertwined and had yet to be separated as they would be after the rise of free-trade

²⁵¹ PRO CO 23/13 f.53; PRO ADM 1/1471 f.14

²⁵² PRO CO 5/1317 f.249

²⁵³ PRO CO 137/11 f.105 for quote, see f.92-109 for correspondence on this issue.

²⁵⁴ PRO CO 5/1317, f. 245-6; PRO CO 137/11, f. 47

²⁵⁵ This way led to the commissioning of privateering to fight against the Spanish and may have damaged early progress in the fight against piracy, PRO SP 42/123, 1 Jan 1719. However, many pirates also took Spanish commissions just to spite the English, Earle, *The Pirate Wars*, 206.

capitalism a century later. In addition, pirates proved a challenge to state authority. They developed an egalitarian society full of adventure, riches, and merriment. The next section demonstrates how they proclaimed themselves not only against the state but also against god and labor or property, the underpinnings of society. Allowing them to exist challenged state claims to legitimacy and authority in their colonies, especially in an era of mercantilist trade.

“Hostes Humani Generis”

The contemporary narratives that developed around the golden age of piracy demonstrate the high level of threat and the depth of the crisis. Both the counter-piracy narratives developed by the English and the narratives that the pirates themselves worked to build pitted the pirates against the state and the whole of society. The rise in pirate attacks scared local officials, shattering contemporary conceptual maps. Many calls came into London asking for more men and ships. Virginia governor Alexander Spotswood wrote that “the number of pirates has increased since and there is now no conceivable force that will serve to reduce them”.²⁵⁶ Another complained that they had become “so formidable” that it would be hard to combat them.²⁵⁷ The Boston News Letter reported that they “so intimidate our sailors that they refuse to fight when the pirates attack them”.²⁵⁸ One admiral complained that for all ships going into the capes of Virginia, “it goes for granted they were chased by pirates, I see daily instances of it”.²⁵⁹ Piracy was not simply a nuisance or a set of romantic tales; it had real world consequences for the statesmen, sailors and merchants of the day.

²⁵⁶ PRO CO 5/1364, f.483

²⁵⁷ PRO CO 23/1, f.47

²⁵⁸ Rediker, *Villains of All Nations*, 14.

²⁵⁹ PRO ADM 1/1472, 22 May 1718

In response, the English tried to paint the pirates as the ‘enemies of mankind’, the ‘villains of all nations’. Colonists were told that everything that they did was a ‘sin’.²⁶⁰ They were the “dregs of mankind, and then they will appear blaspheming their creator, coining of oaths, embrewing their hands in innocent blood, and racking their hellish invention for unheard of barbarities”.²⁶¹ Famed colonial puritan minister Cotton Mather called them, “Sea Monsters”.²⁶² One judge remarked that pirates acted, “without any pretense of authority other than that of their own private depraved wills...[they were] robbers, opposers, and violators of all laws humane and divine”.²⁶³ The part about authority here is important; legitimate authority lay only in either god or, especially, the crown. Claiming authority from another source was not only blasphemy but dangerous and illegible to colonial officials. However, foremost they were ‘hostes humani generis’, common enemies of all mankind. In 1699, the British Parliament passed the first *An Act for the More Effectual Suppression of Piracy* – prior to this, piracy law was still governed by the *Offenses at Sea Act*, passed in 1536 by Henry VIII – calling pirates ‘hostes humani generis’ and setting the pirates outside of society and the state.

Pirates were against the cornerstones of rule: labor (or in actuality property), god, and country. Colonial correspondence repeatedly uses the protection of trade and mercantile property as the reason why resources should be used to defeat piracy.²⁶⁴ For instance, one man of war was commanded to cruise for pirates because, “the pirates do very much interrupt and prejudice his majesties subjects trading to Virginia... it is a great

²⁶⁰ Kuhn, *Life Under the Jolly Roger*; Rediker, *Villains of All Nations*.

²⁶¹ PRO CO 5/869, f.401. More: “...piracy is a thing of so heinous a nature and of so pernicious consequence...”, PRO CO 5/1116, f.2; “Varmint”, PRO CO 37/11, f.37

²⁶² Rediker, *Villains of All Nations*, 13.

²⁶³ *Ibid.*, 7.

²⁶⁴ See PRO CO 5/1364 f.483-7, PRO CO 23/12 f.89-92, 101-102; PRO CO 152/2/1, f.34; CSPCS 16/115 f.70; CSPCS 29/661 f.350-1; CSPCS 30/551 f.261; CSPCS 30/566; CSPCS 31/31.

importance to this nation that the utmost endeavours should be used to secure so necessary & valuable a trade”.²⁶⁵ The bills passed in parliament to suppress piracy also recognized the threat to trade.²⁶⁶ During the era of mercantilism, property and trade were as much a part of the state as they were the private sector, comprising a part of the ‘Sinews of Power’ of the age.²⁶⁷ Peter Earle claims that pirates “liked to burn ships for the sheer joy of seeing these mercantile symbols of the world they had left behind go up in flames”.²⁶⁸ Attacks on private wealth for economic gain that would probably lead to narratives of criminal violence today were given expressly political tones in the early 18th century.

The pirates used similar narratives to justify and explain themselves. While all pirates in all eras are concerned with economic gain through plunder,²⁶⁹ these pirates also had political claims. They fought for a way of life that they could not enjoy within society and openly rebelled against the idea of state control.²⁷⁰ In the words of pirate captain Sam Bellamy, “I am a free prince, and I have as much authority to make war on the whole world, as he who has a hundred sail of ships at sea, and an army of 100,000 men in the field”.²⁷¹ Bart Roberts claimed that raising the black flag meant that one

²⁶⁵ PRO ADM 2/49, f.263

²⁶⁶ For a draft of one of these ‘acts’ see PRO CO 323/2, f.289

²⁶⁷ Brewer, *The Sinews of Power*.

²⁶⁸ Earle, *The Pirate Wars*. For an example of a decision to burn a ship see PRO HCA 1/54, f.119-120

²⁶⁹ For characterizations of pirates, including those of the golden age, as chiefly concerned with the economic gains of plunder see Bialuschewski, “Pirates, Markets and Imperial Authority”; Lydon, *Pirates, Privateers, and Profits*; Rankin, *The Golden Age of Piracy*.

²⁷⁰ One pirate by the name of Joseph Mansfield said at his trial, “love of drink and the lazy life having been stronger motives for him than gold”. This demonstrates the way in which becoming a pirate was as much about a lifestyle that could not be reached within the confines of the British state and society. PRO HCA 1/99, f.116.

²⁷¹ Bellamy is quoted by a man who reached Boston following a period as a prisoner upon his ship. Given that the quote was made aboard Bellamy’s ship and a number of interlocutors were between Bellamy and Defoe, it is likely that it was embellished. However, it does do a good job of capturing the mood of the pirates of this era. DeFoe, *A General History*, 587.

declares, “war against the whole world”.²⁷² One of Bellamy’s men claimed that they were acting as “Robin Hood’s men”²⁷³ at his trial. William Fly claimed before his execution that the state had hung many “honest fellows”,²⁷⁴ and Charles Vane’s crew regularly drank to the “Damnation of King George”.²⁷⁵ Contrary to the beliefs of contemporary English society, Power and God did not determine legitimate authority in their eyes; the true criminals were the state, the navy, and the merchants. For this reason pirates claimed to have come ‘from the seas’ and to have ‘sold their nation’.²⁷⁶

Pirates of the golden age were networked, tended to stick together, and, were, in some ways, progressive in how they organized themselves. This can be illustrated in the likely apocryphal tales of the pirate island Libertalia, located near Madagascar, where each man had an equal share of all plunder and an egalitarian peace reigned.²⁷⁷ One English official observed that pirates “already esteem themselves a community, and to have one common interest”.²⁷⁸ In addition, this ‘community’ also tended to be multi-racial²⁷⁹ and accepting of homosexuality.²⁸⁰ The articles of Black Bart Roberts’ crew read: “Every man has a vote in the affairs of moment; has equal title to the fresh provisions, or strong liquors, at any times seized, and may use them at pleasure, unless a

²⁷² Rediker, *Villains of All Nations*, 10.

²⁷³ PRO CO 5/867, f.16

²⁷⁴ DeFoe, *A General History*, 606.

²⁷⁵ PRO CO 37/10, f.37

²⁷⁶ Rediker, *Villains of All Nations*.

²⁷⁷ Libertalia should be viewed as much as an allegory as an historical fact. However, that pirates told this story about themselves is an important window into how they viewed themselves, their actions, and the wider world. DeFoe, *A General History*; Rediker, “Hydrarchy and Libertalia: The Utopian Dimensions of Atlantic Piracy in the Early Eighteenth Century.”

²⁷⁸ CSPCS 31/31.

²⁷⁹ PRO CO 152/12/4, f.136ii, it should be mentioned that equality between races on ship was not always realized.

²⁸⁰ Burg, *Sodomy and the Pirate Tradition English Sea Rovers in the Seventeenth-Century Caribbean*; A well cited anonymous essays questions Burg’s assertions that over half of all pirates were sodomites but does point out that no pirate articles ever banned homosexuality, “Pirate Utopias: Under the Banner of King Death.”

scarcity make it necessary, for the good of all, to vote a retrenchment”.²⁸¹ While pirate captains may receive a slightly higher share of plunder than others on the ship, the exact amount was open to vote while many privileges, such as use of the cabin, were shared.²⁸² Pirates, especially early in the era, had a vision of a better world they began to create aboard ship.

The choice to ‘go a pyrating’ was made easier by the place that these men, and in a few cases women,²⁸³ held in society. In particular, piracy was a response to the execrable treatment of sailors on merchant and naval ships. Many of these sailors were impressed into duty and conditions aboard these ships were cruel. They ate little and what they did eat was usually rotten. They were whipped and punished repeatedly, disease was rampant, and, after all of this, many went unpaid. In the words of contemporary essayist Samuel Johnson, “No man will be a sailor who has contrivance enough to get himself into a jail; for being in a ship is being in a jail, with the chance of being drowned...A man in jail has more room, better food, and commonly better company”.²⁸⁴ To many, the life of a pirate, while short, was certainly preferable to that of a merchant seaman. At his execution, Daniel Macarty claimed the “Pyrate’s life to be the only life for a man of any spirit”.²⁸⁵ Bart Roberts rejected the life of a sailor claiming that, “a merry life and a short one shall be my motto”.²⁸⁶ Indeed, when pirates attacked a ship, it was the captain who faced their wrath, unless his crew was able to speak well of him. Attacks also did not lead to impressment. Only those willing to go along were

²⁸¹ Bobbitt, *Terror and Consent*, 32.

²⁸² Kuhn, *Life Under the Jolly Roger*; Rediker, *Villains of All Nations*.

²⁸³ Rediker, “Liberty Beneath the Jolly Roger: The Lives of Anne Bonny and Mary Read, Pirates.”

²⁸⁴ The quote is from famed English writer, essayist, and poet Samuel Johnson. It is taken from Rediker, *Between the Devil and the Deep Blue Sea*.

²⁸⁵ PRO CO 23/1, f.76

²⁸⁶ DeFoe, *A General History*, 244.

collected for future missions. Bart Roberts was known for asking, “who was willing to go, and who not, for he would force nobody”.²⁸⁷

To make it even harder for the state to make sense of golden age piracy, they were defiant towards death. One observer was astonished when told that instead of being captured, pirates would “all go merrily to Hell together”. Another bragged to William Snelgrave of not being afraid of “going to the devil by a great shot”. Many attempted to blow up their own ships when all looked lost, hoping for “a brave blast to go to Hell with” while cheering their own destruction. Of course, many were captured and still proved defiant. Thomas Morris’ only regret upon the gallows was that he “was not a greater plague to” the Bahamas. John Gow broke the rope at his hanging and immediately climbed back up the gallows to be hung a second time. Reports of the trial of Roberts’ men in 1722 described their walk to the gallows: “none of them, it was observed, appeared to be the least dejected”. Indeed, William Fly “walk’d to the gallows without a tear”.²⁸⁸ It was also popular among those pirates who were still free to play a “Mock-court of judicature to try one another for pyracy”.²⁸⁹ All this would have consequences for the fight against piracy.

The narratives developed by both the English and the pirates cast the pirates as being against the state itself. They were outside of society, against authority, and made claims which were rendered illegible in the colonial/state system of the 18th century

²⁸⁷ PRO HCA 1/99, f.138 Such practices undermined claims of captured pirates that they were forced onto the ship, which would have spared their lives under English law. Many times pirates themselves were quite honest about who was and was not forced, see PRO CO 152/14, f.283,292. There were exceptions for men with practical skills. For an example of a skilled man being impressed, see the trial of John Johnson, a tailor who was impressed upon Roberts’ ship, PRO HCA 1/99, f.28.

²⁸⁸ The quotes in this paragraphs are taken from Rediker, *Villains of All Nations*, 11–12, 148–169.

²⁸⁹ For a ‘transcript’ of one such performance by the crew of Thomas Antsis see DeFoe, *A General History*, 292–294.

Atlantic. They had their own ideas about the nature of the good life and how to achieve it. In this way, they are similar to Hobsbawm's 'social bandits' and are as akin to Al Qaeda as they are to contemporary piracy.²⁹⁰ The pirates of the golden age created a crisis that went beyond numbers of ships taken and losses in trade; it struck at the heart of the state. Who they were, how they were defined by self and other, and how they differed from other waves of piracy all play a role in their rise and decline, altering how states bounded authority in the Atlantic.

“How Little Acts of Grace and Mercy Work on these Vermine”

The earliest attempts to defeat piracy involved placing many naval ships in the sea; a policy a number of historians have argued was decisive.²⁹¹ To them, the colonial powers finally got serious and put enough ships in the water to put an end to piracy. While state power was certainly a factor in piracy's downfall, it does not play nearly the role that these historians claim. For instance, in 1700, during a time of peace, England had more naval sailors in the Caribbean and Atlantic than there were pirates, yet the heart of the golden age was still to come. Non-English states, especially the French, found that the ships they sent to combat piracy during the golden age were no longer in good enough shape to do the job by the time they reached the Caribbean. By the 1730s there was little in the way of armed ships off the North American coast *of any kind* and yet piracy did not return.²⁹² Nor did it return off the coast of Newfoundland despite a twenty-year period beginning in 1725 where the coasts were not patrolled.²⁹³ However, this was certainly the

²⁹⁰ Hobsbawm, *Bandits*.

²⁹¹ Earle, *The Pirate Wars*; Lydon, *Pirates, Privateers, and Profits*; Rankin, *The Golden Age of Piracy*.

²⁹² Baugh, "Maritime Strength and Atlantic Commerce"

²⁹³ Pritchard, *In Search of Empire*.

avored strategy of colonial governors and officers early in the golden age.²⁹⁴ While naval strength did prove decisive at times – it was a naval mission that attacked and killed the prolific Roberts²⁹⁵ – it was not specifically a show of force that was critical but how that force was used. Naval power in the earlier parts of the golden age tended to be used to guard ships directly or to simply flood the sea. This reflects the idea that the Atlantic Ocean was a space that could be controlled by states, or at least open to contestation. This was ineffective against piracy, not least because naval ships tended to be quite cumbersome and unable to chase pirates into shallow waters.²⁹⁶ Essentially, it was a continuation of existing practices and it predictably failed. Control needed to be taken over land to ensure the safety of merchant ships. Without control of land, piracy could flourish but with it, naval ships eventually became unnecessary to protect trade during peacetime.

Another common approach adopted by colonial states early in this period was the giving of crown-approved pardons.²⁹⁷ This was part of official policy early in the period as the King issued a pardon for all pirates who would accept in 1717. This proved unsuccessful as most pirates either ignored the pardons or accepted them and continued looting. Blackbeard accepted a pardon that came with land in North Carolina, a title, and the hand of a local aristocrat's daughter only to go back 'upon the account' a few months later.²⁹⁸ Charles Vane accepted a pardon after an unsuccessful attack and then proceeded

²⁹⁴See PRO CO 5/860 f.149-151;PRO CO 23/12 f.104,107; PRO CO 23/13 f.30; PRO CO 152/12/1, f.34; PRO CO 323/2, f.343; PRO CO 323/8, f.137; PRO SP 42/14, 1 Apr 1717; CSPCS 29/484; CSPCS 30/566; CSPCS 31/209.

²⁹⁵ PRO ADM 1/2242; PRO ADM 2/50, f.290-3; Captain's Logs for Swallow Jan and Feb 1722, PRO ADM 51/954.

²⁹⁶ For complaints along these lines, see PRO CO 388/24, f.186.

²⁹⁷ For a copy of an order for pardons to be given see PRO ADM 3/31, 24 Sept 1717.

²⁹⁸ Konstam, *Blackbeard*; Woodward, *The Republic of Pirates*.

to continue attacking ships within the week.²⁹⁹ Many pirates even mocked the government and ripped their pardons to pieces upon receiving them.³⁰⁰ The failure of this policy makes a certain amount of sense. When men are rebelling against the state and dynastic authority, why would they tie their fate to these forces by accepting a pardon? Pardons were the mirror image of the ‘letter of marque’. In the latter, the monarch gave the pirate the opportunity to pursue future plunders; in the former, the monarch gave him the opportunity to be forgiven of past plunders. Either way, plunder is sanctioned by the state. This policy was merely a continuation of the existing pattern of colonial rule where connection to the monarch was paramount. It was doomed to fail because it did not change the conceptual maps of state leaders which made possible the practices of colonial governance which allowed piracy to flourish in the first place.

There were of course some success stories. For instance, Benjamin Hornigold accepted a pardon and became a useful weapon against pirates sailing in and around the Bahamas, much to Governor Woodes Rogers’ “great satisfaction”.³⁰¹ However, despite early optimism about the strategy, the failure of the pardons became apparent to those governing the colonies.³⁰² Governor Hunter of New York remarked that “we have found by experience that their money spent and no merchant willing to employ them, they generally return to their former course of life”.³⁰³ Similarly Walter Hamilton, governor of the Leeward Islands, remarked to the Council of Trade and Plantation, “your lordships may now plainly perceive how little acts of grace and mercy work on these vermine”.³⁰⁴

²⁹⁹ PRO ADM 1/2282, 21 Jan 1721

³⁰⁰ Rediker, *Villains of All Nations*.

³⁰¹ PRO CO 23/1, f. 23-24, see also PRO CO 23/13, f. 20-24

³⁰² PRO CO 5/867 f.7; PRO ADM 51/690; PRO CO 23/13 f.28-29; CSPCS 31/33; CSPCS 32/527

³⁰³ CSPCS 30/738

³⁰⁴ CSPCS 32/256 f.166

The use of both naval power and pardons were ineffective in large part because they were part of how ‘the line’, as a boundary separating Europe from its Atlantic colonies, was drawn. They demonstrate the trend toward retrenchment, attempts to reinforce contemporary boundaries, in such situations. Therefore we should expect these policies to fail. However, even more important are the consequences of such failure. This is when the ‘shattering’ is complete. It is not that a situation is classified as a crisis for those wielding state power but is instead when they realize that the way in which they habitually exercise authority is insufficient to quell that crisis. Here the boundary is shattered and space opens up for creative solutions to the concrete problem of golden age piracy.

“More Effectually Contribute Towards the Suppressing of Them”

For all of the damage that pirates did to trade, the golden age of piracy ground to a halt in the years from 1726 to 1730. Its end is usually dated either with the English capture of Captain William Fly in Boston in 1726 or with the French capture of Olivier La Buse in Southeast Asia in 1730.³⁰⁵ Pirate attacks between 1726 and 1730 were few when compared to the previous decade, and after 1730 attacks dropped even further. Maybe even more important was that the pirates of the later stages of the golden age, men such as William Fly and Ned Low, did not hold the ideals of their predecessors. They had become something much closer to criminals, something that made sense within the contemporary conceptual maps of state elites.

How did this happen? It was the creative action of changing the patterns of colonial rule, effectively moving the domestic/international boundary, i.e ‘the line’, to

³⁰⁵ DeFoe, *A General History*; Rediker, *Villains of All Nations*; Woodward, *The Republic of Pirates*.

include the colonies and creating an ‘Atlantic world’ that brought about the end of piracy’s golden age. First, there was a change in the criminal code both in substance and procedure. Second, we see attempts to direct colonial policy toward pirates. Third, a propaganda campaign against pirates in the colonies was undertaken. All were actions that could be called ‘creative’ in that they brought ‘something new into the world’ and played a role in solving the crisis caused by golden age piracy. All had the effect of transforming the line between the domestic and the international, with the Atlantic colonies effectively becoming a part of the state. Finally, as discussed in Chapter 3, all of the successful actions taken below were not centrally planned and implemented, they were part of a trial and error phase and undertaken in concert with or response to colonial administrators working in their own interests.

As mentioned above, English law defined pirates as ‘hostes humani generis’. However, despite the ancient roots of this term, – it dates back to Cicero’s condemnation of Mithradates II’s Cillician privateers in a war against the Romans³⁰⁶ – it was put to use in new ways. First, its connotation as something that comes from outside the state or society was not common, as evidenced by the Medieval usage of the term to describe tyrants. Second, if pirates are the enemies of all mankind, then one would have to think that any state could try any pirate. However, universal jurisdiction only took hold during the golden age. There is evidence that the term was used in connection to piracy in the Caribbean as early as 1676, just as privateering was becoming a problem but this was not the dominant practice.³⁰⁷ It was not until the late 17th century that it began to become standard. Rubin argues that this was pivotal in the fight against piracy and the

³⁰⁶ Gould, “Cicero’s Ghost.”

³⁰⁷ PRO CO 138/3, f.81-3

development of piracy law in general.³⁰⁸ The fact that we have had rather settled piracy law for centuries means that piracy became, after the golden age, a problem that was ‘legible’ to the state. Of course the actions of the pirate did not change, but he,³⁰⁹ exemplified by Captain Kidd, went from state-sponsored and legitimate to an enemy of all mankind. This was partly due to pirate rhetoric, partly due to shifting political context, and partly due to a reclassification by states in light of new interests and ideas. Universal jurisdiction meant that any state could try and execute any pirate. Pirates were legally extricated from the state and citizenry, an effective declaration that England would not be offended if an English pirate met justice in France. Indeed, it was France who caught one of the greatest pirates of the later stages of the golden age, Ned Low, and sentenced him to death in French courts despite his English ancestry. This brought no rebuke from England. A line was drawn around citizenship that left pirates outside of state protection.³¹⁰

The original intent of the 1699 act and its harsh punishments for piracy was to scare potential pirates away from a life of sea robbery. However, given the defiance and black humor with which many, though not all, pirates treated death, it is unlikely that this happened. Where this change did prove effective was in taking pirates out of the sea. In addition to finding other ways to dry up the supply of pirates, expanded capital crimes led to hundreds of hangings in the later years of this period.³¹¹

³⁰⁸ Rubin, *The Law of Piracy*.

³⁰⁹ The vast majority of pirates were ‘he’, though there were some notable exceptions. See Rediker, “Liberty Beneath the Jolly Roger.”

³¹⁰ For more see Dickinson, “Is the Crime of Piracy Obsolete?”; Goodwin, “Universal Jurisdiction and the Pirate”.

³¹¹ Rediker, *Villains of All Nations*, 26–28, 35; Ritchie, *Captain Kidd*, 142–144.

Despite the near constant warfare of the period, cooperation between states was another feature of the legal fight against piracy. A willingness among European powers to work together to rid the seas of piracy was signaled early; Article 2 of the Treaty of Utrecht in 1714 contained a clause to combat piracy.³¹² This came from recognition that the enemies to trade were no longer other states, as had been the case in the 17th century, but were instead non-state actors like pirates. It was in every trading state's interest to eradicate piracy and protect trade. Still, there were problems. After England's unsuccessful dalliance with pardons, France continued to give pardons to pirates for years, undermining English attempts to ostracize them. A lot of cooperation happened at lower levels of interaction. For instance, French and English colonies banded together to fight piracy.³¹³ Similarly, Admiral Channeler Ogle was given the following instructions, "in case you should meet with on the coast of Africa any ships of war fitted out from France against the pirates, and you find that the joining them may more effectually contribute towards the suppressing of them, you are in such case to do the same, and to act in concert with them".³¹⁴

While changes in the laws against piracy may have helped, they were not as important as changes to how the law was carried out. The "Act" was renewed in 1701, 1715 and again in 1719, even as pardons were given out. If the law had been effective, why continue to renew it? These policies in many ways competed with the more successful ones and were certainly more centrally planned. The problem was not the law itself, but instead ineffectiveness in its implementation. The law became much more effective when England allowed Vice-Admiralty courts to be established in its Caribbean,

³¹² Scarlett, *The Treaty of Utrecht*.

³¹³ Rediker, *Villains of All Nations*; Mulich, "Microregionalism and Intercolonial Relations."

³¹⁴ PRO ADM 2/50 f.290-3

Western African, and the North American colonies to try pirates. Before this period, all pirates were tried in London or in local colonial courts. The former meant transporting pirates back across the Atlantic, an expensive, slow, and arduous process. The latter were designed to try colonial crimes, not those, such as piracy, that were against England and English shipping.³¹⁵ When pirates were tried by colonial courts, they tended to be acquitted due to friendly juries, many of whose members profited from trade with the pirates. Fearing an insurrection, Governor Rogers of the Bahamas mentioned that he was “too weak to bring them to a trial for most of the people here having led the same course of life”.³¹⁶

The extension of Vice Admiralty courts – presided over by English judges and under the aegis of England’s court system – into the colonies meant the choice between a long, expensive journey to London and the risk of acquittal at the hands of a friendly jury disappeared. The problem of how to try pirates was recognized as early as ‘piracy’ became a problem distinct from privateering in the 1670s. There were early attempts to establish admiralty courts in Jamaica in the 1670s and 80s³¹⁷ because local courts felt that they could not claim jurisdiction over the sea³¹⁸ and frustrations with having to ship pirates to England were common in the 1690s in the East Indies.³¹⁹ However, this process was not uniform by any means and there were still many problems and uncertainties. Kidd was shipped to London from New York for his trial. There is

³¹⁵ That there is a difference here between crimes against the colonies and crimes against England demonstrates the claim that colonies were international holdings of the crown, not a part of the state.

³¹⁶ PRO CO 23/13 f.20-24

³¹⁷ See PRO CO 138/3 f.81-3. However, there was still confusion over what the court could and could not do, see CSPCS 9/295.

³¹⁸ PRO CO 1/54, f.117

³¹⁹ PRO CO 323/3 f.298. Even as admiralty courts were put into place in Jamaica, they were not elsewhere causing much consternation among some colonial officials, see PRO CO 323/2 f.271-6.

evidence of regulations about which pirates ought to be sent to England in the 1690s³²⁰ and a number of times when colonial governors were unsure of how to proceed. The Council of Nevis complained, “of pirates, that we have not any power of jurisdiction whereby we might proceed to trye them”.³²¹ All in all this was a process that was started just as the first rumblings of the golden age began but was not fully implemented until its apex in the years following the War of Spanish Succession.

One reason for this ‘delay’ was the fact that placing admiralty courts all over the colonies (or allowing one to travel and set up anywhere) was a creative act not a part of the conceptual map of late 17th century England, as evidenced by the lack of uniformity and the continued shipping of pirates to London. Another reason was colonial resistance, as colonial councils did not want their courts subverted.³²² However the shift came with benefits to, and responsibilities for, England as well. First, the use of English judges meant that England had taken greater control over colonial policy in a way that it had not done previously. Now, there was an enforced uniformity of law on pirates. Second, trying them in the colonies led to the spectacle of hanging pirates in the colonies, whence many pirates originated and where pirates were held in much higher esteem.³²³

If English courts could be set up, this means that England began to treat the colonies more and more like an extension of the home state and not simply an overseas holding or trading post. It reflects a deeper change to control colonial policy toward pirates. Of course, the colonies were still treated differently, but they went from having a

³²⁰ PRO CO 324/6 f.163

³²¹ PRO ADM 1/1879, 9 Jul 1718; Along the same lines there were questions about what to do with the plunder taken from pirates in a 1720 admiralty report, PRO CO 323/8, f.10.

³²² For instance, the Council of Virginia kept pushing the Governor to accept only county courts as opposed to Crown ones PRO CO 5/1364 f.505-520. See also Ritchie, *Captain Kidd*.

³²³ Ibid.

lot of autonomy in this matter to having very little. Taking over colonial policy meant that the ‘line’ was blurred even further. Governors were appointed who complied with British policy on piracy and if they did not they were replaced. This happened in New York with Benjamin Fletcher,³²⁴ during the Captain Kidd affair, in Jamaica in 1716,³²⁵ and probably most effectively with the appointment of Woodes Rogers as governor of the Bahamas in 1718, a largely ungoverned set of islands following the destruction wrought by the recent war. The port of New Providence in the Bahamas had been the major pirate base of the golden age’s early years and the sorry state of the island became an issue for other colonies during this time.³²⁶ It had housed famous pirate captains such as Benjamin Hornigold, Henry Jennings, Stede Bonnet, Sam Bellamy, and Blackbeard. Rogers not only found 700 pirates there upon his arrival³²⁷ but also ran into trouble as many of the inhabitants were more sympathetic to the pirates than to the British government.³²⁸ However, he was able to clean up the colony and scatter the pirates within a year by taking responsibility not only for New Providence but also for the many small islands and coves that pirates had previously found to be safe havens.³²⁹

Colonial charters, a relic of the previous era which gave permission to found a colony under the power of the crown, were threatened or even revoked if policy was not adhered to. This is essentially what happened in the Bahamas as the lords proprietor of

³²⁴ For more on Fletcher see PRO CO 5/1116, f.2-12; PRO CO 391/8&10

³²⁵ Archibald Hamilton was deposed in large part because he was offering commissions for privateers to attack Spanish ships and dive for Spanish gold. See PRO CO 137/11 92-109 for more on the problems involved and PRO CO 137/12 f.103 for his revocation.

³²⁶ For a first hand account of the state of the islands from an inhabitant see “Walker to Lords of Trade and Plantation”, PRO SP 42/16, 5 Aug 1716. For complaints by the governors of other islands see PRO CO 5/1317, f.245-5; PRO CO 5/1364, f.483-7; PRO CO 23/12, f.103-4, 107; PRO CO 152/12/1, f.34; CSPCS 29/635, f.388, CSPCS 30/556, f.266.

³²⁷ CSPCS 32/498

³²⁸ PRO CO 23/13, f.20-4, for similar complaints see PRO ADM 51/690, 22 Mar 1717.

³²⁹ Woodward, *The Republic of Pirates*.

the island forfeited their claim because they “had not 20 years then past [passed] taken any care for the security of the said islands”.³³⁰ Defeating piracy meant more than applying force and a stern judicial hand. It meant giving the pirate nowhere to go. All British colonies had some form of governor and government that was accountable to Britain for a growing set of standard policies toward pirates. The governor of New York could no longer be friendly to pirates as the governor of Virginia attempted to eradicate them. The same thing held in French colonies in Canada and the Caribbean and Spanish colonies as well.³³¹ There were still, of course, largely ungoverned areas, but these areas became fewer and harder to live in as time went by. The idea that a colony such as the Bahamas would be claimed by the British crown but left ungoverned because it did not provide any tangible economic benefit, would have seemed strange in this new system even as it was reality a mere decade before. While the Bahamas would have been defended if the French tried to claim it, but its lack of economic value meant that what happened on the island did not matter to the English crown.

By the 18th century, ungoverned land meant pirates and pirates disrupted trade, the *raison d'être* of colonies and the ‘fiscal-military’ state. If, as was becoming apparent, the sea could not be controlled directly in order to protect shipping lanes, the pirate could not be given a safe haven on land as a man cannot live entirely on the sea. As it took more control over colonial governance and all colonial lands, the relationship between the sea and the state changed as well. As Gabriel Kuhn has argued, policies against pirates turned the sea from a smooth space, i.e. open, contested, and ungovernable, to a

³³⁰ PRO CO 23/12 f.90

³³¹ PRO CO 388/24 f.184

striated space, i.e. one that is ordered, regulated, and controlled.³³² In order for the sea to be controlled by the state and in order for it to be safe for trade, the state had to control the land that surrounds it. The pirates of the golden age drove this lesson home for those conducting colonial policy. Essentially, the Atlantic became a ‘European lake’.

The third prong in this ‘war on piracy’ was a propaganda campaign leveled against pirates in which they were depicted as the lowest sort of human. We have already looked at the rhetoric used, but in this case the rhetorical campaign against piracy held particular importance as it took place in the colonies where, in the 17th and early 18th centuries, pirates were not recognized as evil or menacing. In fact, pirates became engines of economic well-being in the colonies as they provided cheap goods and/or treasure for the colonial economy. In previous decades, they even acted as protection against enemy navies. Merchants and inhabitants of the ports in these colonies had a rather favorable view of pirates. Since piracy existed in some measure because it had access to markets, that access had to be closed.³³³ This was done partly by taking control of colonial policy.

Another major piece of this strategy was portraying pirates as being “instigated by the devil”. It was remarked of Ned Low’s crew that they were “Devils in carnate...[providing] the liveliest picture of Hell”. In a Christian society, this was meant to taint pirate goods and turn public opinion. Of course, it must be said that the pirates themselves were complicit in this with Blackbeard claiming that he “came from Hell”.³³⁴ Not only did they embrace their image as hell-bound demons, but as we get closer to the end of the golden age, ever desperate pirate captains began to attack colonial ports and

³³² Kuhn, *Life Under the Jolly Roger*.

³³³ Bialuschewski, “Pirates, Markets and Imperial Authority.”

³³⁴ Quotes from Rediker, *Villains of All Nations*, 152–153.

moved away from their egalitarian, progressive views, inching ever closer to the savages they were portrayed to be.³³⁵ This made the British propaganda campaign much easier.

The importance of this campaign is not necessarily its effectiveness, which may be debatable. The campaign itself created the illusion that colonists were not living ‘beyond the line’ but were instead British subjects or citizens. Their colonies were part of Britain, not merely its holdings. While they did not hold the same rights as those living in Britain, as would become apparent a half century later,³³⁶ they were considered domestic inhabitants nonetheless. The campaign itself did not change this, but its presence demonstrates that the colonies needed to be under the control of the state in order for piracy to be defeated. Of course, piracy itself did not end at this time. There were intermittent attacks throughout the 18th century but these pirates were cast as criminals, not as threats to the state, and were therefore legible to it.³³⁷ The golden age of piracy had ended and piracy in the Atlantic was not a major problem for European states until the turn of the 19th century and then for different reasons and with different consequences.

Each of these actions is ‘creative’ in the sense that it “brought something new into the world”. They shattered existing practice and reconfigured the conceptual maps of those ruling the colonies. Each also solved the problem of piracy as it related to the trade upon which the state and the economy were built. This second claim is not to say that each one actually solved the problem, though they all helped. Even more important, they

³³⁵ Ned Low was one pirate captain of this era known for his cruelty. His former quartermaster told the court at his own trial that Low, “in the Bay of Honduras he murdered forty-five Spaniards in cold blood” and he was once so mad at the captain of a captured ship that he “cut off the said Masters lipps and broiled them before his face; and afterwards murdered the whole crew being 32 persons.” PRO CO 152/14 f.284

³³⁶ For an admittedly quite contested account linking piracy to the American War of Independence see Linebaugh and Rediker, *The Many-Headed Hydra*.

³³⁷ For proceedings of a trial for Piracy in 1740, see PRO HCA 1/99.

were viewed as having solved it and therefore each became a part of the new boundary that was drawn as a result of the ‘war on piracy’. While they were undertaken and spread by the English state once they proved effective, there is evidence here that many times these policies came from colonial requests or innovation. Each of these two mechanisms happened simultaneously: creative action was taken with a view to solve a problem in conjunction with the process of ‘shattering’ outlined above, resulting in the drawing of a new boundary of sovereign authority.

“The absence of sovereignty over the oceans is not a timeless feature”

Golden age piracy proved to be a big problem to 18th century colonial states. It challenged the idea of property that underpinned the mercantilist trading system, it directly affected the coffers of colonial states, and it challenged the idea that the state itself could provide security to those it claimed to rule. It grew out of the intersection of the rise of mercantilist trade, the lagging of governance structures to deal effectively with this emergence, and the practices of warfare and colonial rule during that period. Golden age pirates rebelled not just against England or the awful conditions on 18th century merchant and naval ships moving across the Atlantic but also against the entire edifice of society and the states that perpetuated it. Golden age pirates were rebelling against state rule as it was carried out in the early 18th century, while using ‘the line’, and by extension the practice of colonial governance, against the state. As a result of having this boundary ‘shattered’, the state needed to draw new boundaries of sovereign authority. In this case, England specifically did so by moving the lines that divide the international from the domestic. This happened by taking greater control of colonies and the inhabitants therein. Controlling colonial policy, the treatment of colonists as subjects, and expansion

of the English court system into the colonies effectively meant that the colonies were domestic arenas where previously they had been international holdings of the crown.

This should not necessarily be seen as the state merely taking more control, but instead as an ‘authority swap’. Colonies made decisions with the force of English law but attempted control of sea lanes began to weaken. As Thomson argues, “the absence of sovereignty over the oceans is not a timeless feature of the international system but something that emerged in the course of the eighteenth century”.³³⁸ Change, not control, is the operative word. States changed how they drew an important boundary of sovereign authority; they exchanged attempted control over the sea for control of land in order to make the sea safe for trade. That said, attempts to claim jurisdiction over the oceans did not cease until sometime in the 19th century.³³⁹ What did change is that attempts to directly protect sea lanes with naval power came to an end while attempts to protect colonies began.

The consequences of this new line were numerous. The world was once again safe for Atlantic trade, which grew in leaps and bounds starting around 1730. Not only did trade bloom once again in its aftermath, but this episode was crucial in the development, if not the creation, of a tight-knit “Atlantic World”. The concept of such a world is one that has come into vogue in the historiography produced in the last few decades.³⁴⁰ Implicit in this is the contention that the Atlantic became a part of Europe but Asia and the Pacific did not. Studies have proliferated which look not just at the French

³³⁸ Thomson, *Mercenaries, Pirates, and Sovereigns*, 108.

³³⁹ Benton, *A Search for Sovereignty*.

³⁴⁰ Bailyn, “Idea of Atlantic History”; Bentley, “Sea and Ocean Basins as Frameworks of Historical Analysis”; Butel, *The Atlantic*; Coclanis, *The Atlantic Economy*; Fernandez-Armesto, “Origins of the European Atlantic”; Games, “Introduction, Definitions, and Historiography: What Is Atlantic History?”. For a debate on the strengths and weaknesses of this turn in the history of America and Europe, see Coclanis, “Drang Nach Osten: Bernard Bailyn, the World-Island, and the Idea of Atlantic History.”

Colonial Economy or the British Empire, but also at the Atlantic Economy or the politics of the Atlantic as a whole. There is also a plethora of evidence of a society developing in this geographic space, such as the standardization of goods between French and English trading cities and the inter-imperial relations necessary to suppress slave revolts.³⁴¹ For our purposes, the important point is that the creation of a political “Atlantic” happened at some point in the late 17th and/or early 18th centuries. I argue that piracy played a vital role in this process by forcing states to cooperate and take greater control of colonial governance and policy. However, there is not a singular causal arrow. Inevitably other forces, ranging from the growth of trade to political developments in the colonies themselves, played important roles that should not be forgotten or understated; the “Atlantic World” is about more than tying colonies closer to states, but when we think of the “Atlantic World” as we see its development owes quite a bit to the consequences of combating piracy in the early 18th century.

The consequences of this new boundary reverberated elsewhere as well. For instance, Rodney Bruce Hall’s arguments about the “territorial sovereign identity” of 18th century European states is based in part on the mercantilist colonial governance solidified with the defeat of piracy.³⁴² In his seminal, *The Sinews of Power*, historian John Brewer outlines how colonial trade was a major part of Britain’s rise to power in the 18th century.³⁴³ The colony and its trade were meant to enrich the metropole and the golden age of piracy meant that the best way to do this was to make it part of the domestic

³⁴¹ DuPlessis, “Cloth and the Emergence of the Atlantic Economy”; Mulich, “Microregionalism and Intercolonial Relations.”

³⁴² Hall, *National Collective Identity*.

³⁴³ Brewer, *The Sinews of Power*.

sphere. Many within both history³⁴⁴ and IR³⁴⁵ recognize this connection between trade, imperialism, warfare, and the state in the 18th century. These connections even had implications to states that were not involved in the Atlantic. For instance, Britain's vast trade surpluses and sound fiscal position, dependent in part on its successful Atlantic trade, allowed it to lend money to Prussia, a land-locked state. This money was integral to Frederick the Great's military successes against Austria and France on the continent, especially during the Seven Years War. Patterns of mercantilist trade and colonial governance were deeply tied into the broader patterns of international politics that characterized the 18th century and those patterns of trade were shaped in part by the war against piracy.

Similarly, while war in the colonies usually followed war on the continent, the opposite was not the case before this period. The idea of 'no peace beyond the line' no longer held in the Atlantic. Mercantilist trade was a large part of the statecraft of this period and the world was now made safer for trade to flourish. In addition, no longer could a skirmish in the colonies stay there. Colonial conflict could lead a state into war in Europe, as was the case with English entry into the War of Austrian Succession, known in England as the War of Jenkins' Ear, in the 1740s. We also see a difference in how colonies were treated in peace treaties before and after this period. For much of the seventeenth century, warfare at sea was "essentially a contest about maritime lines of communication".³⁴⁶ This is reflected in the Treaty of Utrecht, signed in 1714 two years

³⁴⁴ Anderson, *Europe in the Eighteenth Century*; Birn, *Crisis, Absolutism, Revolution*; Bobbitt, *The Shield of Achilles*; Doyle, *The Old European Order*; Woloch, *Eighteenth-Century Europe*.

³⁴⁵ Bukovansky, *Legitimacy and Power Politics*; Hall, *National Collective Identity*; Holsti, *Taming the Sovereigns*; Luard, *The Balance of Power*; Rosecrance, *Action and Reaction in World Politics*; Watson, *The Evolution of International Society*.

³⁴⁶ Glete, *Warfare at Sea*.

before the peak of piracy's golden age. England gained control of a single port, Gibraltar and won the *asiento*, a series of trading rights, i.e. the use of sea lanes, in Spanish colonies.³⁴⁷ However, the War of Jenkins' Ear (1739-1748) was fought over control of territory in Spanish colonies and England won great territorial concessions as the victor of the Seven Years' War in 1763. Colonial territory had become prized during this period and the campaign against piracy played a role in this development because it drove home the importance of controlling land in order to control the sea.³⁴⁸

Conclusion

In the late 17th and early 18th centuries, colonies were still ruled in a manner similar to that of a century before. In the introduction of this chapter I talked about six different practices that together drew 'the line' that separated Europe from the colonies. They were 1) direct protection of ships on trading lanes claimed by a state, 2) warfare over trading lanes, 3) the use of privateers during nominal times of 'peace' in Europe, 4) economic patterns of extraction, 5) the enforcement of 'no peace beyond the line', and 6) low levels of involvement in colonial governance. Of these six, two were already beginning to falter. While peacetime privateering was used in the name of fighting piracy, it only contributed to the problem and had not been a common practice since the late 17th century. Similarly, economic patterns of extraction had slowly been replaced by the triangular trade over the latter half of the 17th century. These two changes in conjunction with the other four practices above created the space for piracy to flourish.

³⁴⁷ Scarlett, *The Treaty of Utrecht*.

³⁴⁸ Being made 'domestic' does not mean being 'equal' or 'similar', it only meant that they were now considered a part of the responsibilities of the state.

Pirates had found a way to exploit these circumstances, attacking trade and making themselves illegible, effectively ‘shattering’ the practice of colonial rule, by attacking shipping, challenging state authority and threatening to blow up the entire colonial economic system. It should be reiterated, however, that many pirates were merely doing the same thing that they had been doing for decades; it was the context and the narratives that changed. In turn, this challenged each of the other four practices and resulted in the need to redraw the international/domestic boundary. State attempts to control the sea became less common. It soon became obvious that the way to protect shipping was not to directly protect ships and trading lanes but instead to control land, to make sure that pirates, should they arise, had no place to go with their booty. This gave less of an incentive to fight wars over trading lanes and indeed the wars that post-date the golden age of piracy were over land instead of trading rights.

As part of this process, the colonial was brought into the domestic sphere. War in the colonies meant war in Europe. No longer could something like peacetime privateer attacks be considered as anything other than one state attacking another. The colonies were a part of the state and as a consequence needed to be governed directly as such. Each of the six practices were shattered and needed to be replaced. The golden age of piracy cemented two already ongoing processes: the use of peacetime privateering stopped and mercantilist trade dominated the rest of the century. However, it is directly responsible for other changes.

Colonial states developed new practices to solve the concrete problem of golden age piracy by taking control of colonial policy and coordinating between colonies and even with rivals. The three major changes in colonial policy – the use of Vice Admiralty

courts, greater involvement in colonial governance, and an anti-piracy propaganda campaign targeting colonists – demonstrated that the colonies had been brought into the domestic *and* the realization that the sea was made safest for trade through controlling the land that surrounds it. Attempts to control parts of the sea began to wane during this period even as the sea became a place where state interests ruled. This, of course, does not mean that the protection of ships, for instance, disappeared; only that it was no longer an unreflexive practice, replaced by attempts to control land.

As a consequence, the international/domestic boundary had been moved. There was still a line since the distinction between ‘international’ and ‘domestic’ did not disappear, but a phrase like ‘no peace beyond the line’ became nonsensical in this new configuration. The golden age of piracy acted as a site whereby states redrew the boundaries of sovereign authority, developing new practices and new conceptions of the international and the domestic – and citizen and alien – because the old conceptions were shattered. The state had faced a crisis brought on by a major episode of transnational violence and re-inscribed itself as the dominant seat of political power by coming up with creative solutions to a concrete problem.

Chapter 5:
'Propaganda of the Deed', Passports, and Boundaries
in Europe at the turn of the 20th century

In the previous chapter, I demonstrated how an episode of revisionist violence, golden age piracy, challenged the state and shattered boundary producing practices. Using the tools developed in Chapters 2 and 3, we can see that the golden age pirates were made illegible by contemporary boundaries, shattering practice and forcing the state to come up with a creative solution to draw a new boundary and re-inscribe the state. This chapter attempts to use those same tools in another case, that of the propagandists at the turn of the 20th century in Europe. The anarchists of the turn of the 20th century created a crisis for state leaders through a series of assassinations and public bombings, what they called 'propaganda of the deed'. They were a transnational community who blamed the ills of society on government and the concentration of power and property.

Like golden age piracy, propagandist violence forced states to redraw conceptual boundaries. There were two relevant boundaries that made anarchist violence illegible to states. First, the public/private boundary was drawn in such a way that anarchist ideas were not allowed into the public sphere and were the subject of a brutal repression campaign. This boundary was supported by the following practices, 1) use of show trials and public executions to demonstrate state power and 2) a focus – driven by conservative nationalism – on ideas, as opposed to actions, as the threat and corresponding attempts to squash them out through coercion. Those states which proved successful in the struggle managed to redraw the public/private boundary in order to open political space to allow anarchist ideas into the political discourse, with the effect of funneling them into

syndicalism and the labor movement. This new boundary cut off the lifeblood of anarchist recruiting by restraining the state from outright repression.

The other important boundary for this case was an international/domestic boundary that allowed for the free movement of people and goods across borders untracked. Boundary was produced by two practices, 1) an ideal of free, open movement of people and goods exemplified in few restrictions to what could cross borders, including the abolishing of passports in the first half of the century, and 2) policies on political exiles that resulted in a system where some states (Italy, Spain, Russia being the best examples) simply tried to kick exiles out of their countries with little care where they happened to go while others (England, Switzerland) gave a home to these exiles. In response, states altered extradition practices. New methods of policing presaged a growth in surveillance which culminated in large databases on criminals and citizens. This led to the creation of passports and greater control of who and what crossed borders. It was not the borders themselves that changed but their meaning via the practices that drew them. Previous boundaries restricted the movement of ideas but allowed the movement of people. The new boundaries would do the opposite. This is an authority swap that resulted in the drawing of new boundaries that would define the nation-state of the 20th century.

“Believing in a better future”

Those I call ‘propagandists’³⁴⁹ were usually lone wolf actors. Most of those who used bombs, pistols, and knives to attack leaders, public buildings, and monuments were

³⁴⁹ I use the term propagandist here because the men involved in this episode of violence thought of themselves as ‘propagandists of the deed’. It has also been common to talk about them as the ‘anarchist terrorists’ but there are problems with this characterization. First, this was not a common contemporary moniker. The term terrorism during this period was more likely to apply to the action of governments.

not a part of some centralized network that took order from a particular node. The attacks were not planned centrally nor were they necessarily a part of a larger conspiracy against the state and society. However, these men and their actions were connected by a set of philosophical ideas and an epistemic community that transcended borders. There were a number of anarchist newspapers and pamphlets, and anarchist meetings treated the movement not as a disjointed series of local meetings but as part of a larger, international movement. Attacks in Spain or France were cheered at the Club Autonomie in London; attacks in Italy fueled attacks in the United States. Accumulated knowledge on how to make bombs and evade capture was passed through these meetings, papers, and pamphlets. In this sense, they were truly transnational actors even if those committing the acts of violence were often disconnected and highly local. Their transnational character was not necessarily in the connections between actors (though this was also present) but in common affinities and ideas.

Unlike the pirates of the golden age, propagandists came from a lineage with a well-defined and fertile political philosophy challenging the state. The godfather of anarchist thought was Pierre Joseph Proudhon³⁵⁰ Much like his socialist and communist contemporaries, Proudhon focused on the effects of property on man and society. In his

Second, many of these men saw the ‘terrorists’ to be the capitalists and the states that supported them. Third, since the term terrorism is as much political as descriptive, using this word has the effect of leveling a judgment on the action. This is not the intent. Finally, it needs to be emphasized that the propagandists were only a small sliver of the larger anarchist movement from the 19th century to the present day even if contemporaries referred to these men as anarchists. There were many who identified with anarchism who did not identify with ‘propaganda of the deed’. Many of those associated with anarchism, such as the syndicalists and later, Baader Meinhof, were not afraid to use violence or even actions that would today be characterized as terrorism. In addition, there are even some who propounded ‘propaganda of the deed’ that did not approve of the actions of these men. For this reason, I use the term ‘propagandists’ to refer to the men who participated in this episode of violence only. ‘Propaganda of the deed’ is used to denote the larger philosophy. Anarchists are meant to refer to anyone adhering to anarchist theory (except inside of quotes where anarchist can mean propagandist) and anarchism denotes anarchist theory.

³⁵⁰ Proudhon, *What Is Property?*.

seminal *What is Property?* Proudhon claims that property is theft. He argues that even if we agree with those like John Locke that a man is entitled to the fruits of his labor this right is not as universal as it may seem. According to Proudhon, a man who grows corn is entitled to that corn but this does not entitle him to the land that the corn is grown on. Simply because labor gives us the right to its fruits does not mean that we own the parts of those fruits given to us by god. The idea of property so common in liberal philosophy is at fault for the inequality and squalor that characterize modern society. However, where Proudhon broke from other political philosophers on the left such as Jean Jacques Rousseau and Karl Marx, was his belief that strong centralized authority was not the answer. It was this authority that enshrined and protected private property and therefore was the cause of society's ills. As Emile Henry would remark at his trial, "socialism changes nothing about the current order. It maintains the authoritarian principal, and this principal...is only an old leftover of faith in a superior power".³⁵¹

Proudhon's thought, like that of Karl Marx, gained traction in the mid to late 19th century as the process of industrialization created large disparities in wealth and opportunity across Europe. This created an underclass, largely hidden from public view, which was ripe for revolutionary zeal, what came to be known as the 'social' or 'labor' question. The first hints of this discontent came in 1871 when members of the Parisian working class took control of the capital for three months until the state was able to muster enough troops from the countryside to brutally crush the rebellion. The Commune, as it became known, turned out to be a rallying cry among those with revolutionary sentiments. To many, both inside and outside the movement, revolution

³⁵¹ APP BA 1115 *Le Petit Temps*.

seemed almost inevitable on the current trajectory. French novelist Emile Zola, sympathetic to the revolutionary cause, captured this sentiment in the musing of Madame Hennebau, the manager's wife in his novel *Germinal*. Upon watching a march of striking miners, Madame Hennebau muses that she saw "the red vision of revolution that on some somber evening at the end of the century would carry everything away. Yes, on that evening the people, unbridled at last, they would make the blood of the middle class flow..."³⁵² The era was one ripe for revolutionary zeal, creating a broader fear of the lower classes among some sections of the bourgeoisie.

The beginnings of the anarchist revolutionary movement gave it three touchstone moments. Two of these moments, the Paris Commune mentioned above and the 1886 Haymarket riots in Chicago, served as further evidence of the crushing power of the bourgeois state. The third, the assassination, after many attempts, of Russian Tsar Alexander II in 1881, galvanized the movement with the hope of success. It is worth going over these last two events in order to give us a deeper understanding of the movement's psyche and a selection of its adherents' subsequent turn toward violence. On May 3, 1886 police fired out onto a crowd of strikers at the McCormick Reaper Works. This led to a protest the next evening in Haymarket Square in Chicago led by the city's anarchist contingent. As the last speaker wrapped up his address, a bomb was thrown into the crowd injuring 67 policemen and killing eight of them. Subsequently a group of anarchists, none of whom threw the bomb, were arrested and tried for the murder of those eight policemen. They were convicted and sentenced to death. Three had sentences commuted and were released after long prison stretches, one committed

³⁵² Quote taken from Tuchman, *The Guns of August and The Proud Tower*, 638. *Germinal* became something of revolutionist favorite, so much so that Emile Henry quoted it at his own trial, APP BA 1115 *Le Petit Temps*.

suicide in his cell and four were hanged. The trial, which Paul Avrich called “one of the most unjust in the annals of American Jurisprudence”,³⁵³ became a touchstone. The accused loudly proclaimed that they were on trial not for murder but instead for “believing in a better future”.³⁵⁴ Since the bomb-thrower was never actually found, many anarchists came to believe that it was the police themselves who threw the bomb in an attempt to crack down on the city’s burgeoning anarchist movement. The authorities saw this as justice. As J. Hayes Ladler, the British consul to Chicago, wrote, “The verdict has brought relief to every class of society, anarchists now know that they cannot push their liberty to abuse”.³⁵⁵ Of course, ‘every class of society’ did not include that from which the anarchists came. Haymarket became, like the Commune before it, a touchstone, a symbol of the anarchist struggle against bourgeois society.

While Haymarket became a rallying cry, the assassination of Alexander II gave the anarchist community hope. Anarchism first took hold not in the industrialized west and north of Europe but instead in the largely agrarian society of Russia. Sergei Nychaev developed a group called *Norodnaya Volya*, or *The People’s Will*.³⁵⁶ It was the People’s Will, not the communists, who were at the forefront of Russia’s revolutionary movement in the middle to late 19th century. A chief goal of the group was the assassination of Tsar Alexander II, ironically the man responsible for freeing Russia’s serfs. After a number of failed attempts, three young men associated with *The People’s Will* – Nikolai Rysakov, Ignaty Grinevitsky, and Ivan Emelyanov – successfully did so in 1881. This not only sent a shockwave around Europe but also signaled to the broader anarchist community

³⁵³ Avrich, *The Haymarket Tragedy*, xi.

³⁵⁴ Tuchman, *The Guns of August and The Proud Tower*, 640.

³⁵⁵ PRO HO 45/9660/A42380F

³⁵⁶ *Norodnaya Volya*, it should be noted, was largely a nihilist as opposed to anarchist organization. However, their actions were adopted by anarchists and the larger revolutionary movement.

that action could be taken after the failure of the Commune. That this ray of light was coming from the oppressive regime in Russia made it all the sweeter. While many were still more in favor of peasant revolts and strikes, the assassination of Alexander gave many an opportunity to talk about the inevitable revolution. This was especially important since previous attempts at regicide had failed not only in Russia but also in Germany, Italy, and Spain.³⁵⁷ Following the attack, Russia began to hunt the anarchist threat down with vigor, expelling many from the country and into the greater European diaspora where they would first congregate in Switzerland and then London, creating the base of a broader movement.

It was in this context that the revolutionary politics of Proudhon, Marx, and their myriad followers found a home. However, this did not produce a united front. The debate over hierarchy and the state in revolutionary politics created a rift in the leftist revolutionary movement that reached a head in the labor/revolutionary internationals of the 1870s and 1880s with the marxist and other labor groups arguing for state control over property and the means of production and the anarchists, led by Proudhon's Russian pupil and onetime mentor to Nychaev, Michel Bakunin, arguing that state control would lead to a dictatorship of the proletariat. There cannot be freedom if there is hierarchy.

The anarchists were therefore focused on a transnational rebellion against the state and

³⁵⁷ One 1883 attempt came especially close but failed when its leader, August Rheinsdorf, sprained his ankle and was not able to take part in the mission, sending his underlings instead. The plan was to blow up a bridge that Kaiser Wilhelm I and members of his family and government were to cross during a public procession. While the group was able to place the bomb under the bridge and had the attack timed perfectly, the bomb did not explode. It turns out that the man taking Rheinhart's place had managed to get the fuse wet so that it would not light. It is interesting to think how different things could have turned out if the Kaiser had been killed in the 1880s. Surely, this would have been the biggest scalp to be claimed by anarchist assassins. See Jensen, "Daggers, Rifles, and Dynamite," 130.

hierarchy as opposed to the socialists' national solution.³⁵⁸ The two parties ended up going their separate ways, as much rivals as comrades.³⁵⁹

That said, while the marxist had a plan to organize the proletariat, the anarchist, since he tended to shun organization, had none.³⁶⁰ The question for the anarchist became, 'how does one start a revolution if one is against hierarchical organization?'. Marxists could argue that industrialization was a necessary component of the 'movement of history' toward the rule of the proletariat. They could assemble and create organizations meant to bring about the revolution. The anarchists could not. They were forced to develop a theory whereby "the emancipation of the workers will be made by the workers themselves"³⁶¹ and the theorist or activist could only attempt to provoke this spontaneous act. Thus the idea of 'propaganda of the deed' was developed by thinkers such as Elisee Reclus, Errico Malatesta, and Piotr Kropotkin – a former Russian aristocrat turned exiled revolutionary who was largely seen as Bakunin's successor as chief intellectual of the movement³⁶² – and put into practice in Italy in the 1870s and 1880s. Since anarchists tended to believe that human nature was good and that their revolution and ideal society were backed up by good science, they began to hold the belief that the masses would revolt if they were made aware of the situation and the alternatives. While propaganda of

³⁵⁸ Levy, "Anarchism, Internationalism, and Nationalism in Europe, 1860-1939."

³⁵⁹ For more see Butterworth, *The World That Never Was*.

³⁶⁰ There were anarchist groups who were less likely to shun organization. Anarcho-communists and the syndicalists – the latter coming to the fore as propaganda of the deed waned – believe that the post-state society would be organized around small, decentralized communes. Many of these anarchists also believed in building small organizations to help bring about the revolution. However, the strain of anarchism from which propaganda of the deed arose did shun organization. I thank Kirwin Ray Shaffer for bringing this to my attention.

³⁶¹ Fleming, "Propaganda of the deed: Terrorism and Anarchist Theory in Late Nineteenth Century Europe," 14.

³⁶² For more on Kropotkin and his thoughts see Kropotkin, *Memoirs of a Revolutionist*; Kropotkin, *The Essential Kropotkin*; Osofsky, *Peter Kropotkin*; Cahm, *Kropotkin and the Rise of Revolutionary Anarchism*.

the word could be useful, propaganda of the deed would bring the attention of many people to the anarchist cause in a short amount of time and therefore help to bring about spontaneous revolution. However, as Marie Fleming remarks, “The irony of the situation is that while the theoreticians of modern anarchism were moving in the direction of accepting propaganda of the deed, in order, thereby to increase the possibilities for ‘anarchist’ action by the masses, they [the intellectuals coming to this conclusion] were reducing the importance and scope of their own activities”.³⁶³

In its earliest incarnation, propaganda of the deed was thought to be best carried out by peasant revolts and labor strikes. But the men who would use dynamite and assassination to strike fear across Europe and the ‘civilized’ world in the quarter century prior to the Great War were a derivation of this idea. A bomb could enlighten the people to the revolutionary fight, tell them who the enemy was, who was fighting on their side and, ultimately, cause them to rise up in rebellion and usher in the anarchist utopia. In many ways this created a tactical split within the anarchist community that would prove the downfall of the propagandists. On the one hand there were the intellectuals and organizers, men like Kropotkin, Malatesta, and Reclus. On the other were the lone men who read these works and were inspired to use whatever violent means they could to attack those they believed were responsible for their position in life. These two groups had very little official contact and the former would end up repudiating the latter. Of course, this was not known to authorities or the general public who saw the anarchist

³⁶³ Fleming, “Propaganda of the deed: Terrorism and Anarchist Theory in Late Nineteenth Century Europe,” 14.

movement as a vast conspiracy meant to bring about the end of civilization, a myth the press, the secret police, and the anarchists themselves were all too happy to perpetuate.³⁶⁴

“The anarchist assassin...murders simply at haphazard”

Unlike the case of golden age piracy where the focus was on a single boundary, ‘the line’, this case includes challenges to two different boundaries, connected as a consequence of events. The first boundary was manifest in what public speech the state did and did not allow. In the wake of the French Revolution, states bought into a conservative nationalism which would attempt to capture the power of nationalism while preserving a rights structure similar to the pre-revolutionary days. While 1894 did not look like 1820 in this regard, the idea of an open public sphere and state involvement in the day to day lives of its people was still not inscribed in the habitus of state leaders. The second boundary was one of open borders where the movement of people and goods was part and parcel of everyday life. For the most part, borders between states were between government and realms of rule. While states attempted to take advantage of nationalism in the 19th century, many did not concern themselves with the everyday lives of their citizens. They were not tracked nor were they protected in ways that became common in the 20th century. Above, I list four pertinent practices: 1) public trials and executions, 2) attempts to control ideas based on a conservative nationalism, 3) unrestricted movement of goods and peoples, and 4) uneven policies dealing with political exiles. This section will briefly talk about these practices and the boundaries they created and how they played a large part in the rise and sustaining of anarchist violence roughly between the years 1880-1910.

³⁶⁴ Jensen, “Daggers, Rifles, and Dynamite.”

To the ruling classes, authority was thought to be a part of human nature and the state provided it, whether through custom or ‘merit’.³⁶⁵ Those who went against this authority were termed the ‘enemies of humanity’.³⁶⁶ However, the process of getting rid of such groups ‘root and branch’ faced challenges as the increasingly prevalent norms of legal process and expanded media reach made this problematic. One consequence of this insistence on controlling the ideas allowed in public political discourse was an inability to discern the ideas from the actions that may or may not have resulted from them. Therefore, anarchy became the crime and a ‘war on anarchy’ was all but declared in name similar to the ‘war on terror’ that would follow a century later. As US President Theodore Roosevelt proclaimed, “Anarchy is a crime against the whole human race”.³⁶⁷ The target is not the assassin, the bomb thrower, or the propagandist, but anarchy, the set of ideas that argued against hierarchy. Under current practice, this was something the state was to control. In addition, propagandist activity was made illegible by current boundaries. One observer remarked that:

Every other class of political assassin has at least some definite, tangible object in view. He commits murder because he seeks to remove some particular ruler, or a member of some particular governing party or body. The anarchist assassin, however, murders simply at haphazard...They exploded bombs in a theatre in Barcelona which was filled with innocent men, women, and children, none of whom were connected with the government.³⁶⁸

Here, we can see that the anarchist’s justification for violence, the attempt to bring about an anarchist utopia, was seen as nonsensical in a world dominated by the states. Narratives of entrant violence are easily understood while illegibility is part and parcel of a narrative of revisionist violence. Anarchist violence was illegible to those working with

³⁶⁵ For more on human nature and rule during this period see Blom, *The Vertigo Years*.

³⁶⁶ Land, *Enemies of Humanity*.

³⁶⁷ Richard Bach Jensen, “The United States, International Policing and the War Against Anarchist Terrorism, 1900-1914”.

³⁶⁸ Kinna, *Early Writings on Terrorism*, III:349.

the conceptual maps of the late 19th century. This sentiment is echoed elsewhere as well. For instance, a briefing on the extradition of the propagandist Theodule Meunier from England to France claimed that anarchists are not interested in “a new form of government, but general destruction”.³⁶⁹

State attempts to control the public sphere and who could and could not enter into it became increasingly unsuccessful as the material and conceptual tools needed to enter it became more accessible. This put immense pressure on the current boundary between public and private. Industrialization had brought with it the technology, embraced by the anarchists of all stripes,³⁷⁰ not only to make weapons such as dynamite, but also to increase the movement of peoples, goods and ideas brought about by the increased reach and freedom of a growing media. This meant that a poor man in Italy could hear news of the execution of a French anarchist and decide to go to France in order to exact revenge. A poor Polish immigrant in the US could hear of the treatment of an American-born Italian anarchist and decide to assassinate President William McKinley. Industrialization also brought about the vast economic inequalities and urban poverty that led many young men to take up violence. Attempts to control the public sphere in the manner that had been possible in previous decades were no longer possible in an era of industrialization. While state practices had yet to adapt, propagandists could take advantage in order to attack the state. Chaliand and Blin sum up the situation nicely, “The very gradual emergence of democratic freedoms allowed malcontents to broadcast their demands on a

³⁶⁹ Ibid., III:360.

³⁷⁰ The famous London Congress of 1881 advocated a “study of the new technical and chemical sciences from the point of view of the revolutionary value”. See Fleming, “Propaganda of the deed: Terrorism and Anarchist Theory in Late Nineteenth Century Europe,” 16.

scale that had previously been unthinkable. Yet, the winds of freedom blew weakly...thus legitimizing such protest movements”.³⁷¹

In addition, there was little control over the movement of people across borders. This may seem like the lack of a boundary but the boundary in this instance deals with what is considered international and what is considered domestic, not how strong borders are. While the ideal of borders creating set pieces of land that were theoretically free from outside influence had been centuries old by this time, in practice the control of everything and everyone that crosses those borders, Krasner’s ‘interdependence sovereignty’,³⁷² had yet to be realized. In late 19th century Europe “borders were not hard to cross, legal agreements between states in matters such as extradition were few, and communications between police departments were still rudimentary”.³⁷³ Part of this was a conception of what did and did not matter to the state. At the risk of painting with too broad a brush, the European state of the 18th century had not been legitimated through its ability to protect those living within its borders and therefore was not very concerned with the lives and doings of its citizenry, at least not in the manner that we think of it in the early 21st century. Its major focus was on the upper classes and those who could play the game of high politics. As nationalism became a greater force in European politics, this changed. The nationalism of the 19th century was a reaction to the French Revolution and the power Napoleon tapped into and was accordingly fashioned in a conservative manner whereby the nation was utilized by the state.³⁷⁴ Here, the citizenry

³⁷¹ Chaliand and Blin, “The ‘Golden Age’ of Terrorism,” 175.

³⁷² Krasner, *Sovereignty*.

³⁷³ Chaliand and Blin, “The ‘Golden Age’ of Terrorism,” 183.

³⁷⁴ Bobbitt, *The Shield of Achilles*.

were tools for state leaders to use for their benefit, largely in creating standing armies, enhancing national economies, and staffing colonial governments.

But this view of the nation as something to be used by the state also carried with it a certain level of apathy towards what these people did – thus the growing level of inequality and urban squalor – and where they went. For instance, for much of the 19th century there were no passports and people could move rather freely across Europe without harassment or questioning.³⁷⁵ As the Spanish Duke of Arcos complained, “the anarchist agitator who is driven out of one country by the authorities finds lodgment in another”.³⁷⁶ The only regular level of control given over the movement of people was in the realm of political exiles, where the exile was banished from the home state. A number of states, notably England and Switzerland,³⁷⁷ became places of political shelter for exiles and there was no standard practice of extraditing or cataloguing them. Such a lax system of border control was useful in facilitating the movement of goods and money when the doings of common people were of no great concern to the state, but it certainly benefitted the anarchist. Even in the globalized era of the 21st century, open borders are still accompanied by a passport system, codified practices regarding political exiles, and routine checks of passing goods. In many ways borders are much less porous today than they were in the late 19th century.

When combined with the attempt to control the political discourse and use rough police tactics and sham trials,³⁷⁸ open, porous borders seem unworkable. If people and

³⁷⁵ Salter, *Rights of Passage*; Torpey, “The Great War and the Birth of the Modern Passport System,” 2008.

³⁷⁶ Kinna, *Early Writings on Terrorism*, III:355.

³⁷⁷ More on English asylum below. As an example of the problems posed, Parisian police believe that they just missed coming across documents that would have detailed an “international anarchist plan” because the papers were sent to Madame Brochet, a sympathizer in Switzerland, APP BA 79 1/31/94.

³⁷⁸ For more on this see section below on Paris 1892-1894.

ideas can move all over Europe, it is hard to control what is said, shown, and thought within a contained political space. While oppression of all types was an issue, police brutality became public knowledge. When Spanish brutality in the Montjuic prisons could lead to anarchist bombings in France and rallies in London, there was a problem for those attempting to maintain order using these methods. Current boundaries not only provided beneficial working conditions for propagandists but also rendered them illegible to the states opposing them. The process of ‘shattering’ began as what previously had been habitual actions for state leaders needed to be rethought and conceptual borders of sovereign authority redrawn.

“Satan has made himself a dynamiter”

In the thirty-five years prior to the First World War, Europe was beset by a series of bomb attacks and assassinations by those labeled ‘anarchists’.³⁷⁹ Between 1898 and 1901 four heads of state were killed.³⁸⁰ Russia experienced the killing of a Tsar in 1881 after many failed attempts and the killing of many prominent officials throughout the period.³⁸¹ There were three attempts on the life of the Kaiser, the French President was assassinated in 1894 and the Spanish Prime Minister in 1906. In 1900 there were unsuccessful attempts to assassinate the Prince of Wales in Brussels and the Persian Shah in Paris.³⁸² Italy experienced numerous peasant revolts led by anarchists and the

³⁷⁹ Not all attacks were by anarchists, though the fact that they were usually attributed to them demonstrates the threat they posed. Nihilists, and even some nationalists, were popularly referred to ‘anarchists’. As an example see the news report of a bomb explosion in San Francisco falsely attributed to anarchists see Kinna, *Early Writings on Terrorism*, III: 258–60.

³⁸⁰ Jensen, “Daggers, Rifles, and Dynamite”; Jensen, “The International Campaign Against Anarchist Terrorism, 1880-1930s.”

³⁸¹ Ulam, *In the Name of the People*; Naimark, “Terrorism and the Fall of Imperial Russia”; Phillips, “The War Against Terrorism in Late Imperial and Early Soviet Russia”.

³⁸² Jensen, “The Evolution of Anarchist Terrorism in Europe and the United States from the Nineteenth Century to World War I,” 149.

assassination of King Umberto.³⁸³ The period also saw numerous attacks in landmarks, public cafes, opera houses, and apartment buildings frequented by the bourgeoisie. There were also periods whereby attacks were concentrated in a single country or city over a short period of time, creating a sense of terror above and beyond any number of explosions or casualties. For instance, there were 11 bomb explosions in Paris between the years 1892 and 1894.³⁸⁴ Similar patterns developed in Spain around the same time. The violence was not limited only to Europe, either. One attempt on the Kaiser was undertaken while he was in Cairo. In addition to Haymarket, the US experienced the attempted assassination of Carnegie Steel's Henry Clay Frick by a man named Alexander Berkman, and Leon Czoglosz' assassination of President McKinley.³⁸⁵ Argentina became a breeding ground for both wayward anarchist intellectuals and propagandists of the deed such as the infamous French propagandist August Vaillant while action was also reputed to have occurred in India and the Phillipines as well.³⁸⁶

Of course, as outlined in Chapter 3, the number of attacks and the danger they posed are at best only a part of the story. While anarchists attacked important targets successfully and caused damage, much of their threat also emanated from the narratives that surrounded them. The anarchist came to be considered the most devious of criminals due to the surprising nature of their attacks, which only added to the sense of terror they created. They could be hiding anywhere, they could be anyone. They could be under the

³⁸³ Jensen, "Police Reform and Social Reform: Italy from the Crisis of the 1890s to the Giolittian Era"; Jensen, "Criminal Anthropology and Anarchist Terrorism in Spain and Italy."

³⁸⁴ Sonn, *Anarchism and Cultural Politics in Fin de Siecle France*; Varias, *Paris and the Anarchists*; Merriman, *The Dynamite Club*.

³⁸⁵ Miller, *The President and the Assassin*.

³⁸⁶ However, there is some debate about whether it was anarchism that was afflicting Asia. However, it does appear to have fallen under the same legal umbrella. See Richard Jensen, "Daggers, Rifles and Dynamite"; Anderson, *Under Three Flags*.

bench of a carriage waiting to strike or sipping coffee at a café that was about to explode.

They had no central figure and their dealings were conducted outside of the public eye.

A January 1894 column by Jose Echegaray in the Spanish Periodical *La Lectura* sums up the mood:

Explosives are on the order of the day in the Chambers [of parliament], in the disorder of the night in the theaters; they hang as a menace over the entire bourgeoisie, without respecting the poor worker if they encounter him in passing, and there is no person who does not worry about dynamite, nitroglycerine, *panclastinas*, and detonators... Modern explosives have come to upset everything: ideas and property and social relations.

The lowliest wretch in the worst social rubbish heap [*putridero social*] holds a threat over the entire society, like a horde of barbarians showing their monstrous heads over the frontier. The result is that the least becomes the first, if not by power, by terror... Satan has made himself a dynamiter and tries to be equal with God, and threatens his shadow [on earth].³⁸⁷

There are two things to keep in mind here. First, the anarchists are said to be against “ideas and property and social relations”. This demonstrates some of the illegibility fostered by current boundaries, but it also demonstrates a conscious attempt by those countering propaganda of the deed to, accurately as it turns out, paint it in opposition to society and the state. Here we can see how they became ‘enemies of all humanity’, or as Echegaray suggests: ‘barbarians’, ‘monstrous’, and ‘Satan’. The anarchist was usually denounced in the strongest way possible as having ‘inhuman designs’.³⁸⁸ For instance, Johann Most was denounced as a “malicious and evil disposed person and unlawfully, maliciously, and wickedly contriving, intending, and attempting in defiance of all principles of morality and good government to justify the crimes of assassination and murder” at his trial for incitement in London in 1881.³⁸⁹ Given this rhetoric, Roosevelt’s declaration that anarchy was the greatest threat of the age was not out of place.

³⁸⁷ Quoted in Jensen, “Daggers, Rifles, and Dynamite,” 138.

³⁸⁸ See English Correspondence on the St. Petersburg protocol PRO HO 144/757/118516.

³⁸⁹ PRO HO 144/77/A3385

Second, the manner of the act was viewed as cowardly. They were the ‘lowliest wretch of the worst social rubbish heap’. This created a deeper sense of crisis. One German correspondent claimed that “the anarchist element is so mobile that even if a plot were destroyed today, tomorrow another one would be formed”.³⁹⁰ Propagandist actions, their transnational character, and the level of secrecy they were able to keep led to numerous claims of an international conspiracy against the pillars of society. Consequently, every threat was taken seriously. One instance demonstrates this very well. During a trial for anarchists arrested in England in connection with a plot in Walsall near Birmingham in 1892, a telegram of support was sent to the defendants from the “United Anarchists Groups, London”.³⁹¹ The phrase itself caused a panic and the belief that there were many attacks on the horizon from these ‘united groups’. If the anarchists are united who knows where they will attack next! However, it appears that the letter was sent not by any particular group but instead by a single man, Thomas Cantwell, editor in chief of the *Commonweal* newspaper.³⁹² The whole panic was fueled not by good intelligence but instead by a prior belief in a large conspiracy that made the use of the term “United Anarchist Groups, London” a threatening one.³⁹³

It did not help matters that many combating propaganda of the deed had every interest in exaggerating the threat. A largely false idea took hold that the anarchists were part of a major international conspiracy. Conspiracy theories helped the secret police forces arrayed against propagandism receive more funds and be allowed more leeway

³⁹⁰ APP BA 1509, 2/22 Letter

³⁹¹ PRO HO 144/242/A53582

³⁹² Ibid

³⁹³ For similar overestimations of threat, usually by non-English states, see PRO HO 144/258/A55684, PRO HO 144/545/A55176, PRO FO 371/136, PRO HO 144/1112/202225, PRO HO 144/485/X37842B. The search for such a plot was common, APP BA 79 1/31/94.

when working. These forces called all attacks ‘anarchist’ even if the group undertaking them identified themselves otherwise and they even perpetrated some attacks as a way to either capture anarchists and/or exaggerate the threat to gain more favor with home governments. Historian Alex Butterworth has even gone so far as to trace the origins of the Protocols of the Elders of Zion to attempts to tag this conspiracy onto Europe’s Jewish population.³⁹⁴

Similarly, the media were all too willing to trump up any possible anarchist threats in a bid to sell more papers. Anarchist attacks, trials, and plots were front page news and took up a lot of column space. *The Evening News* made claims that 8,000 anarchists were present in London in 1894.³⁹⁵ Of course, the anarchists themselves embraced this turn of events as a way to bring about the revolution. Since propaganda of the deed was based on the theory that a series of actions (deeds) could bring about the revolution as more people came to realize how correct the anarchists were, they had no problem with their portrayal by the press and by those fighting them.³⁹⁶ Many propagandists viewed their trials more as opportunities to get their message to the people than as a way to save themselves. One, who pleaded guilty of possession of explosives, freely ventured his own plot to blow up the London stock exchange and repeatedly yelled out, “I want to kill the capitalists”.³⁹⁷ Trials also became events that allowed for the spread of anarchist propaganda. During the trial of Francois Claudius Koenigstein, alias Ravachol, his friends circulated a pamphlet that claimed that the bourgeois make “of this man a monster in the eyes of satisfied egoists and the indifferent who do not want to see

³⁹⁴ Butterworth, *The World That Never Was*.

³⁹⁵ Ruth Kinna, *Early Writings*, II:147.

³⁹⁶ Jensen, “Daggers, Rifles, and Dynamite.”

³⁹⁷ PRO HO 144/1711/A55860D

that it is they who created him”.³⁹⁸ They also demonstrated a stance of defiance toward death similar to the golden age pirates. Emile Henry claimed at his trial, “In no way do I seek to hide myself from the retaliation of the society that I attacked.”³⁹⁹ All of this played into the hands of the anarchist.

So the threat propagandists posed to European state and society went above and beyond the number of bombs that were exploded or the heads of state laid to rest. It touched a nerve that led to overstated, and possibly bogus, conspiracy theories that were fueled by the secret police, papers, and the anarchists themselves. In these conditions, the public remained scared, police forces received resources, and papers were sold. While we risk oversimplifying when we claim that the nationalism of the 19th century was used for the purposes of the state, it does capture something important. This was a period where man’s nature was popular explanation for most social phenomena: the criminal had a ‘nature’ and a ‘look’.⁴⁰⁰ Peoples were of ‘races’ and ‘scientific’ theories like eugenics became popular.⁴⁰¹ Political elites believed that it was in the nature of the common man to follow their lead. However, in order to convince the public that it was they who should lead, state leaders needed to provide protection. Much of early nationalist rhetoric contrasted a particular nation to its supposed enemies (i.e. the French against the German), showing how the state was the nation’s representative tasked with defending against the intrusions of the ‘other’ while simultaneously aggrandizing the nation. However, anarchists complicated this picture. Not only did they present a clear

³⁹⁸ APP BA 1132

³⁹⁹ APP BA 1115 *Le Petit Temps*

⁴⁰⁰ See discussion on Cesare Lombroso and Alphonse Bertillon below.

⁴⁰¹ The First International Congress of Eugenics had as Vice Presidents Winston Churchill and Alexander Graham Bell among others and its president was Major Leonard Darwin, son of Charles. Blom, *The Vertigo Years*, 334.

alternative version of social organization, but the usual tools for defeating security threats did not work. Anarchists proved too decentralized, too hard to separate from the populace and too willing to sacrifice their own lives for the cause. In addition, this failure to stop anarchist bombings and assassinations chipped away at the state's claims as the provider of security. Not only was anarchist rhetoric against the state and their attacks used as propaganda, but the very fact that there were attacks made the legitimating claims of the state less persuasive. Why countenance hierarchy if it cannot protect you?

Was the very existence of the state at risk? Chances are that it probably was not. However, that the anarchists were viewed as its biggest threat during the period is enough to claim that they created a crisis. As explained in Chapter 3, threat is not something to be objectively determined but instead something that depends on the narratives used by both perpetrator and target. Propaganda of the deed produced a crisis for the capitalist, monarchical, occasionally liberal order that ruled during this time. Therefore it was a threat to the state, not merely a particular state or a particular regime. This order was not to hold for long following the First World War⁴⁰² in part due to the choices outlined below. Those states that did not adapt, notably Spain and Russia, saw grave consequences for their ruling orders as anarchists played important, but ultimately unsuccessful, roles in the Russian Revolution and the Spanish Civil War.

⁴⁰² It is nearly impossible to extricate the effects of anarchist terrorism from those of the First World War, which adds a level of complexity to this case. However, as I talk about in Chapter 1, there is no reason to think that any event has a single effect or single cause. We should think about causation in terms of configurations in particular times and places and deal with such complexity when building historical narratives. The role of this event is covered in more detail below.

“Vive l’anarchie”

What does the literature on the propagandists say about their eventual downfall? Propagandism is not a common topic in IR⁴⁰³ despite the parallels drawn, here and elsewhere, between the anarchists and Al Qaeda.⁴⁰⁴ Where we do see conjectures about the downfall of propaganda of the deed is in the historiography. Usually these are split into two groups: those that view the First World War as decisive⁴⁰⁵ and those that favor the changes undertaken by the anarchist movement itself.⁴⁰⁶ Both are partially true. Many of the changes that happened, both to the state and international institutions, after the First World War did make it harder for propagandists to operate. Even prior to the war, more anarchists began to reject propagandism and started to expend more energy into legitimate channels such as the labor movement.

However both explanations leave out important details. The propagandists’ end does not graft neatly onto the beginning and the end of the First World War. Propaganda of the deed was certainly on the wane by 1910 in all but Spain and Russia and flared up again in Italy and the United States in the 1920s.⁴⁰⁷ Additionally, many of the changes that took place in the interwar years were already under way prior to the First World War or at least had their roots in pre-war policies to combat propaganda of the deed. Many of

⁴⁰³ One important exception is Zarakol. Zarakol, “What Makes Terrorism Modern?”.

⁴⁰⁴ Rapoport, “Four Waves of Rebel Terror and September 11”; James L. Gelvin, “Al-Qaeda and Anarchism: A Historian’s Reply to Terrorology”; Bobbitt, *Terror and Consent*; Mikkel Thorup, “The Anarchist and the Partisan—Two Types of Terror in the History of Irregular Warfare”.

⁴⁰⁵ Tuchman, *The Guns of August and The Proud Tower*; Bobbitt, *Terror and Consent*.

⁴⁰⁶ Woodcock, *Anarchism*; Joll, *The Anarchists*; Marshall, *Demanding the Impossible*; Bookchin, *The Spanish Anarchists*; For more on this critique see Fleming, “Propaganda of the deed.”

⁴⁰⁷ Jensen, “The International Campaign Against Anarchist Terrorism, 1880-1930s”; While anarchism in the US spiked in the years immediately following the First World War, it could be argued that this was not part of the same episode of violence. Coben points out that during the Palmer raids communists were generally more feared, “American Anarchists were capable of isolated bomb atrocities, but a more ambitious, organized attempt was beyond them”. It would appear that at this time those who still practiced propaganda of the deed were no longer thought to be a serious threat. They were now legible. Coben, A. *Mitchell Palmer*, 209.

those claiming that the anarchist communities' rejection of violence was decisive tend to ignore the changing incentive structures provided by the state that presage these decisions. Anarchist intellectuals and organizers saw that propaganda of the deed was not "working", granted, but many also saw more promising avenues in anarcho-syndicalism at a time when such actions were just beginning to become legitimate. This is compounded by the tendency for many of these scholars to downplay propaganda of the deed as a minor part of their preferred political movement.

In contrast, the argument here is more in line with John Merriman, Richard Bach Jensen, and to a lesser extent Barbara Tuchman, who see a relaxing of anti-labor laws and a begrudging acceptance of anarchism in the public sphere as important in its downfall. Both of these changes are a part of the new practices that I argue redrew boundaries. In addition, an international element predicated upon the closing of borders to free movement, facilitated by techniques of surveillance developed in response to propaganda of the deed, also reduced violence by anarchist groups. Therefore, what we see is a change in the boundaries of sovereign authority, opening up the public sphere to anti-state ideas while restricting the movement of people and goods across borders.

These solutions took years to come to fruition. The immediate response in most states was to step up police work and prosecutions, what Benedict Anderson has described as "a mass of draconian 'anti-terrorist' legislation, summary executions, and a sharp rise in torture".⁴⁰⁸ While this did lead to the successful prosecution of the particular culprits, it did not prove effective in stemming the tide of attacks. The 'structure' of the propagandists and their willingness to die for the cause made defeating them even harder

⁴⁰⁸ Anderson, *Under Three Flags*, 3.

than previous threats.⁴⁰⁹ Violent acts were undertaken not by ‘official’ anarchist movements but instead by lone individuals sympathetic to the cause. Therefore, prosecuting a movement leader such as Piotr Kropotkin or Errico Malatesta would prove unproductive as would the infiltration of anarchist groups in places like London and Patterson, NJ; direct connection between these groups and acts of violence were usually non-existent even for groups that outwardly supported propaganda of the deed. Harsh punishments were also unproductive. As detailed above, propagandist trials became media events and served as a platform for the accused to spread their gospel. The damned became martyrs and heroes to a particular section of the public who felt crushed by the combination of industrialization and nation-building. Each execution tended to be answered by a ‘revenge’ response by another propagandist. Executions were an old practice which was not working, completing the process of ‘shattering’.

The events in France between 1892 and 1894 serve as an example of this pattern. In 1891, violence between strikers at a mine in Clichy and authorities led to miner deaths and the arrest and torture of some strikers who identified as anarchists. According to those in the movement, “police officers began to hit the prisoners, to whip them; they trampled them under their boots; they amused themselves by cutting them with sword slashes”.⁴¹⁰ Those tortured would be sent to prison. In response, Ravachol, who was a friend of one of these men, set off a series of bombs in the residences of the convicting judge and attorney. The bombs were not as successful as planned and no one was killed, but nonetheless it put the city of Paris on edge. Ravachol was discovered and arrested after bragging about his deeds to a waiter while ordering dinner at the Café Very. While

⁴⁰⁹ This problem was recognized. See a speech by US Senator George Frisbee Hoar in response to Congressional action taken after McKinley’s assassination, PRO FO 412/67.

⁴¹⁰ There were also claims of sodomy by those tortured, APP BA 1132 4/24/94.

Ravachol's bombs did not kill anyone, authorities soon discovered that he was wanted for a series of murders and burglaries across the country. When confronted, Ravachol was defiant, stating that his aim was to avenge the jailed anarchists at Clichy. "My object was to terrorize so as to force society to look attentively at those who suffer."⁴¹¹ He argued that to rob the rich was the right of the poor as it was better to become a thief and murderer than to die of hunger. Ravachol was sentenced to death for the murder of a hermit during a robbery a few years prior. He was carried to the guillotine proclaiming "Vive l'Anarchie!".

Ravachol became the patron saint of propaganda of the deed as the word *ravacholisier*, meaning 'to wipe out an enemy', became common anarchist lingo across Europe.⁴¹² Songs sung in anarchist pubs were written to commemorate his act and death with lines like, "All the bourgeois will taste the bomb" and "Let's dance the Ravachole!"⁴¹³ Soon thereafter, there was a bomb attack by a man named Meunier on the restaurant where Ravachol was arrested, killing the proprietor though missing its target: the waiter Lherot who originally reported Ravachol to the police.⁴¹⁴ Meunier was able to escape to England where he spent two years before being caught and extradited on charges of murder, not anarchism.⁴¹⁵ Another bomb was soon discovered in the Paris office of a mining company that was experiencing a strike at a mine in Carmaux in

⁴¹¹ Tuchman, *The Guns of August and The Proud Tower*, 653. Ravachol focused heavily on the events of Clichy in his legal defense, see APP BA 1132 5/8/92.

⁴¹² *Ibid.*, 654.

⁴¹³ Merriman, *The Dynamite Club*, 84–85. The famous revolutionary song 'Pere Duchesne' was changed to 'Chanson [song] de Ravachol', APP BA 1132 8/5/92. One police doc reports that his name was sung at a soup kitchen administered by anarchists in Paris, see APP BA 77.

⁴¹⁴ Hubac-Occhipinti, "Anarchists Terrorists of the Nineteenth Century." He was open about trying to avenge Ravachol, APP BA 1215 "Le Vengeur de Ravachol".

⁴¹⁵ PRO HO 144/485/X37842. Meunier was sentenced to life in prison, he died 10 years later, APP BA 1215 "Le Vengeur de Ravachol".

southern France.⁴¹⁶ This time the bomb was supposedly defused and taken carefully by policeman to the nearest station. However, once at the station it exploded, blowing up six policemen.⁴¹⁷ The plot was similar to the one undertaken by Ravachol and was carried out by a young scholar by the name of Emile Henry.⁴¹⁸ Henry, however, was neither caught nor suspected and was able to get himself to London for the period of about a year undetected. In the meantime, a man by the name of August Vaillant, a poor man whose work in a sugar factory could not provide for his daughter and his mistress and who was radicalized during time spent working in Argentina, decided to attack the Chamber of Deputies. Throwing the bomb from the upper deck, it made a loud crack, causing panic and multiple injuries but no fatalities. At his trial, Vaillant proclaimed that not only had he purposefully not killed anyone (he would have used a different bomb if he had) but that he was striking out against a society that lets one third of its people live in poverty and kills heroic men like Ravachol. Vaillant would be sentenced to death despite not having killed anyone, causing threats of future attacks and widespread outrage.⁴¹⁹

Despite a fierce campaign undertaken on his behalf not only by anarchists but also by noted artists like Emile Zola and Laurent Tailhade – who had lost his eye to an anarchist bomb – Vaillant was not pardoned. He would become the first Frenchman to be sentenced to death in the 19th century for a domestic crime that did not involve murder.

⁴¹⁶ The perpetrator claimed that the supposed victims would only be bourgeois and therefore not innocent, APP BA 1115 *Le Petit Temps*. Many other anarchists disagreed with this assessment.

⁴¹⁷ For more, including pictures of the explosion, see APP BA 140

⁴¹⁸ Henry was considered a brilliant young student who had good enough scores good enough for the Polytechnic School but was refused because he did not show up for his orals, APP BA 141. He claimed at his trial that his “scientific studies” let him to the truth of human nature and therefore to anarchism, APP BA 1115 *Le Petit Temps*.

⁴¹⁹ For such a threat by an anarchist named Marechal see APP BA 77 1/29/94. In fact some, including Marechal, believed that Vaillant’s execution and the resulting outrage would be good for the cause, APP BA 79 1/29/94. Some feared further repression in anticipation of attacks, APP BA 79 1/30/94

In addition, the Chamber of Deputies passed the *lois scélérates* or ‘wicked laws’,⁴²⁰ which severely repressed the anarchist press, anyone with supposed anarchist leanings, and anyone with unauthorized dynamite. The idea became the crime. In response, a man by the name of Pauwels phoned in a suicide in two different apartments that were rigged with explosives, killing the investigating officers.⁴²¹

In 1894, Emile Henry returned from London and set about devising a plot to blow up the Café Terminus in downtown Paris, a popular after work spot for the city’s bourgeoisie. The explosion injured twenty and killed only one. Henry was captured in the aftermath and confessed not only to the Café Terminus bombing but also the bomb that went off at the police station one year earlier. Henry was unrepentant claiming that he wished he had killed more with the Terminus bombing. When asked why he set off a bomb in a place where “peaceful anonymous citizens gathered in a café to have a beer before going to bed”,⁴²² he proclaimed that all bourgeois were guilty and in league with the state. Their comfortable lives were made on the backs of the poor who could not make ends meet. He also went on eloquently about revenge for the killings of Vaillant and Ravachol and defiantly told authorities, “Go ahead and cut off my head, you may as well...Others will come after me.”⁴²³ Henry was sentenced to death and was heard to scream a muffled, strangled, “Be brave comrades and vive l’anarchie!”⁴²⁴ before being

⁴²⁰ *Les Lois Scélérates de 1893-1894.*

⁴²¹ Hubac-Occhipinti, “Anarchists Terrorists of the Nineteenth Century.” See also APP BA 1215 7/12/92 and 11/13/92.

⁴²² Tuchman, *The Guns of August and The Proud Tower*, 669.

⁴²³ APP BA 141

⁴²⁴ APP BA 1115 *Le Petit Temps*. That Henry’s attempts to speak were strangled out by those performing the execution led George Clemenceau to remark that the French response was “an act of savagery”. More evidence of how the French response to anarchist terrorism was self-defeating. Tuchman, *Guns of August and the Proud Tower*, 671.

guillotined. Henry became yet another hero of the movement, the “St. Just of Anarchism” beheaded by the French state.

The decision not to pardon August Vaillant predictably brought the ire of the anarchist press who claimed that President Sadi Carnot would feel the brunt of an anarchist bomb. They were eerily close to the truth because Carnot was stabbed to death on a visit to Lyon by a young Italian, Santo Caserio, who had read about his decision not to pardon Vaillant in a local paper. A few days later, Carnot’s wife received a letter addressed to the ‘Widow Carnot’. It was a letter sent from Caserio prior to his attack and included pictures of Ravachol and Vaillant and the words, “He is avenged”.

Between 1892 and 1894, eleven bombs exploded in Paris in the homes of judges and lawyers, at the offices of mining companies, in the chamber of deputies, and in cafés frequented by the bourgeoisie. It got so bad that a scare in a Paris theater in 1894 led to multiple deaths due to screams of “Une Bombe! Les anarchistes” when scenery crashed backstage. The *Lois Scélérates* were once again updated in 1894 following the bombing of the Café Terminus and the Paris police began arresting people for “incitement to hatred of the bourgeoisie”, but the attacks continued.⁴²⁵ It became clear that the public trial of Ravachol had created a series of imitators and revenge seekers.

France was not alone. Similar cycles of copycatting and revenge also played themselves out in Spain. In 1892, a peasant uprising in Jerez meant to rescue five comrades who had been sentenced to life imprisonment for a labor uprising ten years prior led to the garroting of four young men. One of the men, before being choked to death in public, got out the words “avenge us”. In 1893, a man by the name of Pallas

⁴²⁵ The quote is from APP BA 1115, 11/22/92.

threw a bomb at the Spanish Minister of War, General Martinez, killing one soldier, five bystanders, and the General's horse (though leaving the General unscathed). At his trial, Pallas talked about revenge for the Jerez 'murders'. When he was sentenced to death, he yelled out "Agreed! There are thousands to continue the work!".⁴²⁶ Before his death, he proclaimed that "Vengeance will be terrible!" A few weeks later a bomb went off in the Teatro Lyceo in Barcelona killing fifteen and causing mass panic. The government's reaction was swift and devastating, rounding up anyone associated with anarchism and/or socialism and torturing them at the infamous Montjuic prison just outside Barcelona.⁴²⁷ A man by the name of Santiago Salvador admitted to being responsible for the bombing of the Lyceo opera house as revenge for the death of Pallas. Within days, another bomb went off, killing two more people. The harder the police pushed, the more bombings there appeared to be.⁴²⁸ Repression was unsuccessful in stemming the anarchist threat. Its only positive was that, in the words of the Duke of Arcos, repression had the effect of "scattering their forces", though this was cold comfort since this many times meant attacks elsewhere.⁴²⁹

Official multilateral cooperation also proved unfruitful. A few multilateral agreements were reached, such as the 1898 Rome Conference and the 1904 St. Petersburg Protocol. The 1898 Rome conference was scheduled after the assassination of the popular Austrian Empress Elisabeth by an Italian anarchist and included all of the

⁴²⁶ Tuchman, *The Guns of August and The Proud Tower*, 661.

⁴²⁷ That Spanish responses to anarchism were atrocious and counterproductive was readily apparent to the English authorities who expressed shock at the Montjuic atrocities and repeatedly treated the Spanish anti-anarchist policies with contempt. See PRO HO 45/9743/A56151C

⁴²⁸ The authorities were not oblivious to this dynamic. For instance, they attempted to survey Paris before and after Ravachol's execution to see if they were in danger for reprisal, APP BA 1132 7/12/92. Similar steps were taken with Vaillant and other executions as well, APP BA 77 1/29/94.

⁴²⁹ Kinna, *Early Writings on Terrorism*, III:347.

major states and their police departments. Its biggest achievement was the agreement of a legal definition of anarchism⁴³⁰ and an agreement to change the ‘attentat’ extradition clause to not grant political exile to those guilty of killing or attempting to kill a head of state. However, none of the agreements from the Rome Conference were put into legislation. Only one of the agreed upon protocols, that states look to punish anarchists for the use of explosives abroad, was ever drafted in any of the participating states, and that state, England, did not even sign the final conference draft. The measure was never brought to a vote despite repeated Tory promises. In addition, the St. Petersburg protocol, setting up official channels of communication between police departments, was not signed by the US, UK, or France who saw it as unnecessary and as a way for Russia and Germany to interfere in their respective processes (and liberal rights). In particular, the English rejected the Russian proposal to make anarchism itself a crime.⁴³¹

For these reasons, both agreements proved to be largely ineffectual and were secondary to the large number of informal agreements between police departments and the unilateral spying which was occurring nearly everywhere. For instance, the Russian Okhrana had a bureau in Paris, the British Special Branch cooperated with the Okhrana against the wishes of Parliament, and Italy set up a network of secret agents in cities across Europe and North America to spy on Italian emigrants. However, it could be argued that this was largely ineffective as well. The state with the largest international

⁴³⁰ Of course the English did not accede to this definition. They certainly rejected the Russian proposal to make all opposition to political organizations ‘anarchism’ as this would have included any political opposition. They also saw no need to go along with the agreed upon definition, “every act having for its object the destruction by violent means of any social organization...Will be considered an Anarchist anyone who commits an anarchical act according to the above definition” because they did not feel comfortable choosing which sets of ideas were and were not going to legal. They preferred to focus merely on criminal acts. See PRO FO 881/7179.

⁴³¹ PRO FO 412/67

secret police, Russia, never rid themselves of anarchist agitation during the time of the Tsar.

Many bombings were instigated by police *agents provocateurs* with the goal of foiling the plot and alerting the public to an international conspiracy that did not actually exist. One famous incident occurred in Belgium in 1894. The attack was to be used as an excuse for greater funds for the Special Branch of Scotland Yard based on evidence which linked eight Germans and two Dutch anarchists to the attack. Subsequently, it was revealed that the man who had carried out the attack, a Baron Ernest Ungern-Sternberg who also went by the names Hekkelman and Hartings, was in the pay of the Russian Okhrana's infamous chief Peter Rachovsky. It was also revealed that English special branch officers were known associates of the accused.⁴³² Hartings' cover was 'blown' when upon his arrest he asked for a Monsieur Leonard, Leonard being the maiden name of Rachovsky's wife.

The practice of using special agents also backfired because many undertook attacks without the knowledge of their superiors. An Italian infiltrator in London named Gennaro Rubino used funds given to him by an Italian special agent named Prina to start an anarchist press.⁴³³ Upon being revealed as a secret agent by the anarchists, Rubino decided to prove his worth to the anarchists by using a weapon given to him by the Italian government to attempt to kill King Leopold in Belgium. Rubino was captured after the failed attempt and the whole episode was a major embarrassment for the Italians and stalled future cooperation.⁴³⁴

⁴³² Butterworth, *The World That Never Was*.

⁴³³ PRO HO 144/545/A55176

⁴³⁴ See also Di Paola, "The Spies Who Came in from the Heat."

In a perverse twist, these policing efforts most likely added to the growing sense of crisis during the period rather than really helping. This became the chief reason why the English rejected cooperation attempts by the Russians, Italians, Germans, and Spanish.⁴³⁵ In the words of one English official, “In my opinion no good could result from Spanish detectives coming over here to study the system adopted by the Metropolitan Police”.⁴³⁶ Many of these requests centered on cracking down on anarchist ideas, something the British were reluctant to do because, as stated in a response to the Spanish, “To be an anarchist is not any offence to English law as it is to hold any other theory with regard to social or political questions”.⁴³⁷ The presence of these foreign police officers usually made things more dangerous, not less. Indeed, one English official noted to the Italians that their actions “seriously aggravate the danger they are designed to check”.⁴³⁸

The English even began to believe that the most dangerous anarchists were those whose spying was uncovered by the anarchist community. Examples include Rubino and a man named Michele Angiolillo who assassinated the Spanish Prime Minister Antonio Canovas after he was shunned by the French anarchist community as a suspected spy.⁴³⁹ In several instances, threats were invented just to provoke a reaction from other states, in particular the English.⁴⁴⁰ In response, many states began to move away from this police cooperation in the decade prior to the First World War, desiring diplomatic cooperation

⁴³⁵ See PRO HO 144/757/118516 for attempts by Russia, PRO HO 144/545/A55176 for attempts by Italy, PRO HO 45/9739/A54881 for German Attempts and PRO HO 45/10254/X3650, PRO HO 144/545/A55176, PRO HO 144/757/118516, and PRO FO 881/6427 for repeated attempts by the Spanish.

⁴³⁶ PRO HO 144/757/118516

⁴³⁷ PRO HO 144/545/A55176

⁴³⁸ Ibid

⁴³⁹ Ibid

⁴⁴⁰ One such instance was the Spanish warning the English about a series of attacks and a supposed ‘anarchist police’ meant to watch the real police and thwart their attempts to stop anarchist plots. The English replied that they found no reason to be alarmed. PRO FO 371/136

that could be better monitored. This is why the US, UK, and France were reluctant to sign the St. Petersburg Protocol. Propaganda of the deed as an international threat, however, did not wane as these agreements and spy missions waned. In many ways, these actions did little but attempt to reinforce old boundaries, covering up the problems in extradition policies and porous borders by extending state reach across them.

However, the effect these actions and meetings had on what came later should not be underestimated. Despite recognition among contemporaries that such actions were ineffective, they would be copied by future organizations. Alex Butterworth points out that the files of the Russian Okhrana were studied by both the CIA and the KGB in the early Cold War period with an eye toward copying their tactics.⁴⁴¹ There are also claims that the Nazi Schutzstaffel modeled itself on anti-anarchist Special Forces that sprung up around Europe. Richard Bach Jensen argues that the 1898 Rome agreement and the 1904 St. Petersburg Protocol were predecessors to the creation of Interpol a few decades later.⁴⁴² Jensen states that these acts made police cooperation “official and systematic to a degree it had never been before. Because of this, the system promoted by the Final Act of Rome and reinforced by the St. Petersburg Protocol can now take its rightful place as a major precursor, perhaps the first, to the creation in 1923 of an authentic international police organization.”⁴⁴³ It would appear that much of the international policing that took place in the 20th century had its roots in this period, even though these were largely ineffective in the fight against the propagandists. It was a new practice created to reinforce an old boundary.

⁴⁴¹ Butterworth, *The World That Never Was*.

⁴⁴² Jensen, “The International Anti-Anarchist Conference of 1898 and the Origins of Interpol.”

⁴⁴³ *Ibid.*, 342.

“A mortal enemy of anarchy could not have done more”

The first wave of policies meant to defeat the propagandists was not only ineffective but in most cases, it backfired and made the threat even stronger. As states ‘retrenched’, they found that the methods they had at hand were not well-equipped for the job. As one observer put it, “attempted suppression of anarchism by governments has been [a] great failure”.⁴⁴⁴ This forced them into coming up with new ideas and new tactics. Tactics that were not only ‘successful’ but were also a) ‘creative’ in that they brought some new action into the world and b) had the effect of drawing new boundaries around political authority, re-inscribing the challenged state(s). This section will look at both mechanisms in tandem since, as mentioned in Chapter 3, they are only analytically, not empirically, distinct.

So what did work? If repression and public trials were ineffective in stemming the tide of propagandist attacks, how were they defeated? Boundaries that closed the public sphere off from anarchists and other groups while allowing for the free movement of peoples proved unworkable in defeating the propagandists. New boundaries needed to be drawn. This was done by a twofold strategy. On the one hand, by prosecuting acts but not ideas, anarchists were allowed into the public sphere and a wedge was drawn between propagandists and others within the movement, isolating the former. On the other hand, increasingly effective systems of surveillance made it harder for anarchists to avoid capture. This culminated in the introduction of passports in the interwar years which made free movement, which was so important to anarchists, nearly impossible.

⁴⁴⁴ Kinna, *Early Writings on Terrorism*.

As in the last section, events in France in the 1890s are instructive. President Carnot's execution led to the rounding up not only of known propagandists but also anarchist intellectuals in the Trial of Thirty. They were tried as one group for conspiracy as if they were in league together, but the evidence was so flimsy that even a sympathetic jury acquitted most of them, including all of the intellectuals. Unlike previous episodes, there was no response to this very public trial. Instead of repressive tactics and sham trials, which only served to make attacks worse, the French realized that allowing the intellectuals and propagandists to operate did not lead to more attacks but to fewer, assuming the intellectuals could be separated from the propagandists.⁴⁴⁵ Of course, many anarchist intellectuals were all too happy to distance themselves from those conducting assassinations and bombings. While Ravachol's actions split the anarchist intellectual community across Europe,⁴⁴⁶ most came around after his execution because they believed his sentence was due more to his anarchist beliefs than to his crimes. However, Henry's bombing two years later was loudly denounced by many who saw it as immoral and ineffectual. Anarchist publicist Charles Malato said that Henry had "above all struck anarchism", while literary critic Octave Mirbeau wrote, "a mortal enemy of anarchy could not have done more than Emile Henry".⁴⁴⁷ The trial's acquittal of prominent anarchists in France, a group that did not necessarily include those who condoned propaganda of the deed, made them largely untouchable on precedent so long as they were not associated with violent acts. This wasn't a conscious decision on behalf of the French government as much as a lesson learned through the prosecution's failure. The

⁴⁴⁵ For more on this trial see Merriman, *The Dynamite Club*, 163–202.

⁴⁴⁶ For evidence of debate within the anarchist community on Ravachol's tactics see APP BA 1132 "Minutes of an Anarchist Meeting"

⁴⁴⁷ Merriman, *The Dynamite Club*, 203.

trial itself was seen as a sham but it gave the anarchists an air of legitimacy. As a response, the French government stopped producing anarchist martyrs, commuting an anarchist's death sentence in 1898 to life in prison and acquitting all four accused in 1905 of plots against the King of Spain and the President of France.⁴⁴⁸ The days of being jailed, and especially executed, for being an anarchist were largely over in France as was propaganda of the deed.⁴⁴⁹

After the assassination of King Umberto I in 1900, Italy stopped passing laws directed at anarchists and Interior Minister Giovanni Giolitti instructed journalists not to sensationalize anarchists attacks. One could work on anarchist ideas without being prosecuted for the acts of the propagandists; only the bombings and assassinations were illegal. This, combined with an effective propaganda campaign that described the propagandists as the "enemies of all mankind", turned public opinion against them and led to disillusionment with violence among the movement's leaders.⁴⁵⁰ In fact, most of the public had no idea about most anarchist beliefs despite the public 'successes' of propaganda of the deed.⁴⁵¹ The ideology had failed.

At the same time, a wave of union liberalization brought many anarchists into the public sphere and further drove a wedge between different factions of the community. Those states that liberalized early, particularly the UK and the US, saw much less anarchist activity than other states. As Richard Bach Jensen has argued about Italy,

⁴⁴⁸ Jensen, "The Evolution of Anarchist Terrorism in Europe and the United States from the Nineteenth Century to World War I," 145.

⁴⁴⁹ There is one exception: in 1905-1906 a gang of men performed a string of robberies and hold-up in the French countryside. Claiming to be anarchists, they got a lot of attention. However, most anarchists did not associate themselves with these men the way they did with the 'attentat' of *fin de siècle* Paris.

⁴⁵⁰ See essays in Land, *Enemies of Humanity*.

⁴⁵¹ This led some anarchists to write in papers to publicize their ideas beyond the use of bombs, see PRO HO 144/545/A55176.

“Labour union and strike activity became available as a safety valve for proletarian energies”.⁴⁵² Liberalization was not a conscious to defeat anarchism per se but it proved effective and channeling anarchist energies into more legitimate actions. Anarcho-syndicalism, the anarchist version of unionism, was born in France in 1895, a year after the Trial of Thirty. This was a movement that was already beginning in the 1890s and soon picked up as propaganda of the deed began to wane over the next decade. It saw the rise of a new set of intellectuals, led by Georges Sorel, who focused on the eight hour work day and the labor movement. As anarchists were allowed to work through unions, they increasingly denounced propagandist violence as a strategy. By the end of the First World War, many who were open to anarchist ideas now found it more effective to work through the system which gave them bargaining power, eight-hour work days, and greater political rights. Among those arguing for syndicalism were old anarchist theorists and publishers like Kropotkin, Malatesta, and Emile Pouget.⁴⁵³ Of course, many anarchists scoffed at efforts for the eight hour work day and other union campaigns, claiming that it did not matter how long one worked if one was still part of a hierarchy. This further demonstrates the way that some anarchists were welcomed into the public sphere and others were not. The states which did not learn this lesson, Spain and Russia, experienced a civil war and a revolution, respectively, in which anarchists played an important role. The states which did learn this lesson (France, Italy, US, Austria, Germany) saw a sharp decline in propagandist violence in the first decade of the twentieth century.

⁴⁵² Jensen, “The International Campaign Against Anarchist Terrorism, 1880-1930s,” 99.

⁴⁵³ Merriman, *The Dynamite Club*, 211.

This is essentially a redrawing of the public/private boundary. Remember, 19th century nationalism was about the use of the nation to the benefit of the state. However, these attempts to control the public sphere in the forms of censorship, police brutality, and public executions did nothing but fan the flames of the movement. By allowing anarchists into the public sphere and by legitimating the syndicalist movement, anarchists were incentivized to abandon propaganda of the deed. The point was not that the state or the ruling classes capitulated as the labor fights undertaken by the syndicalists were fiercely fought. It was that there was now a state-legitimated avenue for those fights. This was especially true with anarchist intellectuals as men like Kropotkin, Reclus, and William Morris became less dangerous once they began giving talks to the Royal Geographic Society and undertaking speaking tours in the United States. Open up the public sphere to contrasting ideas and the anarchists, while still bitterly critical of the state, were no longer interested in propaganda of the deed. The state is no more than the actions it undertakes; a state with a more inclusive public sphere is a state with different democratic possibilities than one without.

The experience in England was much different from that on the continent. England, along with Switzerland, had long been a place where political exiles could live and work in peace. Amnesty for such people was part of a liberal tradition⁴⁵⁴ for the English were “not disposed to think of political refugees as dangerous”.⁴⁵⁵ Naturally, it had quite possibly the largest concentration of anarchists in its capital. Anarchists of Russian, Polish, French, and Spanish origin flocked to London when their life at home was at threat and they published numerous journals such as Kropotkin’s famous *La*

⁴⁵⁴ For writings praising England for its approach see Kinna, *Early Writings on Terrorism*.

⁴⁵⁵ APP BA 1509 2/22 letter

Revolte and Morris' *Commonweal* and hung out in clubs such as "L'Autonomie".⁴⁵⁶

L'Autonomie was founded in 1887 and became a major anarchist hangout and a subject of interest for foreign governments and others who liked to blame England for their anarchist troubles. One German correspondent claimed that "It is ridiculous to allege that the English police are carrying out any sort of surveillance at all on the anarchists who reside in London".⁴⁵⁷ In response, the English argued that this club was more social than political.⁴⁵⁸ Continental governments were not blameless. The French were accused of "wanting to funnel toward England the dregs of the Society".⁴⁵⁹ However, there were arguably no lives lost to anarchist bombings at the height of propaganda of the deed.

Despite the sizable anarchist contingent in London, there were only two foiled plots and one attack in England. The first foiled plot was from a group of anarchists in Walsall in 1892. London police tracked a man by the name of Balotta from Walsall to Tottenham Court Road in London where he was found with explosives.⁴⁶⁰ Balotta, and two other London anarchists by the names of Charles and Cails were charged under the Explosives Act. All Three were sent to prison for ten years while another accomplice

⁴⁵⁶ Oliver, *The International Anarchist Movement in Late Victorian London*; Butterworth, *The World That Never Was*.

⁴⁵⁷ APP BA 1509 2/22 Letter

⁴⁵⁸ See PRO HO 45/9739/A54881 for German requests for info on the Autonomie Club and the English response to it. For French accusations see APP BA 141 "Les Anarchistes", *La Cocarde*. For English accusations see Kinna, *Early Writings*, II:78.

⁴⁵⁹ APP BA 1509 2/22 Letter. It was also common for continental states not to alert others when anarchists were expelled (despite expecting others, i.e. England, to keep anarchism under wraps). This was something England complained loudly about. Russia, Germany, and Spain provided no lists of expelled while the French, Italians, and Belgians provided lists a month or more after expelling anarchists, making them largely useless, see PRO FO 412/68. The English felt that this made their job much more complicated as they had no idea who to look for when they did come over to England, PRO HO 45/10254/X3650. See PRO HO 144/668/X84164 for a case involving Belgium and the anarchist Jaffei and PRO HO 144/587/B2840C for reports of French and Spanish expulsion without proper alerts, which the British denounced as an "international discourtesy to a Friendly Power".

⁴⁶⁰This is according to the Chief Inspector Melville's testimony. See the court proceedings for the Walsall case at PRO ASSI 6/27/9. For a similar account see Kinna, *Early Writings on Terrorism*, III:299.

was sentenced for five years.⁴⁶¹ Charges of conspiracy were never proven. However, there is a question as to whether or not the ‘plot’ was set up by a French *agent provocateur* by the name of Coulon, who provided the explosives and the supposed ‘plan’.⁴⁶² The larger significance of the case was the insinuation of a setup, which simultaneously caused outrage among the London anarchist community and was used to drive a wedge between different factions therein.⁴⁶³

The second foiled plot took place in 1894 when two Italians, Francis Polti and Giuseppe Fornara, were arrested and charged under the Explosives Act. While no conspiracy charges could be sustained, the court proceedings themselves were electric. Polti claimed that he had meant to avenge the death of Vaillant and stoked conspiracy theories by stating that anarchists were nearly done on the continent and were about to become active in London.⁴⁶⁴ Upon his arrest, Polti named Fornara as his co-conspirator. Fornara claimed in court that if he had had the money, he would have gone to France or Italy but since he had no money he was planning on blowing up the ‘Royal Exchange’ because “there were many bourgeois and capitalists there”. He pleaded guilty claiming that he “wanted to blow up the capitalists and the middle class”.⁴⁶⁵ Both this and the Walsall case demonstrate the way in which the Metropolitan police were able to stop attacks before they took place because of advanced surveillance systems (see below) and because they made a distinction between anarchist ideas and propagandist actions. This was apparent during the propagandist run in Paris when England refused to extradite

⁴⁶¹ Oliver, *The International Anarchist Movement in Late Victorian London*, 77–82.

⁴⁶² Coulon and anarchist publisher David Nicoll both accused each other of spying, leading to a public spat played out in the anarchist press. See Kinna, *Early Writings on Terrorism*, III: 275.

⁴⁶³ See the telegram sent from ‘United Anarchist Group, London’, PRO HO 144/242/A53582

⁴⁶⁴ PRO HO 144/259/A55860

⁴⁶⁵ Quotes are from PRO HO 144/1711/A55860D

Theodule Meunier and Jean Pierre Francois, a supposed accomplice of Ravachol, for anarchism. They were only extradited when they could be credibly charged and found guilty of murder.⁴⁶⁶ To the English, the former was a political creed, the latter a prosecutable crime, and it was only the latter upon which they wanted to dwell. While this gave police and prosecutors less freedom to act against anarchists, it kept attacks from happening and prevented the media circus that followed attacks on the continent.

However, there was one rather famous attack on the Greenwich observatory, the inspiration for Joseph Conrad's novel, *The Secret Agent*. In February 1894 an explosion near the observatory resulted in one death: that of Martial Bourdin, the man carrying the bomb. Both Conrad's novel and later evidence point to the possibility that the explosion was an accident, when Bourdin tripped and set off the explosive on his way to a destination abroad, believed to be Paris.⁴⁶⁷ Due to concurrent events in Paris, the event created a media firestorm and brought pressure upon the police. One paper refuted police claims to be monitoring the anarchists because if they were it would be "inconceivably stupid of them to allow a man so professedly known as Martial Bourdin to wander around at will with a bomb in his pocket".⁴⁶⁸ Others feared it was part of a larger plot gone awry, suggesting that "Had not this unfortunate accident in Greenwich Park taken place, the consequences, I feel certain, would have been terrible".⁴⁶⁹ Of course there is evidence that Bourdin was not 'professedly known' and that the whole incident was a circus. Still, this is the only 'attack' to happen in England during this time while the continent

⁴⁶⁶ For Meunier's extradition see PRO HO 144/485/X37842, he was conflicted, wanting to be free on one hand but wanting to be able to claim responsibility for the attack on the other, APP BA 77 7/24/1894. For Francois see PRO HO 144/485/X37842A, as the possible cause of an attack, APP BA 77 12/2/92.

⁴⁶⁷ Conrad also insinuates that the plot was hatched by Russian foreign agents, which is not substantiated by the current historical record. Conrad, *The Secret Agent*.

⁴⁶⁸ PRO HO 144/257/A55660

⁴⁶⁹ Kinna, *Early Writings on Terrorism*, III:362.

experienced many. Its nature, a possibly accidental attack by a man who was attempting to travel with a bomb already made, shows the manner in which England was spared.

This does not mean that nothing was happening. London was teeming with special agents and *agents provocateurs* attempting to thwart the anarchist conspiracy.⁴⁷⁰ This, however, presumed that there was an anarchist conspiracy, that the men who set off bombs were part of a large group centered in London. This was demonstrably false. Ravachol, Vaillant, Henry, Caserio, Pallas, and Salvador, among many others (including Czoglosz and Berkman in the United States), were lone actors tied to a set of transnational ideas and sympathies. Yes, Henry was supposed to have met Malatesta and spent time at l'Autonomie when in London, and Berkman had a relationship with US theorist Emma Goldman, but for the most part these were single men undertaking solitary deeds. While plots were routinely talked about at l'Autonomie and elsewhere in anarchist hideouts, they never seemed to come to fruition and many were probably instigated by secret agents attempting to arrest those they could get to undertake such plots as was supposedly the case in Walsall.⁴⁷¹ Scotland Yard First Detective Patrick McIntyre recalls that, "I know, of my own knowledge, that a large minority of those frequenting the place were in the service and pay of Continental Governments".⁴⁷² It was mostly likely all for naught. England was not a staging ground for anarchist plots hatched at l'Autonomie as many feared.

What London may have provided, however, was a platform for the spread of anarchist propaganda that connected these disparate individuals into a transnational community. Plots tended to be hatched inside the heads of lone actors but these actors a)

⁴⁷⁰ Di Paola, "The Spies Who Came in from the Heat."

⁴⁷¹ Butterworth, *The World That Never Was*.

⁴⁷² Kinna, *Early Writings on Terrorism*, III:289.

needed the knowledge to make bombs if they were to be used and b) needed to have read anarchist propaganda in order to be inspired. Both needs were filled by the many anarchist publications and many of these publications were centered in London. London in the 1890s became the intellectual center of anarchism, with papers in multiple languages which were shipped out to anarchists across the globe.⁴⁷³ However, shutting down these publications, especially the ones that did not call directly for violence, was not only hard to do but was also against cherished values of freedom of the press in the UK as inscribed by law.

Of course, anarchist papers, and those publishing them, were still tracked assiduously and there were many attempts by politicians to shut down papers.⁴⁷⁴ English police were able to pursue this avenue because the English had a law against inciting murder via the press. This law was used to sentence the inflammatory German anarchist Johann Most to 16 months hard labor.⁴⁷⁵ Many, both in England and outside, attempted to use this law to bring down the anarchist press as a whole. However, as the anarchist press became increasingly adept at not explicitly calling for violence, such efforts were usually for naught. For instance, one British MP asked for the trial of those who published the popular paper *Commonweal* after they congratulated those who had recently attempted to kill the Spanish King and Queen. The response from the British authorities was that the paper did not express regret at the attack's failure nor did it call

⁴⁷³ Johann Most's German language newspaper *Freiheit* was published in London and distributed in German speaking countries in Europe, see PRO HO 144/77/A3385. Papers were also printed in French (*La Revolte*, *Pere Peinard*) and Yiddish (*Arbeyter Fraynd* in the UK, *Fraye Arbeter Shtime* in the US). Argentina also became a center of anarchist publications as numerous papers were printed in Spanish and Italian.

⁴⁷⁴ See PRO HO 144/258/A55684 for British attempts to track Emile Pouget and his paper *Il N'est Pas Mort*. *Commonweal* editor David Nicoll was arrested for 'incitement to murder', Kinna, *Early Writings on Terrorism*, III: 282.

⁴⁷⁵ PRO HO 144/77/A3385

for future attacks and therefore it did not violate the law. In addition, “any attempt to prosecute would serve no purpose but to advertise the mischievous article”.⁴⁷⁶ In fact, many anarchist publications would learn how to publish incendiary claims without traversing the law by calling for more violence.⁴⁷⁷ Here it appears that England’s liberal society⁴⁷⁸ may have helped it to avoid propagandist attacks, but in a world of freedom of movement of people and information it may also have played a role in the flourishing of violence elsewhere.⁴⁷⁹ Anarchists themselves claimed that “England Alone has been spared on account of her hospitality to the anarchists”.⁴⁸⁰

Italy was another country without many bomb attacks but which still played a major role in the propagandism of the pre-World War I era. Their actions help us to address the second conceptual boundary changed in the campaign against the propagandists: the movement of people and goods across borders. Most of the problems that anarchists caused in Italy were in the form of labor revolts and peasant uprisings. That said, Italy was also a hotbed of anarchists who saw their society as one of the more backward and unfair. At some point in the early 1890s, Italy began to undertake a policy of exiling suspected anarchists. Having abolished the death penalty, they found it advantageous to send them out into Europe rather than killing them. It is therefore no accident that Italians become the chief perpetrators of tyrannicide. Carnot, Canovas, and

⁴⁷⁶ PRO HO 144/834/144519

⁴⁷⁷ See also PRO HO 144/545/A55176 for an article in the *Commonweal* congratulating Spanish anarchists for an 1893 bomb attack.

⁴⁷⁸ It should be noted that liberal society is not a cure-all for anarchist violence. The United States was equally liberal and experienced more violence than England. A potential explanation is that the United States did deal with larger immigrant populations which served as breeding grounds for anarchism than did England.

⁴⁷⁹ England’s liberalism actually endeared it to Piotr Kropotkin, among others. At the outbreak of the Great War, he even came out in favor of England because of the freedom that he had been allowed. Most anarchists hoped it would be the downfall of all states and criticized him for his statements. See Butterworth., 396–398.

⁴⁸⁰ PRO HO 144/545/A55176

the Austrian Empress Elisabeth were all assassinated by Italian anarchists. Exiling anarchists led to a flood of those who had become adept at inciting and inflicting violence in numerous peasant revolts in Italy out into Europe. Most of these exiles went to England and for the most part, England was not notified of their arrival. This appears to have been common during this time, much to the frustration of the English Special Branch.⁴⁸¹ This is essentially the same action Russia took in the 1880s after the assassination of Tsar Alexander I, forcing many Russian anarchists (and nihilists and other revolutionaries) out into Europe, leading to the spread of the doctrine across the continent. Again, the free, unchecked, and poorly monitored movement of people and ideas around Europe helped to feed anarchist violence during the era.

From the middle of the 19th century until the First World War, only Russia and the Ottoman Empire used passports. Movement around Europe was generally free. Passports began to be used during the First World War and were codified in the early 1920s, about the same time that restrictions on immigration also began to appear (especially in the US). As demonstrated above, the ability to move about Europe was critical to anarchist success, especially since some states, such as the UK, were not as draconian as others (Spain, Russia, France in the 1890's). That said, the institution of the passport cannot be solely attributed to anarchism. The rise of the First World War and fear of spies – driven as it was by their extensive use in the fight against anarchism – were the major reasons for the use of the passport and the immigration restrictions that characterized the interwar period.⁴⁸² But that is not the claim made here. Instead I argue

⁴⁸¹ For more on this see PRO HO 144/668/X84164, PRO HO 45/9743/A56151C, and PRO HO 144/587/B2840C

⁴⁸² For more on international deliberations on the institutions and standardization of passports see English notes on the Geneva passport conference in PRO FO 612/355.

that the passport was consciously justified as a part of the war against anarchism and that the establishment of the passport was not possible without the measures taken against anarchism, even as other factors played a role. For instance, the United States justified the implementation of entry restrictions during peacetime as means of keeping out “the undesirable, the enemy of law and order, the breeder of revolution, and the advocate of anarchy” or “anyone advocating...or teaching anarchy”⁴⁸³ and the British denied passports to “suspects, anarchists, and bolsheviks”.⁴⁸⁴ Making the end of propaganda of the deed a part of the justificatory framework of the institution of passports is enough to make it a cause as it creates the rhetorical space for passports to be taken seriously while coercing opponents with claims of national security.⁴⁸⁵

However, even if the passport itself may not have been solely or largely caused by the anarchist threat, it could not have happened without the system of surveillance and categorization of citizens that become popular among European police forces when dealing with anarchism a mere decade prior. These changes revolve around the idea that people can be tracked by databases of bodily features which originated from the work of Italian criminologist Cesare Lombroso.⁴⁸⁶ Lombroso argued that criminals come from a genetically mutated crop of individuals, allowing him to make broad generalizations about how criminals looked and why their look was symptomatic of their devolution.⁴⁸⁷

Lombroso would look at a man like Ravachol and proclaim that he could see the facial

⁴⁸³ Torpey, “The Great War and the Birth of the Modern Passport System,” 2001, 265; Labor, *Annual Report of the Secretary of Labor*, 65; Kinna, *Early Writings on Terrorism*, III:343.

⁴⁸⁴ PRO FO 141/811. For lists of those denied passports and why see PRO FO 366/791. For how to use such lists see instructions in PRO FO 612/265

⁴⁸⁵ This argument is similar to claims that the War on Terror was a reason for the Iraq War. See Krebs and Lobasz, “Fixing the Meaning of 9/11.”

⁴⁸⁶ Lombroso, *Criminal Man*; Land, “Men with the Faces of Brutes: Physiognomy, Urban Anxieties, and Politics States.”

⁴⁸⁷ Of course Lombroso’s ideas were quite controversial and bordered on eugenics. For more on the connection to Lombroso and eugenics see Blom, *The Vertigo Years*, 346.

mutations that signaled him to be a lowly criminal. Gaining even more traction was the work of Alphonse Bertillon.⁴⁸⁸ Bertillon is probably best known for his criminal identification technique called Bertillonage, a system of physical identification of criminals, which was very popular in Europe and the US.⁴⁸⁹ Much like Lombroso, not excluding the eugenic undertones, Bertillon believed that criminals could be identified by physical features such as the length of their arms and the size of their ears. However, this system began to go out of style around the turn of the 20th century. Bertillon's real contribution is the development of the mugshot and his method of crime scene picture taking.

Bertillonage was supplanted by the system of fingerprint taking still used today. This began in England in the late nineteenth century and along with a series of scientific police reforms initiated by a man named Francis Galton.⁴⁹⁰ Galton, much like Bertillon and Lombroso, was tied into a larger eugenic project which attempted to “place a given individual within a population of recidivists and ‘unfit’ habitual criminals, whose propensity for social menace was written upon their bodies.”⁴⁹¹ However, his method soon turned into a way to piece together past events through biometric measurements. Oddly enough, maybe the best characterization of these reforms and the thought behind them is Sir Arthur Conan Doyle's Sherlock Holmes novels and short stories.⁴⁹² Holmes, despite being fictional, epitomized the scientific approach to police work that helped to keep Britain from experiencing the high volume of propagandist attacks experienced on

⁴⁸⁸ Martine Kaluszynski, “Republican Identity: Bertillonage as Government Technique”; for more on how Bertillonage changed police work even as it was an ineffective technique, see Peter Becker, “The Standardized Gaze: The Standardization of the Search Warrant in Nineteenth Century Germany”.

⁴⁸⁹ See PRO FO 27/3102 for correspondence between the British and the Americans on this topic.

⁴⁹⁰ Sekula, “The Body and the Archive”; Cole, “The ‘Opinionization’ of Fingerprint Evidence.”

⁴⁹¹ Hall and Mendel, “Threatprints, Threads and Triggers,” 17.

⁴⁹² Doyle, *Sherlock Holmes*.

the continent. These were methods that were bottom-up, taking place alongside the less successful methods of Lombroso and Bertillon. They were soon copied elsewhere. In the United States, the response to propaganda of the deed included the development of a federal agency dedicated to investigating crimes in order to ease the burden on the Secret Service. This agency would eventually become the Federal Bureau of Investigation (FBI), which still exists to this day.⁴⁹³ The FBI began to compile a permanent fingerprint database in response to the 1919 anarchist attacks which ultimately led to the infamous Palmer Raids.⁴⁹⁴

However, the change is not simply one of improved policing techniques but the meaning and consequences of these techniques. Besides being a great way to identify criminals, large databases were necessary for fingerprint taking and other systems to work. They were possibly the first incarnation of ‘big data’. The mugshot meant that pictorial databases of criminals could now be kept even as physiological identification fell out of favor. As propaganda of the deed posed such a threat to the state and the prevailing order of the time, these techniques spread quickly upon news of their success. Even if we are to grant that it was the nationalist fervor of the First World War that was the proximate cause of the passport, a functioning passport system still needed to be based upon an elaborate database of bodily identifiers. This was provided by the fight against the propagandists, especially as extradition practices became more tightly controlled through diplomatic agreements in line with the Rome Conference, restricting the movement of the propagandists prior to Great War. The advent of the passport and other measures such as postal service restrictions put the final nail in the coffin of the free

⁴⁹³ Jensen, “The United States, International Policing and the War against Anarchist Terrorism, 1900-1914.”

⁴⁹⁴ Coben, *A. Mitchell Palmer*, 217–45; Avrich, *Sacco and Vanzetti*, 140–177.

movement of people and ideas which was so important to the propagandists.⁴⁹⁵ As detailed above, this happened in conjunction with the opening up of the public sphere to include anarchist and other radical ideas. These ‘creative’ actions, creative in the sense of bringing something new into the world, had the effect of drawing new boundaries around political authority. At the same time, by giving up some control over the content of political discourse but gaining control over the movement of people and goods across borders, we see an ‘authority swap’. The state was not ‘weaker’ than it was before and it did not ‘erode’. Nor did it expand or become stronger. Instead, by redrawing boundaries of sovereign authority, it stayed at roughly the same level quantitatively but qualitatively it was vastly different.

Conclusion

At the beginning of this story, sometime around 1880 in Europe, we see a situation in which, broadly speaking, conservative nationalism had led to attempts to control the content of political discourse in the region while a growing philosophy of laissez-faire capitalism in conjunction with a lack of technological know-how led to increasingly open borders as people, goods, and ideas were able to cross without the knowledge of state authorities. These boundaries were drawn through the four practices listed above: ideology of free movement and few border restrictions, uneven political exile policies, public show trials and executions, and an ethic of conservative nationalism. Each of these practices was ‘shattered’, proved ineffective in a world of growing interconnectedness and technological advancement. They each proved significant in sparking the wave of propaganda of the deed that became quite possibly the

⁴⁹⁵ Not only does this represent an ‘authority swap’ for the state but it also appears a lateral move for liberal governance. Even while domestic public spheres became more open, other forms of censorship and surveillance of what travelled across borders definitely fly in the face of liberal norms.

biggest political crisis of the era. So long as these practices existed, it was hard for those combating the propagandists to do so with any effect, re-inscribing these practices and boundaries actively made the situation worse.

Creative solutions were necessary and new boundaries were to be drawn. In most states, anarchists were channeled into the system and away from the destructive propaganda of the deed as the state began to address some of their claims. Future Ravachols and Henrys were less likely to turn violent in the years around the First World War because anarchist ideas were disseminated freely with little consequence. Simultaneously, these states took control over the movement of people and ideas across their borders, creating large fingerprint databases and eventually introducing the passport. Gradually, passports and the control of borders came to constitute the state as we thought of it in the 20th century. While the passport, the Rome conference, and the directives of some states such as Italy show that central policy played a role it usually followed success. Scientific policing was not a centrally planned policy until after it proved successful and the acceptance of anarchists in the labor movement happened more organically. Still, they redrew boundaries and re-inscribed the state.

Of course, the story told here is not nearly as uniform or clean as it is made out here. Each affected state developed policies that were unique to themselves and not every state drew each boundary effectively. Here, however, I want to spend some time going over the consequences of propaganda of the deed for Spain and Russia, the two states that lagged behind the rest of Europe (and the US) in combating anarchist violence and the two that developed what may be seen as a novel 'solution' to the problem. In each state, the propagandists faded away as a result of bloody civil wars. In Russia,

which had always used passports but was a major exporter of revolutionaries, anarchists originally saw the 1917 revolution as something to get behind. They did just that along with many exiles, including Piotr Kropotkin, who returned to Russia to join the revolution. However, soon the optimism faded as it became clear what Lenin's vision was. Anarchists were persecuted alongside all others who opposed the regime and Kropotkin died a few years later in solitude. Anarchism was no longer a force once the Soviet Union came into being. In Spain, anarchist activity was a feature of the landscape throughout the 1920s and the anarchists formed one of the anti-monarchical factions of the Spanish Civil War. However, they, along with the socialists, were crushed by the victorious fascists and did not return following the advent of Franco's reign.

In both countries, anarchists played key roles in bringing about revolutions; however, they found themselves on the losing side both times to other anti-monarchical forces. An abhorrence of organization did not help in either case.⁴⁹⁶ However, even as these specific regimes 'failed' to deal with this threat and subsequently perished, the state found another possible route to combat 'propaganda of the deed'; totalitarianism. With these two examples in mind, one would not want to claim a covering law that open public spheres were the only way to defeat this episode of anarchist violence; this was just how it was done in most of Europe. However, as these spaces closed in countries such as Russia and Spain, anarchists did not return. Totalitarians seemed to be better equipped to run repressive regimes in an age of nationalism than the *ancien regime*. This is probably because all of the totalitarian regimes listed above claimed to act in the interests of the nation and the people. Doing so gave the state a certain level of freedom and popular

⁴⁹⁶ There were organizationalist anarchists in Ukraine who were also later crushed by Moscow.

support not found in *ancien regime* administrations while simultaneously giving it new tools to ferret out dissidents of any stripe. These cases help us to run through the counterfactual of different policies possible finding success against propaganda of the deed. It is evident that there is more than one way to redraw borders in response to a crisis and events in Spain and Russia during the interwar period prove this point. There is true creativity and agency, not the selection of a single policy that works. In both cases (the liberal western states and the new fascist ones), a shared crisis caused new boundaries to be drawn which would have resounding effects on political life throughout the 20th century.

Chapter 6:
Drones, Data, and Redrawing Boundaries in The Global War on Terror

The episode of violence typified by al Qaeda and demonstrated in the attacks of September 11, 2001 (9/11) is the latest example of revisionist violence. As mentioned in Chapter 3, much of the literature on terrorism in IR has focused on actor motivations, the act of terrorism, group structure, and/or the level of damage done to explain incidents of terrorism, the threat posed, and its effects. All of these have the effect of folding al Qaeda into a larger pools such as ‘terrorism’, ‘networks’, ‘Islamic terrorism’, etc, masking its unique effects. A smaller group of scholars have recognized that al Qaeda is a unique actor in contemporary terrorism, marking them as ‘trans-state’, ‘system-threatening’, ‘transformative’ or ‘predatory’.⁴⁹⁷ In Chapter 3, I build on this to argue that the narratives that have developed around al Qaeda are of those of revisionist violence, violence that challenges the core of the state system. Of course, al Qaeda has used narratives of entrant violence to justify and rally support for its actions across the Muslim world. These narratives are evident in its strategy to attack the ‘far enemy’ – the US – in order to defeat the ‘near enemy’ – secular Arab governments.⁴⁹⁸ In addition, its participation in the Afghan poppy trade has seen criminal narratives develop around it. However, this only shows that any particular episode of violence contains many narratives. What is interesting about al Qaeda for the purposes of this project are the strong narratives of revisionist violence. The threat is ontological, challenging the state

⁴⁹⁷ Mendelsohn, “Sovereignty Under Attack”; Lowenheim, *Predators and Parasites*; Zarakol, “What Makes Terrorism Modern?”

⁴⁹⁸ This language is taken from Osama bin Laden’s public pronouncements. Bin Laden, *Messages to the World*; for similar analyses, see Benjamin and Simon, *The Age of Sacred Terror*; Gerges, *The Far Enemy*. This was also a common refrain in the interviews that I conducted, proving how pervasive this particular interpretation is. Interviews with Byman, Benjamin, Pillar, Felbab-Brown and Hicks.

as a polity, sovereignty as a practice, and like the golden age pirates and propagandists before them, forces the state to redraw the boundaries of political authority to effectively combat the threat.

Unlike the other two cases, the process of redrawing boundaries is still being undertaken. For this reason, we cannot be sure that new developments in the Global War on Terror (GWOt)⁴⁹⁹ such as targeted killing and data surveillance are being habituated and will lead to the drawing of new boundaries. However, these developments have an unmistakable element of such a dynamic. Targeted killing, especially via drones, and the National Security Agency (NSA) and Government Communications Headquarters (GCHQ) programs to track, collect, and analyze data have made al Qaeda legible, making it possible to defeat them. Because of these innovations, new conceptions of citizen and alien decouple the citizen from his or her body and into a series of data flows, national security is extended into new territorial and conceptual jurisdictions, and points where data is collected become new boundaries. As a result, borders change from sites of exclusion to sites of collection. These developments lead to the reassertion of the state into processes in which it had previously been absent.

“They’d been here all along”

Three interrelated conceptual boundaries played a role in the illegibility of al Qaeda and the 9/11 attacks; 1) a world of bounded polities where all threats have a local origin, 2) a legal, practical, and conceptual boundary between domestic and international

⁴⁹⁹ This term is used to describe the fight against al Qaeda. It is not an unproblematic term and many of my interviewees were certainly uncomfortable with it, one making it clear that the Obama Administration has never used the term. The major reason seems to be that using the term elevates counter-terrorism onto a war-like footing that gives the US government carte blanche in combating al Qaeda. This is the very reason the term is used; I argue below that the US has redrawn boundaries in the fight against al Qaeda and that the ability to conduct a Global War on Terror is part of the reason why. Interviews with Byman, Benjamin, Pillar, Marcus, Levitt.

surveillance, and 3) an idea that borders were sites of exclusion. Each will be taken in turn. We start with the idea that all threats, even those labeled ‘transnational’, emanate from local disputes, claims, oppression, etc. While the term ‘transnational’ was used to describe a plethora of threats, this referred to the operations of the group – do they attack across borders, are they a network, etc. – rather than the politics of the threat. Historically, this made sense. Hezbollah’s attack on US Marine Barracks in 1983 made sense within this world because it emanated from struggles between Lebanon and Israel. Similar patterns develop from attacks by groups like Hamas or IRA. These local struggles were similar to state threats. Terrorism was believed to be largely state sponsored⁵⁰⁰ wherein these threats “were [still] things you managed via diplomacy”.⁵⁰¹ It was believed that al Qaeda was no different, even if its claims were not fully understood. This can be seen in US President Bill Clinton’s remarks on terrorism in the 1990s. In one instance, he placed jihadist terrorism as similar to the threats of state collapse and internal warfare in Haiti and Yugoslavia because all were ‘non-state’.⁵⁰² At the center of these actions is a conception of politics that is synonymous with the state and its local claims to authority.⁵⁰³ All non-state violence was assumed to be perpetrated in the service of a state or state project. There was little room for politics outside of *the* state. The practice constructing this boundary may seem tautological: only threats connected to state were on the radar of policymakers and those working in national security. It had been this way for decades.

⁵⁰⁰ Interview with Davison

⁵⁰¹ Interview with Byman.

⁵⁰² PPPUS 10/15/1995

⁵⁰³ Zarakol, “What Makes Terrorism Modern?”.

The belief can be demonstrated by how long it took for al Qaeda to be taken seriously as a threat to the United States. If al Qaeda was primarily a part of local struggles in one or more Arab states, it would be much less likely to attack within the United States and harder to make the argument for funding and attention. Bin Laden was first fingered for the attacks on the World Trade Center in New York in 1993. This was followed by the Khobar Towers bombing, the attacks on US embassies in Tunisia and Kenya, and the attack on the USS Cole, all prior to 9/11. Knowledge of al Qaeda was quite common in certain circles of the Clinton Administration, especially Richard Clarke, the National Security Council's (NSC) Director of Counterterrorism, and those working beneath him. To these officers, 9/11 was not a strategic surprise; though all claim it was either a tactical surprise and/or on a larger scale than expected.⁵⁰⁴ This is evidenced by Clarke's September 4, 2001 memo to NSC Director Condoleeza Rice which warned of the deaths of "hundreds of Americans", an order of magnitude less than the attacks one week later.⁵⁰⁵

While this meant that al Qaeda was known to many prominent national security people, there were many who refused to take them seriously. Clarke commented that,

"I think if you ask most terrorism experts in the mid-1990s, 'Name the major terrorist organizations that might be a threat to the United States,' they would have said Hezbollah, which had a relationship with Iran. They would have said Hamas, which is a Palestinian group. Most people would not have said Al Qaeda. Most people wouldn't have known that there was an Al Qaeda."⁵⁰⁶

The only places searched for these threats were states themselves and the groups challenging or being funded by them. Daniel Benjamin and Steve Simon, analysts working under Clarke, claim that the FBI and the Departments of Defense and State were

⁵⁰⁴ Interviews with Benjamin, Hamilton, Pillar, Zelikow, Levitt

⁵⁰⁵ *The 9/11 Commission Report*, 212.

⁵⁰⁶ "Interview: Richard A. Clarke", Frontline.

largely resistant to taking al Qaeda seriously. Benjamin asserted that it was “a bridge too far” for these Departments to take al Qaeda seriously.⁵⁰⁷ For instance, many in the Pentagon purposely dragged their feet when asked to come up with military scenarios to counter al Qaeda in the 1990s because “Iran remained the counterterrorism community’s top concern”.⁵⁰⁸ The Bush Administration demonstrated the same dynamic. In January 2001, Clarke warned that al Qaeda was not a local threat to be brought into a regional framework but was instead a transnational challenge⁵⁰⁹. Most of those at the NSC were aware of the threat. Again, it was senior leadership elsewhere that proved a problem, especially in the Defense Department. Phillip Zelikow, who worked in the Administration and had already written about al Qaeda prior to 9/11, stated that it took many in the Administration “some time. You notice that the almost immediate reaction of [Defense Secretary Donald] Rumsfeld and [Under Secretary of Defense Paul] Wolfowitz is to assume that this is somehow a state act and wonder whether Iran or Iraq might somehow be responsible for this.”

In addition, after retaliatory actions following the 1998 embassy attacks, Clinton was mocked for trying to ‘wag the dog’⁵¹⁰ to refocus attention away from his sex scandal. CIA Director George Tenet and others were mocked for trying to drum up al Qaeda’s threat in the late 1990s. There were of course many reasons this happened ranging from partisan animosity to a post-Cold War hangover but much of this inability to recognize al Qaeda as a major threat in the late 1990s is due to the belief that threats come from local

⁵⁰⁷ Interview with Benjamin

⁵⁰⁸ Benjamin and Simon, *The Age of Sacred Terror*, 256.

⁵⁰⁹ Clarke, “Presidential Policy Initiative/Review - The Al-Qida Network.”

⁵¹⁰ Wag the dog, an expression notoriously used in ‘Wag the Dog’ a popular 1997 movie starring Dustin Hoffman and Robert De Niro in which a President fabricates a war in order to cover up for his sex scandal. To many popular pundits at the time the bombings were life imitating art.

<http://www.imdb.com/title/tt0120885/>

struggles, i.e. states. For instance, China's rise and the problems surrounding the dissolution of Yugoslavia and the Soviet Union were certainly on the radar. As one policymaker explained to me, "Zero Americans died from international terrorism in 1999. So make a budget case for why we should dramatically increase spending at the end of 1999."⁵¹¹ Al Qaeda as a serious threat to attack within the US would have been taken more seriously if it had been recognized as an organization divorced from local struggles. Threats had been bounded within this particular aspect of the state system.

This boundary can be viewed as a baseline assumption for each of the next two. First, there were legal, practical, and conceptual boundaries between domestic and international intelligence. This boundary was created by the following practices: 1) a culture where those working in international and domestic agencies rarely cooperated or shared intelligence and 2) a separation for the protection of US citizens from the CIA and NSA. The first of these led to stove-piping and prevented the types of intelligence gathering and analysis that have developed as a response to 9/11.⁵¹² Both provided a challenge to data collection. Attempts to collect meta-data in order to identify and prevent future terrorist attacks were prevalent in the 1990s, if not earlier. However, these attempts were discarded not only because they were viewed skeptically by veteran intelligence officers but also due to the legal hurdles that split domestic and international intelligence.

During the 1990s, head of the Information Defense Agency (IDA) Eric Kleinsmith made waves within the Defense Department by collecting open source internet data and placing it in three dimensional maps that could show hotspots of

⁵¹¹ Interview with Byman

⁵¹² This was one of the key findings of the 2004 9/11 commission. *The 9/11 Commission Report*.

terrorist activities, a program that became known as Able Danger. His data collection efforts pulled up sensitive information not just on suspected foreign terrorists but also on US citizens including Defense Secretary William Cohen and future Secretary of State Rice. However, he was told that the data he collected on US persons could only be held for 90 days before being discarded, not enough time for proper assessment. He ended up having to ditch the project all together.⁵¹³ After his program was shut down, it was shifted to a consulting firm called Raytheon only to be shut down again on the same premises.⁵¹⁴ The lines between domestic and international intelligence were drawn in such a way as to make such surveillance practically impossible. First, there were privacy laws that stopped international agencies from collecting domestic intelligence. Second, there were other organizations in charge of domestic intelligence such as the FBI (whose investigations required warrants) and the FBI tended to focus on the investigation of previously occurring crimes, not the prevention of future ones. This was separate from international surveillance which was undertaken by the CIA and NSA and could be done without warrants if it did not include a US citizen. The line between domestic and international intelligence is not a hard and fast one but instead a constructed one. As 9/11 commission chair Lee Hamiton told me, “The law itself creates this difference”. It was the practice drawing the boundary. The barriers were not only legal but practical and institutional as well. Domestic and international surveillance were undertaken by different agencies and for different purposes: crime and security, respectively. This made it harder for relevant information to be connected, a publicly acknowledged cause of the

⁵¹³ For an official overview of this project see the DoD Inspector General’s report, *Investigation into...Able Danger*.

⁵¹⁴ For a narrative history including interviews with major protagonists see Harris, *The Watchers*, 115–135.

US' inability to prevent the 9/11 attacks.⁵¹⁵ This distinction would eventually melt away as a result of the GWoT.

Different spheres of intelligence demonstrated a belief that threats to national security came from outside of borders, the third boundary mentioned above. The border was a site of exclusion meant to keep such threats out of the domestic realm. Practices such as policing borders, border checks, the use of passports, and cargo inspections were meant to keep undesirable goods, peoples, and even ideas from entering the country. As I demonstrate in Chapter 5, this has not always been the case. Prior to the First World War, borders were used more as demarcations between sovereigns. The movements of the lower classes were not important because they were not seen as a part of the state. Propaganda of the deed, among others things, put an end to this. The movement of people and goods came to be viewed as important and so it was regulated by the state. This regulation happened at the border, which was now thought of as a site of exclusion and a series of practices developed which were meant to exclude certain people or goods in order stop threats from entering.

Bounding all threats into local struggles, boundaries between international and domestic intelligence, and borders as sites of exclusion were all in tension with the processes we associated with globalization. Al Qaeda was able to utilize international news media to proselytize through its attacks⁵¹⁶ and the internet to build and maintain a decentralized network and communicate propaganda and technical knowhow. This is very similar to the way that the propagandists were able to use mass media and new printing technology to publicize ideas and events. In all of my cases, the boundaries that

⁵¹⁵ This is one of the major premises behind the 9/11 commission report and the creation of the Department of Homeland Security. *The 9/11 Commission Report*.

⁵¹⁶ Nacos, *Mass-Mediated Terrorism*.

were challenged had been weakened by other processes but were maintained through habit that was only shattered by the recognition of revisionist violence. This case is no different.

Al Qaeda was able to take advantage of the boundaries drawn by the US and other powerful states, making these targets vulnerable “prisoners of the past”.⁵¹⁷ The reaction to 9/11 within the US government demonstrates this. The very idea that al Qaeda could attack the United States was a shock to many seasoned counter-terrorism experts in the US government. To John Poindexter, Ronald Reagan’s National Security Advisor, “terrorism was a foreign problem”.⁵¹⁸ That they could attack the United States from within was an even bigger shock which challenged the very conception of what a border was. Mike Wertheimer, the NSA’s top technologist, could not believe that the hijackers “had been plotting their attack within miles of the NSA’s headquarters in Ft. Mead, Maryland. They’d been here all along”.⁵¹⁹ How could an attack happen from inside the United States if it was able to effectively secure its borders? This would presage some of the immediate responses to 9/11 such as stronger airport security and increased checks on containers coming into the nation’s ports. Al Qaeda’s actions were illegible within the contemporary boundaries that made up the ‘conceptual map’ of US officials.

Illegibility extends to any attempt to discern al Qaeda’s chief motivating factors. Historian Faisal Devji argues that al Qaeda’s jihad is not political but is instead best thought of as ethical or moral.⁵²⁰ Al Qaeda creates a global landscape which works beyond geography, cause and effect, “historical ideas and identities”, and ultimately the

⁵¹⁷ This line was given to me by Daniel Marcus. Interview with Marcus.

⁵¹⁸ Harris, *The Watchers*, 146.

⁵¹⁹ Ibid., 155.

⁵²⁰ Devji, *Landscapes of the Jihad*.

state itself. This is why it has proven so hard for those in the west to appreciate the organization, because it is something that makes so little sense in a world of local struggles. Devji argues that “Osama bin Laden is indiscriminate in his invocation of domestic and foreign causes for the attacks of 9/11, thus erasing any distinction between the two and operating instead at a purely global level...”⁵²¹ Cian O’Driscoll echoes this globalized conception of al Qaeda by pointing out that its members’ “biographies often relate to a disdain for national boundaries... travel widely and have little connection with their homelands.”⁵²² While it is certainly possible that many recruits did join as a means to fight local disputes from Palestine to Chechnya, the ethos of the group was a globalized one. Further, Devji claims that the choice to attack the US Embassies in Nairobi and Dar es Salaam in 1998 “had nothing to do with their political or military status...it depended on the presence of local, willing agents in the region.”⁵²³ Former defense analyst Kathleen Hicks contends that al Qaeda is “not a territory occupying organization”.⁵²⁴ Locality, while present, is secondary. Contemporary boundaries made al Qaeda’s goals “incomprehensible”⁵²⁵ and the attacks illegible and nearly impossible to combat.

“This is civilization’s fight”

In this section, I will review the narratives developed by both al Qaeda and its enemies in order to demonstrate that a narrative of revisionist violence can be used to make sense of al Qaeda’s actions. These narratives, as pointed about by Mikkel Thorup

⁵²¹ Ibid., 6–7.

⁵²² O’Driscoll, “From Versailles to 9/11”

⁵²³ Devji, *Lanscapes of the Jihad* 8–9; This is backed up by findings from Able Danger which pointed out al Qaeda cells in “Dar es Salaam, Kenya, Tanzania, [and] Nairobi”, *Investigation into...Able Danger*, 17.le

⁵²⁴ Interview with Hicks

⁵²⁵ Interview with Zenko

and others,⁵²⁶ are remarkably similar to those used to brand golden age pirates and propagandists as the ‘enemies of mankind’. In addition to the attacks of September 11, 2001 in which 2,996 people were killed in New York, Virginia, and rural Pennsylvania, the al Qaeda network has been prolific. Prior to 9/11 these attacks included the bombing of a Yemeni hotel, the World Trade Center, US Embassies in Nairobi and Dar es Salaam, Khobar Towers in Saudi Arabia, and the USS Cole.⁵²⁷ In the years following 9/11, they have been linked with a series of bombings across the Muslim world in Casablanca, Amman, Istanbul, Riyadh, Manilla, Jakarta, and two in Bali in addition to the assassination of Pakistani Prime Minister Benazir Bhutto in 2007.⁵²⁸ During this time al Qaeda was also able to carry out high casualty attacks in Madrid in 2004 and London in 2005. Al Qaeda also inspired attacks by those with little to no formal connections to the organization, such as the Patriots’ Day attack in 2013. Failed plots including the Bojinka plot to hijack 12 transpacific planes heading to the United States, an attempt to run a plane into the Eiffel Tower,⁵²⁹ an attempt to detonate explosives hidden in shoes⁵³⁰ and the Christmas Day bombing⁵³¹ add to the hysteria. Al Qaeda has also taken part in local struggles in the Sudan, Somalia, Afghanistan, Chechnya, Bosnia, Yemen, Iraq, and Syria,⁵³² among others. That said, the creation of a crisis and the casting of al Qaeda’s actions as revisionist violence does not come naturally from their deeds but in how those deeds are translated into threat.

⁵²⁶ Thorup, “Enemy of Humanity”; Land, *Enemies of Humanity*.

⁵²⁷ “Timeline: Al Qaeda’s Global Context.”

⁵²⁸ msnbc. com and NBC News, “Al-Qaida Timeline.”

⁵²⁹ “Timeline: Al Qaeda’s Global Context.”

⁵³⁰ “Shoe Bomber.”

⁵³¹ “US ‘Fails Underwear Bomb Plot’.”

⁵³² These last two efforts have combined into a splinter group, the Islamic State of Iraq and Syria (ISIS), which is in many ways competing with al Qaeda.

Perhaps the most puzzling aspect of al Qaeda is the question of what exactly they want. It has been said that they are looking to return to a 10th century caliphate,⁵³³ to institute sharia across the world or at least in the lands that belong to Islam, to get the United States out of the Middle East,⁵³⁴ to end democracy and freedom as we know it,⁵³⁵ and, as a symbolic gesture, to awaken the Umma.⁵³⁶ They have even been accused of nihilism⁵³⁷ with the intention of doing harm to, or even starting a war with, the US,⁵³⁸ and of looking for revenge.⁵³⁹ Some feel that their goals were utopian and unrealistic and that “they want to create a vacuum into which they think goodness and light will suddenly pour”.⁵⁴⁰ There are elements of truth to many of these claims. For instance, bin Laden has said that he bristles under American occupation of the holy land and would like to see Palestine “completely liberated and returned to Islamic sovereignty”.⁵⁴¹ However, this is a recruiting tactic.⁵⁴² While bin Laden and the al Qaeda leadership were angered by the presence of American military bases in Saudi Arabia and Israel these were symptoms of the larger problem: the global dominance of the secular, liberal state. Al-Zawahiri claims that “Palestine is the cause that has been firing up the feelings of the Muslim nation from Morocco to Indonesia... In addition, it is a rallying point for all Arabs, be they believers

⁵³³ Lewis, *The Crisis of Islam*.

⁵³⁴ This is an extension of the ‘far enemy’ thesis, see n.2 above.

⁵³⁵ See quote from Clinton and Bush below

⁵³⁶ Interviews with Byman, Pillar, Brannen, Hamilton

⁵³⁷ “they are sort of nihilist, they reject basically everything”, interview with Brannen

⁵³⁸ Interviews with Benjamin, Hamilton, Brannen

⁵³⁹ Interview with Byman

⁵⁴⁰ This was echoed by many of the people I interviewed. It shows some of the trouble even today with comprehending exactly what al Qaeda was and is after. Quote is from the interview with Brannen.

⁵⁴¹ Bin Laden, *Messages to the World*, 9.

⁵⁴² This is discussed in Devji and was a conversation that I had with Matthew Levitt. Devji, *Lanscapes of the Jihad*. Interview with Levitt.

or non-believers, good or evil”.⁵⁴³ Local struggles are meant to act as bases of operation and to inflame Muslim sentiment worldwide; their locality is immaterial.⁵⁴⁴

One of the common media tropes about al Qaeda is that it is a throwback to another era. It is fed up with modernity and is looking to recreate the world of the prophet.⁵⁴⁵ The fight is framed as modern vs. pre-modern, enlightened vs. medieval. However, as John Gray and Jean Baudrillard argue, this is simply not the case: al Qaeda is a creature of modernity.⁵⁴⁶ It is thoroughly versed in the practices of this era. It has used the internet for communication, the increased movement of peoples to train, recruit, and attack, and deregulated financial flows to pool and store money, among others. It also has a modern idea of its own mission and purpose. Even when it draws upon ancient or medieval Arab images and rhetoric, they are put to use for modern ends. This was recognized by the 9/11 commission report, whose authors mused that al Qaeda was “more globalized than we were”.⁵⁴⁷ In this way, al Qaeda is a reflection of the world which it is fighting against, which is exactly what makes it so dangerous.

I would argue that Devji’s contention that al Qaeda’s goals are metaphysical and lay outside the realm of politics is half right. Al Qaeda is quite political, only they are not recognized as such by states which can only make sense of Al Qaeda’s religious claims on their own terms. In this way, we can see the distinction between al Qaeda and, for instance, a Palestinian cause which was “finally legitimized within an order of

⁵⁴³ Mansfield, *His Own Words*; see also Devji, *Lanscapes of the Jihad*.

⁵⁴⁴ Devji, *Lanscapes of the Jihad*, 27.

⁵⁴⁵ For similar arguments see Friedman, *Longitudes and Attitudes*; Lewis, *What Went Wrong?*; Lewis, *The Crisis of Islam*.

⁵⁴⁶ Gray, *Al Qaeda and What It Means to Be Modern*; Baudrillard, *The Spirit of Terrorism and Other Essays*.

⁵⁴⁷ *The 9/11 Commission Report*, 340.

intentionality dedicated to the establishment of a national state”.⁵⁴⁸ The Palestinian cause made sense within the state system. Al Qaeda circa 2001 did not. It desires freedom, justice, wealth, power or other concepts that are usually associated with politics, only “it wants them on its own terms,”⁵⁴⁹ to “define the terms of global social relations outside the language of state and citizenship.”⁵⁵⁰ It is “envisioning a whole new map”.⁵⁵¹ This itself proves to be a threat to the state while using the very same boundaries set by states (and the practices that are challenging them) against it. If al Qaeda is attempting to field a battle on a metaphysical plane where boundaries as we know them are non-existent, even engaging in the battle would be perilous for the state. This is the plane of ‘effects without causes’ and al Qaeda itself has little control over the consequences of its actions.

According to Devji, the sphere of action is not even one of Muslim autonomy, which is the same one occupied by Christians and Jews. Consequently, there is to be no distinction, no boundary.⁵⁵² This explains why so many have failed to diagnose al Qaeda’s mission, leading to the illegibility detailed above. Its politics do not exist on the same plane as its enemies, so state to state or state to citizen relations are unhelpful ways to understand them. What must happen is for the state to redraw boundaries, to develop new practices that can make al Qaeda a ‘legible’ problem. Devji is not the only one to notice this dynamic. Zarakol argues that al Qaeda is “a threat to both the rules of the game and the status-quo state(s)” and “a direct threat to the international system”.⁵⁵³

⁵⁴⁸ Devji, *Lanscapes of the Jihad*, 3.

⁵⁴⁹ *Ibid.*, 76.

⁵⁵⁰ Al Qaeda’s mission is one that is even confusing to and rejected by many Islamic fundamentalists who still view their struggle in local terms. *Ibid.*, 31.

⁵⁵¹ Interview with Harris.

⁵⁵² Devji, *Lanscapes of the Jihad*, 30.

⁵⁵³ Zarakol, “What Makes Terrorism Modern?,” 2314, 2316; The first quote is taken from Jeff Huysmans on revolutionary states, see Jef Huysmans, “Security! What Do You Mean?”.

Ronald Krebs and Jennifer Lobasz argue that al Qaeda “threatens the very logic of inside/outside that sustains the modern nation-state”.⁵⁵⁴

If al Qaeda has so little control over the consequences of its own actions, we need to look at US rhetoric as it regards the GWoT in order to complete this picture. Krebs and Lobasz note that:

The attacks of September 11 were, according to the dominant discourse, attacks on the nation-state, but this should hardly be treated as unproblematic or natural. These events could have been represented differently: for example, as attacks on the central symbols of the neoliberal empire, as crimes against humanity, or as crimes against innocents.⁵⁵⁵

Therefore, the threat posed by al Qaeda is determined as much by the narratives developed by the target as by the group itself. The interpretation of the attack is as important in locating the threat as the motivations behind it.

That the threat posed by al Qaeda was different than other attacks in US history was apparent in President Bush’s first public remarks on the event, before any claims that the attack was perpetrated by al Qaeda. He started his first public speech “Today, our fellow citizens, our way of life, our very freedom came under attack in a series of deliberate and deadly terrorist acts”.⁵⁵⁶ Notice that the attack is not on the US or upon those living in NY and DC or working at the World Trade Center or the Pentagon. It is against a ‘way of life’ and ‘freedom’, concepts that are manifest by, but larger than, a particular state. Just nine days later, this sentiment was displayed in greater detail in a speech to Congress announcing the ‘War on Terror’:

They hate our freedoms—our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other. . . . This is the world’s fight. This is

⁵⁵⁴ Krebs and Lobasz, “Fixing the Meaning of 9/11,” 442.

⁵⁵⁵ Ibid., 432, n.81.

⁵⁵⁶ “The Text of President Bush’s Address Tuesday Night.”

civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom.⁵⁵⁷

While there is no mention of the state itself as an institution under attack, it has been framed such that core values and institutions are at risk. Two things are important to draw out here. First, recognition that the state as a polity was at risk does not make for very good rhetoric. Remember that the pirates of the golden age attacked 'god, country and labor' and the propagandists were against 'institutional and social relations'. Second, in each case what was attacked happened to be the very ideals upon which the state legitimated itself. In the 18th century this was trade and god, at the turn of the 20th century this was order and property, and at the turn of the 21th century this was freedom and a democratic way of life. Hence, by recognizing and creating a threat to these values, there is an implicit recognition of the state itself being under attack. Of course, these are not the only ideals upon which the state legitimated itself in each era, but they are the values that state leaders felt were under threat and wanted to mobilize to defend.

That something new had occurred was recognized by the Bush Administration; old ways of doing things were no longer operational because a new threat had emerged. In June of 2002, Bush stated that, "Deterrence... means nothing against shadowy terrorist networks with no nation or citizens to defend".⁵⁵⁸ In 2006, Bush reiterated this point:

The terrorists who declared war on America represent no nation. They defend no territory. And they wear no uniform. They do not mass armies on borders or flotillas of warships on the high seas. They operate in the shadows of society. They send small teams of operatives to infiltrate free nations. They live quietly among their victims. They conspire in secret. And then they strike without warning.⁵⁵⁹

⁵⁵⁷ "President Bush's Speech to Congress Declaring War on Terror."

⁵⁵⁸ "Text of Bush's Speech at West Point."

⁵⁵⁹ "President Bush's Speech on Terrorism."

This echoes the 2002 National Security Strategy (NSS), which called al Qaeda a ‘shadowy network’.⁵⁶⁰ The same sentiment was echoed by other administration officials. Deputy Secretary of State Richard Armitage claimed that 9/11 created a “whole new world”.⁵⁶¹ Deputy Secretary of Defense Paul Wolfowitz claimed that, “the old approach to terrorism was not acceptable any longer”.⁵⁶²

Of course, it is not as if the Bush Administration created this rhetoric. The threat of terrorism was something dealt with seriously since at least the 1980s.⁵⁶³ Bush’s predecessor, Bill Clinton, used similar rhetoric, framing terrorism in largely similar ways. In his remarks following the second most deadly terrorist attack on US soil, the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995, Clinton remarked that it was undertaken by, “forces that threaten our common peace, our freedom, our way of life”.⁵⁶⁴ Following US retaliation for al Qaeda perpetrated bombings on the US embassies in Kenya and Tanzania, he stated that, “America is and will remain a target of terrorists precisely...because we act to advance peace, democracy, and basic human values”. At stake is the “ongoing struggle between freedom and fanaticism”.⁵⁶⁵

The nascent narrative on terrorism developed in the 1990s recognized the same dangers and used many of the same tropes as Bush’s rhetoric in the wake of 9/11, yet there was no crisis. What solidified the crisis was the creation of the GWoT. Nine days after 9/11, President Bush declared the GWoT and foreshadowed its expansive reach: “Our war on terror begins with Al Qaeda, but it does not end there. It will not end until

⁵⁶⁰ *The National Security Strategy of the United States of America*, 2002, i.

⁵⁶¹ “Return of the Taliban.”

⁵⁶² “Deputy Secretary Wolfowitz on the Reasons for Iraq War.”

⁵⁶³ Harris, *The Watchers*.

⁵⁶⁴ PPPUS 4/23/1995

⁵⁶⁵ PPPUS 8/20/1998.

every terrorist group of global reach has been found, stopped, and defeated”.⁵⁶⁶ There are three parts of this proclamation worth discussing here. The first is the use of ‘war’, the second is the expansiveness of the enterprise, and the third is how the first two combined to create what Dana Priest and William Arkin called “Top Secret America”.⁵⁶⁷

By casting counterterrorism as part of a war, terrorism was identified as the defining national security issue of the 21st century. Tenet sent out a memo five days after the attacks entitled, “We’re at War” in which he proclaimed that the CIA “must give people the authority to do things they might not ordinarily be able to do...If there is some bureaucratic hurdle, leap it.”⁵⁶⁸ Similarly, John Poindexter, the new head of the Office of Information Awareness at Defense Advanced Research Projects Agency (DARPA), remarked in its aftermath that, “This is not business as usual, we must put introduction of new technology on a wartime basis”.⁵⁶⁹ This use of the term ‘war’ reflects the seriousness of the crisis and places it alongside the other cases explored in this study. Second, buoyed by the rhetoric of a whole new world, the expansiveness of the war on terror was a choice that would have far reaching consequences.⁵⁷⁰ The GWoT broadened the fight from al Qaeda to all terror, terrorism, and terrorists.⁵⁷¹ One year after the attacks, the 2002 NSS proclaimed the war on terror “a global enterprise of uncertain duration”.⁵⁷² One critic, calling it a “grossly manipulative piece of salesmanship”, argued

⁵⁶⁶ “President Bush’s Speech to Congress Declaring War on Terror”

⁵⁶⁷ Priest and Arkin, *Top Secret America*.

⁵⁶⁸ Harris, *The Watchers*, 151.

⁵⁶⁹ *Ibid.*, 152.

⁵⁷⁰ Krebs and Lobasz, “Fixing the Meaning of 9/11”

⁵⁷¹ This reflects the way that the fight against the propagandists was characterized as being against ‘anarchy’ the idea. Greenwald echoes this sentiment, “The NSA explicitly states that none of the targeted individuals is a member of a terrorist organization or involved in any terror plots. Instead, their crime is the views they express”. Greenwald, *No Place to Hide*, 187.

⁵⁷² *The National Security Strategy of the United States of America*, 2002, i.

that “it would be impossible to define any way of there being an end”.⁵⁷³ It included not just the US and its traditional allies, but even potential rivals such as Russia and China. As much as the ‘coalition of the willing’ and talk of ‘new’ and ‘old’ Europe amongst Bush Administration officials are highlighted, the GWoT has proven to be a multi-lateral undertaking, signifying the seriousness of the threat.⁵⁷⁴

Finally, these two trends combined to throw a veil of secrecy over everything remotely related to national security. As Priest and Arkin argue, “Calling the reaction to al Qaeda’s 9/11 attack a ‘war’ ensured that the government could justify classifying everything associated with running it”.⁵⁷⁵ Lee Tien concurs, “It is as if in order to mobilize for the War on Terror you have to spread this shroud of secrecy over more and more of the government.”⁵⁷⁶ This veil provided cover not only for labeling everything ‘national security’ but also allowing a multitude of agencies and contractors to innovate ways to defeat the threat, though it was certainly possible for this to happen without such secrecy. It hasn’t all been positive for the US government either. This veil has cast a pall over the Snowden revelations, making it harder for the public to trust the government that it is doing responsible things with the data.⁵⁷⁷ However, as Matthew Levitt put it, secrecy is not an easy thing to get past in the intelligence community: “We won’t be successful in today’s world if we don’t keep secrets.”⁵⁷⁸

⁵⁷³ Interview with Pillar

⁵⁷⁴ Mendelsohn, “Sovereignty Under Attack”; Lowenheim and Steele, “Institutions of Violence, Great Power Authority, and the War on Terror.”

⁵⁷⁵ Priest and Arkin, *Top Secret America*.

⁵⁷⁶ Harris mentions that this was one of the biggest effects of the GWoT. Interviews with Tien, Harris.

⁵⁷⁷ This was specifically mentioned by Zelikow who sees public distrust as a consequence of “policy judgments on what to collect, or the absence of such judgments, combined with a wider erosion of trust in intelligence agencies caused by abuses elsewhere, not in the NSA.” Interview with Zelikow.

⁵⁷⁸ Interview with Levitt

“Not whether but when”

Like the campaigns against the golden age pirates and the anarchist terrorists, the early stages of the GWoT were characterized by retrenchment. During the Clinton administration, many saw terrorism as a law enforcement problem. However, while there was recognition that 9/11 shattered current ways of thinking about the world, the immediate response reinforced old boundaries. In some instances, the recognition of a ‘whole new world’ was used to enact policies that were desired previously. First, border exclusion was enhanced through stricter airline security checks undertaken by the Transportation Security Administration (TSA) and by increasing random inspections of shipping containers. Both of these may (or may not) have proven useful in the wider GWoT, but they were attempts to reinforce the boundaries that made al Qaeda almost impossible to combat. The enactment of the Patriot Act immediately had a similar effect, though its ultimate significance lies with the data surveillance and the new boundaries.⁵⁷⁹ However, the most visible response, and arguably the least effective, came from the belief that terrorism was caused by bad governments, an extension of the idea that all threats emanate from local struggles.⁵⁸⁰ This is the logic that brought the United States into wars in Iraq and Afghanistan. While the world had changed, the Administration changed only in its approach to the same old problems. Part of the reason for these actions was an institutional stickiness based on the capabilities of the US and its ‘coalition of the willing’. The military industrial complex of the US provides it with a surplus of materials to conduct warfare against other states. This was especially true

⁵⁷⁹ The significance of the Patriot Act was a point of difference between the privacy advocates I interviewed. For instance, DS and Lee Tien saw the Act as vitally important while David Husband believed that it was epiphenomenal to the rise of technology. Interviews with DS, Tien, Husband.

⁵⁸⁰ This was specifically discussed in my interview with Dan Byman. Interview with Byman

prior to 9/11, when counterterrorism and counterinsurgency got much less attention. The surplus of materials to fight interstate wars is evidence of the belief that all threats emanate from local struggles. This belief was internalized and habituated. If it was not, then new capabilities would have been built that would have made other options more likely or at least made this one less so. This failure of imagination led to the institutional and material capability held by the US in the aftermath of 9/11 and these, in turn, played a role in the decisions to go into Iraq and Afghanistan.

There was a clear tactical reason, and possible revenge motive, for going into Afghanistan because Taliban leader Muhammad Omar was providing shelter to bin Laden, al Zawahiri, and other leading al Qaeda figures. While the invasion opened up the space necessary for the subsequent targeted killing campaign which led to bin Laden's death and crippled core al Qaeda in the region, the war stills drags on thirteen years later. It has led to 3,500 coalition fatalities and many more local ones and still no stable Afghan government. However, while the invasion of Afghanistan could be interpreted as a necessary undertaking for future drone operations,⁵⁸¹ the decision to enter Iraq looks like a clear case of retrenchment. Even as the war ended up costing almost 4,500 American lives and probably over 100,000 Iraqi lives,⁵⁸² not to mention its monetary and political costs, few links with al Qaeda have been found. In fact, al Qaeda only became active in the country after the invasion and the current troubles with ISIS have their roots in the Iraq War. Critiques of the Iraq War were common in my talks with policymakers. A more interesting debate that formed in my interviews, however, was whether or not Iraq could be considered a counter-terrorism measure. Pillar said that it was "something they

⁵⁸¹ Hayden called the Afghan invasion a major success but warned that this success was not guaranteed to continue if resources were shifted away. Interview with Hayden

⁵⁸² "Iraq Body Count."

[the Administration] wanted to do anyway.”⁵⁸³ Zelikow argued that the narrative of Iraq was “substantially different from the narrative of the War on Terror”.⁵⁸⁴ Talk of a reinvasion of Iraq was common in certain Republican national security circles during the 1990s.⁵⁸⁵ One administration official remarked that internal debates on Iraq were “about not whether but when”.⁵⁸⁶

However, others had a different take on the relationship between the Iraq War and the GWoT. Daniel Byman saw it as part of an effort to stop terrorism by deposing bad governments while Daniel Benjamin argued that “the attacks of 9/11 spawned a kind of vacuum in National Security thinking about what to do next that led to...the invasion of Iraq.”⁵⁸⁷ Zelikow admitted that the “political climates [for Iraq and the GWoT] are insoluble”.⁵⁸⁸ Here, 9/11 became an opportunity to enact already favored policies and rhetorically coerce political opponents into the Iraq War by painting it as part of the GWoT.⁵⁸⁹ Since al Qaeda was against democracy and freedom as defined by the US, Iraqi Leader Sadaam Hussein’s opposition to both painted him into the same corner as bin Laden. In many ways this echoed the battle lines of the Cold War: democracy and capitalism vs. a communist other.

Administration rhetoric tied the Iraq War into the GWoT. Defense Secretary Donald Rumsfeld testified before the U.S. Senate in 2002 on Iraq:

“Last week we commemorated the one-year anniversary of the most devastating attack our nation has ever experienced, more than 3,000 people killed in a single day. And

⁵⁸³ Interview with Pillar

⁵⁸⁴ Micah Zenko and Kathleen Hicks expressed similar sentiments. Interviews with Zelikow, Zenko, and Hicks

⁵⁸⁵ Kagan and Kristol, *Present Dangers*. Terrorism is conspicuously missing from this collection of essays from future Bush Administration officials and their allies.

⁵⁸⁶ “Deputy Secretary Wolfowitz on the Reasons for Iraq War.”

⁵⁸⁷ Interview with Benjamin

⁵⁸⁸ Interview with Zelikow

⁵⁸⁹ Krebs and Lobasz, “Fixing the Meaning of 9/11”

today I want to discuss the task of preventing even more devastating attacks, attacks that could kill not thousands but potentially tens of thousands of our fellow citizens”.⁵⁹⁰

Wolfowitz listed the reasons for the war as follows: “One is weapons of mass destruction, the second is support for terrorism, the third is the criminal treatment of the Iraqi people. Actually I guess you could say there's a fourth overriding one which is the connection between the first two.”⁵⁹¹ Internally, he complained that the reason we were not tying Saddam to al Qaeda was a “failure of imagination”.⁵⁹² The war became part of a larger counterterrorism strategy built around a ‘community of democracies’. As stated in the 2006 NSS:

Free governments are accountable to their people, govern their territory effectively, and pursue economic and political policies that benefit their citizens. Free governments do not oppress their people or attack other free nations. Peace and international stability are most reliably built on a foundation of freedom.⁵⁹³

Freedom is equated with the state and, in this formulation, is a major pillar of the GWoT. Even if the real reason in the minds of Administration officials had little to do with al Qaeda,⁵⁹⁴ Iraq was justified through the GWoT, sold as part of a larger ‘solution’ to the crisis whereby bad states made terrorists. The dominant narrative became al Qaeda vs. democracy and freedom; the only way to beat them and make the world safe for American ideals was to start spreading those ideals, with force if necessary.

The world’s most powerful state and its ‘coalition of the willing’ responded to the threat by doubling down on current boundaries, trying to understand the threat through familiar conceptual maps. That the invasion of Iraq was something advocated for by Administration officials before they got into power only strengthens this argument.

⁵⁹⁰ “Testimony of U.S. Secretary of Defense Donald Rumsfeld before the Senate Armed Services Committee Regarding Iraq (Transcript).”

⁵⁹¹ “Deputy Secretary Wolfowitz on the Reasons for Iraq War.”

⁵⁹² *The 9/11 Commission Report*, 336.

⁵⁹³ *The National Security Strategy of the United States of America*, 2006, i.

⁵⁹⁴ For such arguments see Debs and Monteiro, “Known Unknowns.”

According to their conceptual maps, the non-state threats came from states in the form of tyranny or weakness in ‘troubled’ areas such as the Middle East, Africa, and Central Asia. Despite the shattering of 9/11, the response was still to reinforce old boundaries and old ways of acting in the world. It was only with their failure that new strategies could take root and old habits were well and truly shattered.

“The robot is our answer to the suicide bomber.”

The invasions of Iraq did little to advance the GWoT. While it could be argued that the invasion of Afghanistan exposed al Qaeda’s leadership and forced it on the run, the war itself was far from enough. Other tools would be needed, creativity was paramount. Two tools have become prominent. The first is the start of targeted killing campaigns largely conducted by unmanned aircraft or drones. The second was the NSA’s program to collect and analyze metadata. Each is taken in turn below.

However, before we start to talk about what has been effective in the GWoT, it is best to talk about whether or not there has been success. First, what does success mean? Most have stated that success must mean preventing attacks. On this score, those I talked to were unanimous that the GWoT has played a role in the small number of attacks on US soil and to US interests. However, no one seems to think that the job is done, with one source commenting that it is “not yet complete and may not be complete for some time”.⁵⁹⁵ Another commented that he does not see much strategy and suggested that it is “all tactical and operational”.⁵⁹⁶ Other types of successes have been pointed out, ranging from the decimation of the core al Qaeda⁵⁹⁷ to the new funding streams for national and

⁵⁹⁵ Interview with Zelikow

⁵⁹⁶ Interview with Brannen

⁵⁹⁷ Interviews with Hamilton, Zelikow, Davidson

homeland security.⁵⁹⁸ Neither does this have to be a complete victory. Janine Davidson openly questioned whether or not the War on Terror could ever go away,⁵⁹⁹ while several shared Dan Byman's thought that "If you set the bar at, 'there will be a Boston Marathon attack every couple of years' I think people could go on with their lives".

However, there have been two other interesting strands from these discussions. The first is that a few of the people I talked to suggested that the War on Terror will be over when it is no longer a top priority. Paul Pillar pointed this out, arguing that the GWoT will be over when we no longer care about it.⁶⁰⁰ Kathleen Hicks said that it was about "managing terrorism".⁶⁰¹ Along this line, Shane Harris asserted that "We are going to be fighting terrorists for a long, long time. But we are not going to do it with our army".⁶⁰² When we bring counterterrorism off of a war footing, provided that basic goals seem met and it is not in defeat, the crisis itself will begin to dissipate, new boundaries will be drawn and the GWoT will be seen as some sort of success. This we can see today as the GWoT begins to take a back seat to other national security priorities and the NSA revelations bring critical focus on national security activities.

The other interesting strand is that a majority of the people I talked to mentioned the evolving nature of the threat. Many mentioned how al Qaeda had fragmented and is now as much a brand name for groups such as al Shabaab in Somalia, Boko Haram in Nigeria, and, until recently, ISIS, among others.⁶⁰³ Others pointed out the new localized nature of the threat, with one stating that, "I do think there has been a re-localization of

⁵⁹⁸ Interviews with Brannen, Marcus

⁵⁹⁹ Interview with Davidson

⁶⁰⁰ Interview with Pillar

⁶⁰¹ Interview with Hicks

⁶⁰² Interview with Harris

⁶⁰³ Interviews with Felbab-Brown, Zelikow, Hamilton

the jihad”.⁶⁰⁴ This is particularly evident in the rise of ISIS and their attempts to govern territory in Mesopotamia and the Levant. Neither of these points were made as evidence that the War on Terror has been successful.⁶⁰⁵ Yet, they could be read as such. If al Qaeda is now a series of franchisees focused on territory, then much of the battle has already been won. ISIS can be made sense of within the state system because it is looking to control territory.⁶⁰⁶ It is now entrant violence and no longer a threat to the core of the system.

Targeted Killing

While Predator and Reaper drones have become synonymous with the GWoT, the history of unmanned aircraft stretches back before 9/11. Budgeting and research in the United States started in the 1970s, use began in the 1990s, and drone operations were common in combat theaters in Iraq and Afghanistan. Richard Clarke pushed for the installation of a program using Predator drones armed with Hellfire missiles in counter-terror operations prior to 9/11.⁶⁰⁷ Of course, there was resistance to the use of drones. As Rob Finkelstein, president of Robotic Technology, Inc., complained, the lack of implementation over the past 20 years was due to “friggin brain dead bureaucrats who have no vision...The sad thing is that many useful systems could have been fielded years ago,” saving many lives.⁶⁰⁸ Following 9/11 this turned quickly. As one US researcher

⁶⁰⁴ Similar points were made by Brannen, Zelikow, and Davidson. Interviews with Benjamin, Brannen, Zelikow, Davidson

⁶⁰⁵ Matthew Levitt made this point most explicitly, focusing on how the threat can change faster than the US government. Interview with Levitt

⁶⁰⁶ This is, of course, up for debate. While it does appear that ISIS is more focused on governing territory than al Qaeda, they also make claims that they speak for, and govern, the spiritual lives of all Sunni Muslims. Therefore, what is said here is a conjecture that appears true at the moment but could easily be proven untrue by events in the near future.

⁶⁰⁷ Benjamin and Simon, *The Age of Sacred Terror*, 321–2, 336–8, 343–6.

⁶⁰⁸ Singer, *Wired for War*, 53–54.

has put it, “the robot is our answer to the suicide bomber.”⁶⁰⁹ Here we have the GWOt opening up space for both the government and the private sector to develop such weapons platforms for the purpose of counterterrorism, taking advantage of pre-existing technology for a new purpose. As described below, targeted killing and drone usage did not become until after they proved successful.

Unmanned aircraft, or drones, have been used for three purposes. The first is in traditional military operations. Drones have provided air cover to operations in Iraq and Afghanistan and were used to help create a no fly zone in Libya.⁶¹⁰ Secondly, they can be a method of surveillance, gaining information in hotspots in a manner not too dissimilar from the U2 spy planes of the Cold War. Finally, they have been used to kill suspected terrorists. Targeted killing, or signature strikes, began under the Bush administration as CIA programs started in Yemen in 2002 and Pakistan in 2004. But they have really grown under the Obama Administration, which has taken “on the more targeted, more kinetic operations, especially with drones, that were beginning to come on line in the last year of Bush and put a great deal of emphasis on that and were focusing on decapitation of terrorist groups”.⁶¹¹ In other words, the Obama Administration only made it policy once it had an inside look at its possibilities and then they ran with it. The Bush Administration oversaw 47 drone attacks in Pakistan between 2005 and 2009 while the Obama administration oversaw 52 strikes in 2009 alone followed by 112, 73, 48, and 26 from 2010-2013.⁶¹² That means that in each of his first four years in office, Barack

⁶⁰⁹ Ibid., 62.

⁶¹⁰ Ackerman, “U.S. Drones Never Left Libya” Micah Zenko told me that drone operations have almost nothing to do with counterterrorism and are more focused on counterinsurgency. This was not a common opinion. Interview with Zenko.

⁶¹¹ Interview with Benjamin

⁶¹² “Drone Wars Pakistan.”

Obama saw more signature strikes in Pakistan than his predecessor did in his last four years combined.⁶¹³ In addition, the Obama Administration has overseen another 80 drone and 15 traditional air strikes in Yemen.⁶¹⁴ These strikes have killed 35 known al Qaeda leaders in Yemen and 58 in Pakistan as of 2013 and a total of 3,500 militants overall.⁶¹⁵

The Justice Departments of both Bush and Obama have maintained not only that the GWoT is a war but that targeted killings are lawful in wars zones. Indeed, Obama's Attorney General Eric Holder has suggested a similarity between a drone strike and the tracking of the plane of Japanese General Isoroku Yamamoto during the Second World War.⁶¹⁶ Putting aside questions of legality and just war, these claims demonstrate that the GWoT is the justification for these campaigns.⁶¹⁷ The US has not always endorsed targeted killing. In July of 2001, Martin Indyk, the US ambassador to Israel, publicly called his host country out for the targeted killings of HAMAS officials, saying, "They are extrajudicial killings, we do not support that."⁶¹⁸ It was not until the threat of al Qaeda presented itself that it became thinkable for the United States to use such a tactic as a regular part of its national security operations.

⁶¹³ It should be mentioned that Michael Hayden, the former NSA and CIA Director under Bush, told me that the program was ramped up beginning in 2008 even if annual numbers do not reflect this. Interview with Hayden.

⁶¹⁴ "Drone Wars Yemen."

⁶¹⁵ Attacks tend to occur in bunches. In a two week period between July 27th and August 8th of 2013, 34 militants were killed by drone strikes in Yemen based on intelligence of future al Qaeda attacks on embassies in Sana'a and on shipping in the Red Sea. "Yemen Drone Strikes." It should also be noted that drones strikes have been in decline from a 2010 peak in Pakistan and a 2012 peak in Yemen. This does not mean that drones operations are about to become a thing of the past; if they truly are resulting in the redrawing of boundaries, we should expect operations to continue as new threats emerge.

⁶¹⁶ Holder, "Attorney General Eric Holder Speaks at Northwestern University School of Law."

⁶¹⁷ Dan Byman told me that, "we found a use for it [drones] because we wanted to kill terrorists". Interview with Byman.

⁶¹⁸ Mayer, "The Predator War."

Drone bases have proliferated over this period. There are six operational bases in Pakistan, despite closings amid public controversy.⁶¹⁹ In fact, closings and reallocations may be part of a larger strategy to make sure that operations are not interrupted by the attention given to any single base.⁶²⁰ Drone operations in Yemen are undertaken from bases in Saudi Arabia and operations in North and Western Africa have increasingly been undertaken from a base in Niger.⁶²¹ There are also major hubs in Ethiopia and the Seychelles⁶²² and a base recently closed in Djibouti. In addition, there are reportedly 64 drone bases in the United States.⁶²³

The proliferation of drone bases around the world has not necessarily been met with resistance. Niger has welcomed the use of drones for surveillance to help to protect its own borders from being breached by Islamic fundamentalists from Mali, Nigeria, and Libya because, as President Mahamadou explained, “We rely on countries like France and the United States, we need co-operation to ensure our security”.⁶²⁴ Drone bases in Pakistan have come under fire from the Pakistani public and the Pakistani government, but there is evidence that top Pakistani leaders are not only accepting of drones but have asked for them. General Ashfaq Kayani asked the US for “continuous predator coverage” of the tribal areas even as he publicly assailed the program as “unjustified and intolerable”.⁶²⁵

⁶¹⁹ Woods, “CIA Drones Quit One Pakistan Site.”

⁶²⁰ Bokhari, “Officials Confirm CIA Drones In Pakistan.”

⁶²¹ Whitlock, “Drone Base in Niger Gives U.S. a Strategic Foothold in West Africa.”

⁶²² Miller, Gearan, and Raghavan, “Obama Administration Authorized Recent Drone Strikes in Yemen”; “An End to Drone Flights from Camp Lemonnier, Djibouti.”

⁶²³ Many of the bases are remote and only use small planes, which makes both attacks and surveillance less likely. Franceschi-Bicchierai, “Revealed.”

⁶²⁴ Whitlock, “Drone Base in Niger Gives U.S. a Strategic Foothold in West Africa.”

⁶²⁵ Allbritton, “Pakistan Army Chief Sought More Drone Coverage in '08.”

There are, of course, downsides to these attacks. First, many have claimed that these attacks create more radicals than they kill, especially in places like Yemen and Pakistan which have already been hotbeds of terrorist activity. In fact, reports have suggested that the recent attacks on the US embassy in Benghazi were, at least in part, retribution for the drone strike that killed al Qaeda leader Abu Yahya al-Libi.⁶²⁶ This position was common amongst my interviewees, with many mentioning that the side effects of targeted killing are serious.⁶²⁷ Second, such attacks also kill innocents. For instance one 2013 attack in Yemen is estimated to have killed 11-15 civilians at a wedding attended by a supposed militant.⁶²⁸

One incident in particular encapsulates many of the complex problems that targeted killing presents. Yemeni cleric Salem Ahmed bin ali Jaber got some local recognition for speaking out against al Qaeda militants in his area. Local al Qaeda leaders decided to meet with him and, upon guaranteeing his security, they met under a tree near his mosque to talk about ali Jaber's remarks. However, during this meeting, all of the men in the outdoor meeting were killed from a drone attack.⁶²⁹ Not only did an innocent die, but it was a man who had spoken out against the militants and could have been a local ally to the US in the region. However, the assumption was made that since he was talking to members of the organization he was guilty by association. Even if drones are more precise⁶³⁰ than traditional aircraft, the decision making process is still open to human bias and error. In addition, many do worry that these riskier missions are

⁶²⁶ Ackerman, "U.S. Drones Never Left Libya"

⁶²⁷ Interviews with Brannen, Benjamin, Zelikow, Byman, Pillar. In particular Zelikow, "of course, you are attacking these communities, you are killing people. There are very important human consequences."

⁶²⁸ "Drone Wars Yemen."

⁶²⁹ Mazzetti and Shane, "With Brennan Pick, a Light on Drone Strikes' Hazards."

⁶³⁰ The policymakers that I talked to were almost unanimous that this was the case.

being undertaken because the technology is available. It becomes a “we got a hammer, we start seeing more nails kind of phenomenon”.⁶³¹

Finally, there are data problems. Since it is very hard to get numbers on whether or not a militant or a civilian is killed, accounts tend to differ. The United States counts all able-bodied military aged males, including some as young as 16 year old Abdulrahman Awlaki, as ‘combatants’ in cases with no confirmation. According to one official, “It bothers me when they say there were seven guys, so they must all be militants...They count the corpses and they’re not really sure who they are.”⁶³² The New America Foundation has estimated that 400 civilians have been killed,⁶³³ while the Bureau for Investigative Journalism estimates as many as 881 civilians have been killed through 2012, including 176 children.⁶³⁴ However, such claims are challenged not only by the Obama Administration’s figures but also by those who argue that there is no way of getting reliable data from the Federally Administered Tribal Areas (FATA) since no one has access.⁶³⁵ Civilian death tolls do not account for the ‘damage’ done to civilians living in territories that are constantly surveyed by drones, which some view as substantial.⁶³⁶ The US has recently declassified information stating that drone attacks have “close to the same number of civilian casualties per incident as manned aircraft, and were an order of magnitude more likely to result in civilian casualties per engagement”.⁶³⁷ Drone technology also tends to be used in tougher situations. The technology has given the

⁶³¹ Interview with Pillar

⁶³² Becker and Shane, “Secret ‘Kill List’ Tests Obama’s Principles.”

⁶³³ “Drone Wars Pakistan.”

⁶³⁴ *Living Under Drones*, vi.

⁶³⁵ Fair, “The Problems with Studying Civilian Casualties from Drone Usage in Pakistan”; for reaction see Carpenter, “Crunching Drones Death Numbers.” Most policymakers I interviewed believed civilian numbers to be exaggerated while also being skeptical of the Obama Administration’s figures.

⁶³⁶ *Living Under Drones*, vii.

⁶³⁷ “Drone Strikes,” 1.

US confidence to attack in situations previously thought impossible, leading to the deaths of terrorist targets in conjunction with more civilians deaths.

NSA Data Collection

The ability to tap into systems carrying data for phone and internet use has existed for some time. Former US Secretary of Defense Robert McNamara attempted to design a similar system called IRIS in the early 1980s and the idea of data collection dates at least as far back as HG Wells' conception of the World Brain in 1938.⁶³⁸ John Poindexter, Ronald Reagan's National Security Advisor, started to develop basic systems to connect information in real time as a tool of counterterrorism following the bombing of a US barracks in Lebanon by Hezbollah in 1983.⁶³⁹ Prior to 9/11, the US also had a data system named CARNIVORE.⁶⁴⁰ Multiple sources confirmed that data collection had begun in the late 1990s⁶⁴¹ but, as Kleinsmith and his colleagues discovered, it never got the full funding or attention its adherents thought necessary.

The barriers to using and implementing such systems began to melt away after 9/11. The attack "obviously provided the rationale for the ramping up of increased surveillance... it may have happened that at some point we may have tried to do that but it becomes easier to sell that we are doing that after 9/11."⁶⁴² It also made it easier to ask

⁶³⁸ Ball and Webster, "The Intensification of Surveillance"; Wells, *World Brain*.

⁶³⁹ Harris, *The Watchers*, 15–36.

⁶⁴⁰ Lyon, "Surveillance after September 11, 2001."

⁶⁴¹ Michael Hayden told me that build collection, "had been going on since the late 1990s". Paul Pillar worked in the CIA during this time and related the following story - "Back in 1997 I got involved in the Defense Science Board summer study...[explains it as a group of private workers doing cutting edge stuff and every year they have a summer study on a particular topic they choose - in 1997 it was terrorism]...I got involved in their science and tech committee with a bunch of people who were executives or senior engineers in telecommunications companies. One of the big emphases that these people in private industry talked about was we need to do more in the area of data mining. In other words, using algorithms to sift through bulk collections stuff...what they [the NSA] are doing is exactly what the community was urged to be doing more of back in the late 1990s" Interviews with Hayden, Pillar

⁶⁴² Interview with DS

for assistance from telecommunications companies: “In 2002 or 2003...it was easier for the NSA to go to the companies here in the states and say ‘this is a high national priority’, we strongly want you to cooperate. You get the cooperation”.⁶⁴³

Many in the intelligence community took the attacks as a failure, a shattering of a previous practice, and were not only open to new methods of intelligence gathering and analysis but also to stretching the boundaries of legality. Poindexter recalls spending the next few days after the attack sketching out a program he called Total Information Awareness, or TIA, claiming that, “The key to fighting terrorism is information”.⁶⁴⁴ He would later become the head of the Information Awareness Office inside DARPA. In addition to information itself, analytical tools were needed. James Heath, of the US Intelligence and Security Command (INSCOM), has stated that the point of Able Danger was to, “interact with it [the data], allow you to find needles within that haystack effectively and quickly”.⁶⁴⁵ At the same time, NSA Director Michael Hayden began to use Executive Order 12333, signed by Reagan to counteract the formation of the foreign Intelligence Service Act (FISA) court, to begin collecting correspondence which included only one foreign correspondent. In 2001, President Bush decided that the collection of meta-data was not against the constitution.⁶⁴⁶ Hayden’s agency would create a program called BAG, or “Big Ass Graph”, to collect and make sense of communication. These two systems would eventually converge to create the programs leaked by Edward

⁶⁴³ Interview with Pillar

⁶⁴⁴ Harris, *The Watchers*, 178.

⁶⁴⁵ *Investigation into...Able Danger*, 10.

⁶⁴⁶ Michael Hayden told me that Bush used the Supreme Court ruling in *Smith V. Maryland* to make this claim. While ruling that the collection of meta-data was illegal per the 1974 FISA law it was not ruled unconstitutional. Bush took this to mean that the problem was one of separation of powers. The FISA law meant Congress was claiming the control of meta-data while Bush thought that national security clauses in the constitution meant that the executive had it. Therefore, this would not have happened when it did if 9/11 had not provided the national security impetus for collecting US meta-data. Interview with Hayden

Snowden in the summer of 2013.⁶⁴⁷ Similar programs have been developed by other agencies such as the Terrorist Finance Tracking Program (TFTP) which sorts through bank records and transactions passing through the Belgium-based company SWIFT – for which the Treasury Department has a subpoena – with an eye to tracing and intercepting terrorist funding. It has reportedly led to the capture of at least one important Southeast Asian al Qaeda leader in 2006.⁶⁴⁸ The department claims that this is not data-mining since most people do not undertake the types of transactions captured by the program.⁶⁴⁹ Again, the GWoT creates space for low level innovations in counter-terror that end up becoming official policy not through central directive but through proven ‘success’.

The GWoT has been widely cited as justification for the collection of bulk meta-data.⁶⁵⁰ Hayden’s pitch to telecom companies for user data changed from cyber-attacks to terrorism immediately after 9/11 and was met with some success.⁶⁵¹ Decryption programs are justified as helping the US defeat “terrorists, dissidents, and other targets”⁶⁵² while the NSA uses the failure to ‘connect the dots’ prior to 9/11 as a justification for its data collection methods.⁶⁵³ President Obama has justified the program with a specific example, “The program grew out of a desire to address a gap identified after 9/11. One of the 9/11 hijackers, Khalid al-Mihdhar, made a phone call from San Diego to a known

⁶⁴⁷ Greenwald, MacAskill, and Poitras, “Edward Snowden.”

⁶⁴⁸ Lichtblau and Risen, “Bank Data Is Sifted by U.S. in Secret to Block Terror.”

⁶⁴⁹ “Terrorist Finance Tracking Program (TFTP).”

⁶⁵⁰ The NSA meta-data programs can be split into two groups: telephone and internet. Telephony ‘meta-data’ includes the location of a call, who is receiving the call, what towers it goes through, etc. Internet meta-data, especially search data, is much more revealing than telephony meta-data. Knowing what sites have been visited when is content in the case of internet data. These data are collected under three statutes. Executive Order 12333 allows the executive to collect information. Section 702 of the most recent FISA act allows for the collection of bulk international data while Patriot Act section 215 allows for the collection of data on communication involving US persons. The three statutes overlap.

⁶⁵¹ Harris, *The Watchers*, 201–205.

⁶⁵² “Peeling Back the Layers of Tor with EgotisticalGiraffe”

⁶⁵³ “The National Security Agency: Missions, Authorities, Oversight and Partnerships,” 1.

al- Qaida safehouse in Yemen.”⁶⁵⁴ Then FBI director Robert Mueller corroborated this in a House judiciary meeting, “If we had had this program in place at the time, we would have been able to identify that particular telephone number in San Diego.”⁶⁵⁵ This suggests that al-Mihdhar could have been caught in time to prevent 9/11. It is claimed that 300 terrorists have been captured using the search tool XKeyScore, which allows analysts to search emails without oversight,⁶⁵⁶ and the US commander in Iraq has claimed that signals intelligence removed 4,000 insurgents from the battlefield during the 2008 surge.⁶⁵⁷ The NSA also claims that their foreign data collection operations alerted them to Najibullah Zazi, who, upon capture, admitted to planning a bombing of the New York subway system. In England, the MI5 chief has claimed that GCHQ’s collection efforts are necessary because there are “several thousand Islamist extremists [in the UK]”.⁶⁵⁸

Of course, the NSA runs into legal problems when collecting bulk meta-data.⁶⁵⁹ Telephony data can only be collected and stored if one end of a conversation is outside the US and warrants are necessary for looking into these conversations. Warrants are also necessary in order to look into internet searches and communications within the United States. Some of these problems have been cleared legally. For instance, a three month rolling FISA ruling enabled by Patriot Act section 215 and FISA act 702 allows the NSA to collect phone data from major providers such as Verizon on communications

⁶⁵⁴ Andrea Peterson, “Government Board Report Refutes 9/11 Argument for NSA Phone Records Program.”

⁶⁵⁵ Ibid.

⁶⁵⁶ Greenwald, “XKeyscore.”

⁶⁵⁷ “The National Security Agency: Missions, Authorities, Oversight and Partnerships,” 6.

⁶⁵⁸ Hopkins, “MI5 Chief.”

⁶⁵⁹ This includes recent attempts by Congress to provide legal barriers, “The House Just Overwhelmingly Voted to Rein in the NSA.”

that have one US customer involved.⁶⁶⁰ Many privacy advocates claim the NSA is also collecting data from international servers, regardless of whether communication includes US persons.⁶⁶¹

Other problems have been dealt with by pushing these legal boundaries. The NSA works with a ‘three-hops’ rule wherein the NSA starts with a number and can then look at the number of anyone connected three degrees of separation away.⁶⁶² When using internet data, analysts are given discretion about whether or not the communication the NSA wants to tap into is domestic or includes a foreign component and are also warned not to “ask about or speculate on sources or methods”.⁶⁶³ If there is reason to think that the data is domestic after capture, the analyst is allowed to look inside it to confirm. In addition, it has been ruled that the NSA can keep such data for as long as it keeps international data.⁶⁶⁴ Another potential circumvention is cooperation with allies such as the UK and Israel.⁶⁶⁵ The US has given GCHQ, its UK equivalent, \$100 million dollars for unknown ‘deliverables’⁶⁶⁶ since there are fewer restrictions for collection in the UK.⁶⁶⁷ France also has a comparable program.⁶⁶⁸ The NSA claims that it has worked in partnership with more than 30 countries but maintains that it does not ask for “what the NSA is itself prohibited by law from doing”,⁶⁶⁹ i.e. spying on American citizens.

⁶⁶⁰ Greenwald, “NSA Collecting Phone Records of Millions of Verizon Customers Daily.”

⁶⁶¹ This was also echoed by Dan Byman. Interviews with DS, Tien, Byman.

⁶⁶² Fung, “Everything You Need to Know about Obama’s NSA Reforms, in Plain English.”

⁶⁶³ Ball, Borger, and Greenwald, “Revealed.”

⁶⁶⁴ Greenwald and Ball, “The Top Secret Rules That Allow NSA to Use US Data without a Warrant.”

⁶⁶⁵ Hopkins and Harding, “GCHQ Accused of Selling Its Services after Revelations of Funding by NSA”; Greenwald, Poitras, and MacAskill, “NSA Shares Raw Intelligence Including Americans’ Data with Israel”; “NSA and Israeli Intelligence.”

⁶⁶⁶ Hopkins and Borger, “Exclusive”; Hopkins and Harding, “GCHQ Accused of Selling Its Services after Revelations of Funding by NSA.”

⁶⁶⁷ Hopkins and Ackermann, “Flexible Laws and Weak Oversight Give GCHQ Room for Manoeuvre.”

⁶⁶⁸ Chrisafis, “France ‘Runs Vast Electronic Spying Operation Using NSA-Style Methods.’”

⁶⁶⁹ “The National Security Agency: Missions, Authorities, Oversight and Partnerships,” 6.

Both the NSA and GCHQ have worked in conjunction with tech companies to collect data in two different ways. First, there are “upstream” collections where the NSA gains access to private fiber optic cables. This is done through a series of partnerships, such as FAIRVIEW and STORMBREW where the NSA partners with a particular company.⁶⁷⁰ Second there is the PRISM program where the NSA gains access to the servers of these companies.⁶⁷¹ As one NSA document boasts, “Prism is a team sport!”⁶⁷² There is evidence that the NSA has paid companies for compliance costs,⁶⁷³ while Microsoft is alleged to have worked with the NSA by allowing the agency access to the latest version of Microsoft Outlook.⁶⁷⁴ GCHQ has been working with companies such as BT and Vodafone.⁶⁷⁵ Other companies have begun to report requests,⁶⁷⁶ though some, like Apple, deny complying at all, despite growing evidence that this is not the case.⁶⁷⁷

Many claim that the benefit of these programs may not exceed costs to privacy.

Privacy advocates label increasing government surveillance as “anathema to

⁶⁷⁰ Greenwald, *No Place to Hide*, 101–108.

⁶⁷¹ Ibid., 109–118; Greenwald and MacAskill, “NSA Prism Program Taps in to User Data of Apple, Google and Others”; Huhne, “Prism and Tempora”; Ball, Borger, and Greenwald, “Revealed”; For their part, the NSA and many of the companies implicated deny that this is the case, see Gellman and Poitras, “U.S., British Intelligence Mining Data from Nine U.S. Internet Companies in Broad Secret Program.”

⁶⁷² Greenwald, *No Place to Hide*, 116.

⁶⁷³ “U.S. Phone Companies Never Once Challenged NSA Data Requests”; “The NSA Paid Silicon Valley Millions to Spy on Taxpayers.”

⁶⁷⁴ Greenwald et al., “Microsoft Handed the NSA Access to Encrypted Messages.”

⁶⁷⁵ Ball, Harding, and Garside, “BT and Vodafone among Telecoms Companies Passing Details to GCHQ.”

⁶⁷⁶ Tsukayama, “Facebook Report.”

⁶⁷⁷ Greenwald and MacAskill, “NSA Prism Program Taps in to User Data of Apple, Google and Others”; These claims are covered in some depth by Greenwald, *No Place to Hide*. Other Internet programs include: Marina, a program that can store large amounts of data for 12 months and BULLRUN, and its UK equivalent EDGEHILL, in the US (both named after famous battles in their respective civil wars), works to break down encryption codes meant to keep personal data safe. In addition, the NSA has developed a program called Boundless Informant to be used for data-mining that allows an analyst to search for data by country or for personal data based on email or IP addresses. See Ball, “NSA Stores Metadata of Millions of Web Users for up to a Year, Secret Files Show”; Ackerman and Ball, “Optic Nerve”; Greenwald and MacAskill, “Boundless Informant.”

democracy,”⁶⁷⁸ “The more surveillance there is, the less democratic our nation will become”.⁶⁷⁹ David Husband remarks, “understanding how the government’s power over you has increased is vital to our civil discourse”.⁶⁸⁰ Greenwald links privacy to human creativity.⁶⁸¹ When asked to justify his decision to leak confidential files on these programs, Snowden remarked in reference to the XKeyScore, “I, sitting at my desk, [could] wiretap anyone, from you or your accountant, to a federal judge or even the president, if I had a personal email”.⁶⁸² A recent report by the Privacy and Civil Liberties Oversight Board (PCLOB) – a US Executive branch agency created through the recommendations of the 9/11 commission – hints at the ‘preventing 9/11’ narrative. The report claims that al-Mihdhar’s call had actually been intercepted by the NSA but it had no information about his whereabouts whereas the CIA had knowledge that al-Mihdhar had entered the country. All the information necessary was already in the US: “The failure...stemmed primarily from a lack of information sharing among federal agencies, not of a lack of surveillance capabilities...This was a failure to connect the dots, not a failure to connect enough dots.”⁶⁸³ The PCLOB report also refutes the numbers of thwarted attacks claimed by the NSA, a position backed up by the failure of a presidential task force to claim a single attack was thwarted.⁶⁸⁴ However, Michael Hayden called the deleterious effects of the GWoT “light stuff” compared to other wartime misdeeds in US

⁶⁷⁸ Interview with Tien

⁶⁷⁹ Interview with DS

⁶⁸⁰ Interview with Husband

⁶⁸¹ Greenwald, *No Place to Hide*, 170–209.

⁶⁸² Greenwald, “XKeyscore.”

⁶⁸³ Nakashima, “Independent Review Board Says NSA Phone Data Program Is Illegal and Should End.”

⁶⁸⁴ Andrea Peterson, “Obama Can’t Point to a Single Time the NSA Call Records Program Prevented a Terrorist Attack.”

history and asked me “What liberties have you lost?”⁶⁸⁵ There is also some debate and question over how much data the NSA actually collects and looks at. It claims that it can collect only 1.6% of all internet communication and 0.00004% of all internet use. However, Jeff Jarvis claims that after streaming, HTTP, and person to person (P2P) file sharing are taken into account, the NSA can monitor “practically everything that matters”.⁶⁸⁶

The success of both targeted killing and data collection is still to be determined but a narrative of success is developing. There are some numbers and verifiable successes related to the targeted killing campaign: 93 al Qaeda leaders and 3,500 militants have been killed via drones as of 2013, including Osama bin Laden, and there have been no US casualties. Whether or not it is obliterating al Qaeda or is actually as precise as the Administration says that it is, it appears to be thought a success. My interviewees with policymaking experience, to a person, were convinced drones have proven a tactical success.⁶⁸⁷ As Benjamin noted, “If we had drone technology back then [the late 1990s] it would have been a whole different story but we would also have needed the political will to do it.”⁶⁸⁸ There is skepticism about their usefulness as part of an overall strategy. Beyond questions of civilian deaths, many see targeted killing as a tactic that has been elevated to a strategy with little purpose other than killing terrorists.⁶⁸⁹ Michael Hayden claimed that, “we always knew that drone use would make it harder to

⁶⁸⁵ Interview with Hayden

⁶⁸⁶ Jarvis, “How Much Data the NSA Really Gets.”

⁶⁸⁷ One exception is Janine Davidson. While she said that drone operations in Pakistan have degraded core al Qaeda, she labeled ‘signature strikes’ an “embarrassment”. Interview with Davidson

⁶⁸⁸ Interview with Benjamin

⁶⁸⁹ This dynamic was mentioned in Interviews with Byman, Benjamin, Pillar, Zelikow, Brannen, Felbab-Brown, and Hayden.

change the facts on the ground”.⁶⁹⁰ And, as one former defense department official stated, “so and so got schwacked, so and so is up to get schwacked, but where is the assessment of what this did to the network?”⁶⁹¹

There is more disagreement about the effectiveness of the bulk collection of data. Most policymakers I spoke with were adamant that the programs were successful and that Snowden’s leaks weakened US national security. However, it is hard to identify concrete successes. Zelikow claims that the nature of intelligence is, “such that it is very difficult without a lot of sustained work to actually separate which particular intelligence programs, even within the NSA, contribute to various finished intelligence reports circulated by the NSA and other intelligence agencies.”⁶⁹² He continues with a specific use for bulk collection: “let’s say in August 2001, which was actually the case in the 9/11 story, and you wanted to go backwards and find out a lot more, we didn’t have that before 9/11. The question was how can we reverse engineer this to prevent a 9/11 style attack”. Another interviewee told me that “Zazi was caught because people are looking now”. However, many privacy advocates are much more skeptical, claiming either that a) that there is little evidence that such programs work or b) there is no way to tell with so little transparency. David Husband commented that, “If they tell you they can’t do cost-benefit analysis that is an even more damning indictment of the program because that means they don’t even know how much it costs and what it’s doing and what benefit it’s

⁶⁹⁰ Interview with Hayden

⁶⁹¹ Interview with Brannen

⁶⁹² Interview with Zelikow

having.”⁶⁹³ Some policymakers are even skeptical that the bulk collection of phone programs has been successful.⁶⁹⁴

A narrative of success built on the principles of this project would go something like this. What these programs have done is make it harder for al Qaeda to exist as a transnational group with little to no relationship to particular territorial jurisdictions. The use of surveillance tools ranging from the bulk collection of phone and internet data to the TFTP have made the environment in which al Qaeda thrived less hospitable. While goods, people, money, and ideas still cross borders, it is harder to conceal those movements. This is one reason why we are seeing a re-localization of the jihad because it is much harder to conduct a transnational campaign against the state if the state can see what you are doing. Similarly, drone strikes have crippled the upper levels of al Qaeda leadership, hastening the move to fragmentation that many of my interviewees pointed out. It may be true that drone strikes have not been placed into a coherent strategic plan, but it appears that they are having an effect as if they were a part of one. This effect, in conjunction with the rise of data surveillance, is ultimately easing the threat of revisionist violence even if it is simultaneously stoking other threats.

A second narrative of their success is that both targeted killing and data surveillance are becoming the go-to techniques of counterterrorism. If “robots are our answer to suicide bombers”, then they may be making sense of al Qaeda and giving the state a way to defend itself. One former drone operator confirms, “We’re not going after people – we’re going after their phones, in the hopes that the person on the other end of

⁶⁹³ Interview with Husband

⁶⁹⁴ Interview with Marcus. Others have noted that they cannot say that bulk data collection has been successful but could say that the entirety of the NSA work has been. Interviews with Benjamin, Zelikow

that missile is the bad guy.”⁶⁹⁵ Byman comments that, “A number of our biggest kills were people we didn’t know were there.”⁶⁹⁶ These programs have been the culmination of the intelligence community’s post-9/11 efforts, the secret to unlocking counter-terrorism. Simply by working how they are supposed to, they can become a success. As David Lyon put it, “Seeking superior technologies appears as the primary goal”.⁶⁹⁷ All of this points to the social construction and historical contingency inherent in talking about the meaning of success. There simply is no way to measure it a priori; as Dewey outlines, it changes with the narrative.

“There will be chalk dust on my cleats”

The targeted killing and data surveillance programs are new innovations developed for and justified by the GWoT. They have met some success and have the potential to result in the redrawing of the boundaries of sovereign authority. Where these new boundaries will be drawn is still unknown as the process of reforming and institutionalizing relevant practices is still developing.⁶⁹⁸ In this section, I will focus on three major consequences and how they might result in redrawn boundaries: The move from new cyberspace boundaries focusing on collection which have moved borders as sites of exclusion to sites of collection, the extension of national security into new territorial realms, and new practices of citizenship. Unlike in the previous two cases, these boundaries are still developing and therefore what I discuss below is speculation. It should not be confused with prediction, but is instead an attempt to think through the

⁶⁹⁵ Scahill and Greenwald, “The NSA’s Secret Role in the U.S. Assassination Program.”

⁶⁹⁶ Interview with Byman

⁶⁹⁷ Lyon, “Surveillance after September 11, 2001,” 19.

⁶⁹⁸ Baker, “In Terror Shift, Obama Took a Long Path”; Lee, “Obama Readies Revamp of NSA”; Fung, “Everything You Need to Know about Obama’s NSA Reforms, in Plain English”; Peterson, “The Senate Has Another Go at NSA Surveillance Reform.”

consequences of each new development in one or more theoretically informed avenue(s).⁶⁹⁹

Much of what follows can be interpreted as part of what philosopher Gilles Deleuze has termed the ‘control society’.⁷⁰⁰ The control society focuses on power and builds upon Foucault’s distinction between sovereign power and disciplinary power.⁷⁰¹ Sovereign power, utilized up through the 18th or 19th century, located power in the person(s) of the sovereign. Crime, for instance, was conceived as a trespass against this person and punishment – public displays of power and penitence – demonstrated this conception. Disciplinary power, on the other hand, was used to change behavior and took place in enclosed, sealed off places such as the school, the factory and the prison. It is best encapsulated by Jeremy Bentham’s panopticon, a prison with a tower encircled by cells which allowed for the observation of any prisoner at any time.⁷⁰²

In contrast, the control society manipulates behavior by controlling flows. If the panopticon is the archetype of disciplinary surveillance, the surveillant assemblage plays a similar role for the control society.⁷⁰³ The assemblage, a concept developed by Deleuze and Felix Guattari,⁷⁰⁴ is a formation of power that is decentralized. The surveillant assemblage is noticeable in the shift from Big Brother-style government oversight to a flattened apparatus which includes private entities. For example, PRISM depends upon data first collected from private entities such as Google and Verizon. Similarly, much surveillance used in police work is actually done by private entities in the form of CCTV

⁶⁹⁹ For more on this see Bernstein et al., “Social Science as Case-Based Diagnostics.”

⁷⁰⁰ Deleuze, “Postscript on the Societies of Control.”

⁷⁰¹ Foucault, *Discipline and Punish*; Foucault, *Society Must Be Defended*.

⁷⁰² Bentham, *The Panopticon Writings*.

⁷⁰³ Haggarty and Erickson, “The Surveillant Assemblage.”

⁷⁰⁴ Deleuze and Guattari, *A Thousand Plateaus*.

cameras at gas stations, malls, etc. As Wilkinson and Lippert argue, “The de-centralized SA [surveillant assemblage] refers to an array of state and non-state institutions, technologies, and forms of information that become temporarily and loosely stitched together.”⁷⁰⁵

Much like Hall’s shift from a dynastic to a territorial sovereign identity and Bobbitt’s change from state-nation to nation-state, the ‘control society’ template, while capturing some of the larger processes at work, is not determinative and cannot explain the redrawing of a single boundary or its content. Similarly, the assemblage concept goes too far in writing the state out of the future of politics. While one can recognize the state is not the only important actor, it is the contention here that the GWoT has re-inserted the state into a process in which it had not previously been intimately involved. It remains the pivotal actor, not one among many. As David Lyon puts it, “The responses of September 11 are a stark reminder that for all its changing shape since World War II the nation state is still a formidable force”.⁷⁰⁶ While data collection does seem to follow the ‘assemblage’ logic with CCTV cameras, credit card companies, internet and phone service providers, and social media companies (among others) standing as examples, it is the state that is able, legally and practically, to collect all of this information in one place and search it.⁷⁰⁷ This is reflected in the controversy over PRISM because the US government has worked in concert with Microsoft, legally forced Verizon to hand over data, and captured data without the consent or knowledge of some companies. Exactly

⁷⁰⁵ Wilkinson and Lippert, “Moving Images Through an Assemblage,” 312.

⁷⁰⁶ Lyon, “Surveillance after September 11, 2001,” 21.

⁷⁰⁷ Of course, as the Edward Snowden saga demonstrates, collection and analysis are often undertaken by outside contractors with questionable allegiances. However, the data and analysis are the property of the state and that the collection is being undertaken in the name of the state is important because it is the only actor with the ability to do this.

how much data the state can and will take from private sources is still undecided as Google and other companies attempt to encrypt data to keep it proprietary.⁷⁰⁸ However, the state still becomes the possible conveyor of all data *within its boundaries however defined* and the only entity which can make claims of national or physical security making the bulk collection of meta-data possible. The assemblage becomes a boundary whereby the state “allows” the collection of data which makes its security and control possible. This extends sovereignty into the realm of cyberspace.

One site for the redrawing of boundaries is the use of borders themselves. Targeted killing and data surveillance have led to the institutionalization of surveillance across borders. The processes which have been culled together and termed ‘globalization’ have made it easier to cross and even transcend borders, which is important to an organization like al Qaeda which already views itself as existing on a global, metaphysical plane. In response, the United States and others have begun to develop tools that adjust to these flows by drawing a new boundary that keeps track of them. Un- or pre-collected data is on one side of this boundary, collected data is on the other. Deleuze argues that what matters about borders in the 21st century “is not the barrier [or exclusion] but the computer that tracks each person’s position – licit or illicit”.⁷⁰⁹ This creates a world where “flows open up spaces of control and...spaces of control contain flows”.⁷¹⁰ Security changes from logics of exclusion where borders are meant to keep people out to logics of collection, where they are sites of control over

⁷⁰⁸ Timberg and Yang, “Google Is Encrypting Search Globally. That’s Bad for the NSA and China’s Censors.”

⁷⁰⁹ Of course many of the exclusionary aspects of borders have not gone away. We still have passports and we still have borders checkpoints and airport searches. However, these are becoming less important in the 21st century as collection points become more important. Deleuze, “Postscript on the Societies of Control.”

⁷¹⁰ Romein and Schuilenburg, “Are You On the Fast Track?”

flows.⁷¹¹ Controlling flows does not mean that flows stop crossing borders but instead that the state is aware of them, tracks them, and can funnel them into the spaces, territorial and conceptual, it desires. The tracking of terrorist activity using data surveillance does not stop such transactions from crossing borders, but it alerts the state when a suspicious transaction does occur so that it can be investigated and acted upon. This is what has been dangerous to al Qaeda, not attempts to halt flows as such through, for instance, increased searches of shipping containers.

These flows do blur some traditional borders and it is entirely possible that 'borders' will be more associated with checkpoints in the future than with claimed territory.⁷¹² As Vukov and Sheller argue, "These securitized corridors reach further out into transnational space (i.e. US borders checks on foreign territory) and deeper into domestic interior space (i.e. Mexican border checkpoints move hundreds of miles into US territory)."⁷¹³ However, more likely is a two-tiered border system where the collection stations will be located in and outside of traditional borders while those borders will still demarcate what is to be governed and protected.⁷¹⁴ This idea of borders is already making its way into the US National Security establishment. This can be seen in the 2014 Quadrennial Security Review which states that one of the highest priorities of

⁷¹¹ Hall and Mendel, "Threatprints, Threads and Triggers."

⁷¹² Two points of interest. First, the idea that borders are areas of total exclusion should not be viewed as a necessary feature of a state system. As the anarchist case demonstrates, there was a time not all that long ago when borders were meant to demarcate between governments/states not block the movement of peoples and goods. Relatedly, this reinforces the point argued in Chapter 2 that no single boundary or function is tied to the existence of the state. It is their presence, not their content which defines the state.

⁷¹³ Vukov and Sheller, "Border Work," 227.

⁷¹⁴ It should also be mentioned here that data collection does take place by entities that are not necessarily attached to borders, such as GPS devices or credit card companies. This (WHAT?) is certainly true and border collection is only a part of the larger increase in surveillance. However, it is entirely possible that borders will act as the 'tripwire' alerting authorities to undesirable acts with international components.

national security is: “securing and managing flows of people and goods into and out of the United States”.⁷¹⁵

As surveillance begins to travel across borders, it is inevitable that we will see claims of a breach in the sovereignty of other states. While programs like Boundless Informant allow for the collection and searching of data from the developing countries that make up the world’s ‘hotspots’, the NSA has been spying on allies as well.⁷¹⁶ However, it is the drone program which really presses this issue. The US is implicitly claiming a unilateral right to kill the citizens of other countries which pose a threat to it. This is a change from the treatment of supposed ‘failed’ or ‘weak’ states prior to the GWOt. Of course, as Krasner makes clear, the territorial borders and jurisdictions of weaker states have been breached by stronger states since the inception of the state itself. However, in the latter half of the 20th century, a juridical norm of state independence formed as a part of decolonization. Even as borders are breached in the name of humanitarian (or other) intervention, the state as a juridical ideal is not challenged. This dynamic is front and center in the ‘failed’ or ‘quasi’ state literature that has been so prevalent since the end of the Cold War.⁷¹⁷ It became a part of the conceptual map of political elites to think that the world’s problems are best ‘solved’ – or the goods of a liberal system are best achieved – in a world completely delineated by sovereign entities. This may be unraveling.

⁷¹⁵ *The 2014 Quadrennial Homeland Security Review*, 16.

⁷¹⁶ MacAskill, “New NSA Leaks Show How US Is Bugging Its European Allies”; Burke, “NSA Spied on Indian Embassy and UN Mission, Edward Snowden Files Reveal.”

⁷¹⁷ Robert H Jackson, *Quasi-States*; Robert I Rotberg, *When States Fail*; for more on various institutional attempts to rank or warn about such states see Mata and Ziaja, *User’s Guide on Measuring Fragility*; for critiques of the concept see Inayatullah, “Beyond the Sovereignty Dilemma”; Jonathan Hill, “Beyond the Other?”; Branwen Gruffydd Jones, “The Global Political Economy of Social Crisis”.

There are a few possibilities here. First, we could see the rise of what Hardt and Negri call ‘Imperial Sovereignty’ – a conception of rule where space is always open and frontiers predominate over borders.⁷¹⁸ Drones kill foreign nationals in foreign countries without their consent, creating frontiers of action for the world’s powerful states, especially the US, at the expense of the sovereign territories of weaker states.⁷¹⁹ The GWoT has created the ‘permanent’ exception that allows for this imperium with “constant martial activity in the homeland and abroad”.⁷²⁰ This seems similar to the construction of a world without clear boundaries, or at least clear borders. Another variant might be a world with boundaries securing many of the world’s most powerful states but a larger area with little recognition of borders wherein such battles are largely carried out. This would be similar to the world of 1900 without the formal colonial structures.

Hardt and Negri, like the ‘control society’ literature, tend to write the state out of the future. While the state is nominally at the center of this ‘imperial sovereignty’, the permanent exception removes the need for boundaries. This is not the logic of the state. A more likely scenario is a change in the meaning of boundaries for weaker, ‘quasi’ states. This may mean the development of a practice whereby threats to a state’s homeland are considered a part of their jurisdiction, even if it is hard to envision this right being recognized if Pakistan were looking to kill someone on US territory. These boundaries will only be available to the powerful. It could mean the development of an

⁷¹⁸ Frontiers in this conception are not too dissimilar from the idea of ‘buffer zones’ discussed in Chapter 2. They are not hard separations between political entities, which necessitate locality, but instead, in the words of Frederick Jackson Turner, “the meeting point of civilization and barbarism”. Hardt and Negri, *Empire*; Turner, *The Significance of the Frontier in American History*.

⁷¹⁹ Behnke, “Reapers, Predators, and the Sovereign”

⁷²⁰ Hardt and Negri, *Multitude*, 21.

open air space for surveillance with certain exceptions in a manner similar to the sea. It could also mean the recognition that certain states do not control all of their territories and these territories are then open game for those whose national security depends on activities therein. In all three scenarios, weaker states keep their sovereignty and may even gain some measure of national security but would lose some of the control or authority that they currently have. This is reflected in the proliferation of drone bases throughout Africa. While AFRICOM is too controversial for any state to host its command (it is run from Germany), drone bases have proliferated in Mali, Niger, and Djibouti among others.⁷²¹ Even civilian airports have been used to launch operations.⁷²² The boundaries of sovereign authority are redrawn to reflect the reality of drone campaigns. In theory, such changes could be applied anywhere in the world, but it is hard to imagine such changes taking place in the West or in parts of East Asia. What we can say is that states that cannot capture data will be more vulnerable because they will not be able to control flows and stop possible attacks. States that cannot stop or prevent surveillance, whether through drones or data, will be under the surveillance those who can. Weaker states may even ask for surveillance from powerful states as Niger, Yemen, and Pakistan have done from the US at different times. However, they will do this in the name of their own sovereignty.⁷²³

The other big possible change in boundaries is the effect of the creeping expansion of domestic surveillance on boundaries separating public/private and

⁷²¹ Whitlock, "Remote U.S. Base at Core of Secret Operations"; Whitlock, "U.S. Expands Secret Intelligence Operations in Africa."

⁷²² Whitlock, "U.S. Drone Base in Ethi-o-pia Is Operational."

⁷²³ It should be mentioned here that the policymakers I talked to were adamant that sovereignty has rarely, if ever, been breached in targeted killing campaigns since permission has been asked and granted. Interviews with Byman, Benjamin, Pillar, Brannen, Zelikow, Felbab-Brown, Davidson

citizen/alien. Many of those I talked to see the line between domestic and international intelligence vanishing, with 9/11 commission co-chair Lee Hamilton remarking that, “it’s kind of an artificial distinction... There is a growing recognition that at some place intelligence needs to come together and this distinction between domestic and foreign must not be an inhibitor to the sharing of information.”⁷²⁴ This trend could manifest itself in two ways. First, it changes the state’s view of its own citizens. Of course, the state has always tried to classify those living within its boundaries, to make them ‘legible’. What we are seeing today is yet another derivation of this. Such a new derivation means the drawing of new boundaries. While classification has always been a part of the state, the method by which it is manifest has changed.⁷²⁵ Previously, surveillance tracked bodies and their traces – for instance fingerprints and DNA samples.⁷²⁶ Surveillance in the 21st century is no longer about bodies but about data streams; what Roger Clarke has called ‘dataveillance’, the fingerprints of the 21st century.⁷²⁷ As Hall and Mendel argue, a fingerprint and other bodily markers recreate past events while ‘dataveillance’ attempts to predict future events via the connections and relations of data elements as opposed to the elements themselves. Predicting the ‘rare event’ of terrorism now means looking into ordinary transactions such as shopping records and travel itineraries. This creates a ‘threatprint’ or a, “future digital footprint of a threat not yet in existence” which extends a person into the future.⁷²⁸ It should also be mentioned that the targets of surveillance are

⁷²⁴ Interview with Hamilton

⁷²⁵ Lyon, *Surveillance as Social Sorting*.

⁷²⁶ As one border security officer state, “We know there is a person who has been doing this and this and this – we just don’t know their name yet and we can stop them before we know it.” Quote from Amoores and de Goede, “Introduction.”

⁷²⁷ Clarke, “Information Technology and Dataveillance”; Murakami Wood, “What Is Global Surveillance?”

⁷²⁸ Hall and Mendel, “Threatprints, Threads and Triggers.”

implicated by using credit cards, travelling, and enjoying the advantages that Google, for one, provides as it collects data.⁷²⁹

So what does this do to the citizen? Wall and Monahan argue that what they call “‘the drone stare’ is a type of surveillance that abstracts people from contexts, thereby reducing variation, difference, and noise that may impede action or introduce moral ambiguity”. Drones turn “bodies into ‘targets’ for remote monitoring and destruction”.⁷³⁰ While this is true for both citizens and foreign nationals, it does change how the state views people and bodies, with the potential to draw new boundaries around citizenship. In addition, data collection programs also pull people out of their own contexts, making them easily legible as ‘data doubles’ which become virtual representations of the self.⁷³¹ The person becomes the flows and transactions that he or she conducts every day.⁷³² As Hasan Elahi states, “Our data doppelgangers mediate our interactions”.⁷³³ It is from this that the ‘rare event’ of terrorism, theoretically, can be thwarted.⁷³⁴ For this surveillance to work, people and ideas need to be turned into data. Data can be collected and catalogued, so it is a way to follow people and ideas. It allows for the creation of risk profiles which allow for prediction.⁷³⁵ While this may give a fuller picture of any particular person, it also allows for him or her to be disassembled and become a collection of attributes so that he or she becomes different things to different collectors

⁷²⁹ Albrechtslund and Lauritsen, “Spaces of Everyday Surveillance.”

⁷³⁰ Wall and Monahan, “Surveillance and Violence from Afar”; Gates, “The Cultural Labor of Surveillance.”

⁷³¹ Haggarty and Erickson, “The Surveillant Assemblage.”

⁷³² Yet the state surveillance apparatus can also easily be overwhelmed by following all of these movements and flows, burdening the system with too much data, making it harder to identify clear threats. This proved an insurmountable obstacle with the earliest efforts to collect such data, as well as the BAG developed by the NSA after 9/11, and is still a very real possibility. Harris, *The Watchers*.

⁷³³ Interview with Elahi

⁷³⁴ Hall and Mendel, “Threatprints, Threads and Triggers.”

⁷³⁵ Ibid.

and analysts. The ‘wholeness’ of the person is challenged in a new way as his or her parts are analyzed without the context of the whole or its environment. This data double can even affect the interactions we have with others as one of my interviewees commented: “Our data doppelgangers mediate our interactions”.⁷³⁶ It is not mistake-free, of course. This technique of viewing bodies is what led to the ‘guilt of association’ that killed ali Jaber.

This loss of ‘wholeness’ allows for parts of the ‘data double’ of a person to be coded as on the other side of the domestic/international boundary. The citizen/alien boundary could be redrawn so that parts of the ‘citizen’ are placed into the ‘alien’ category and therefore made eligible for surveillance. This challenges the traditional intelligence boundary between international and domestic. In Hayden’s words, “I will play in fair territory. But there will be chalk dust on my cleats.”⁷³⁷ If domestic inhabitants or citizens are fair game for NSA surveillance, the difference between them and foreign nationals erodes in one important way: both can now be targets of state surveillance. Of course, there has been pushback on this point and the machinations of the NSA, the FISA court, and the Obama Administration all demonstrate that there is still a distinction made between collecting data on Americans and doing so on foreign nationals. However, if this boundary erodes, it may be that ‘citizen’ and ‘international’ overlap in ways heretofore unknown.

A similar dynamic is at play in the debate about the use of targeted killing domestically. Holder has maintained that the US may kill a US citizen on foreign soil if

⁷³⁶ Elahi reminded me that while we met for the first time during the interview, our data doubles had been interacting for some time through email conversation, my visit to his website, etc. Despite never talking to each other and not being sure what the other looked like, we were already connected. Interview with Elahi

⁷³⁷ Harris, *The Watchers*, 159.

1) he or she poses an imminent threat, 2) capture is infeasible and is continually monitored throughout the mission, and 3) the operation is conducted in a manner consistent with applicable law of war principles. Legal justification comes from the Authorization for Use of Military Force (AUMF), which passed Congress in 2001 and was reinforced by the Supreme Court in *Hamdi*.⁷³⁸ Holder has also dismissed concerns of this happening on US soil as ‘hypothetical’, drawing parallels between Pearl Harbor and 9/11.⁷³⁹ If US citizens can be killed extra-judicially in a manner similar to foreign nationals and/or targeted killing takes place on US territory, important aspects of current boundaries become fuzzy at best and non-operational at worst. New boundaries are likely to be drawn here, but as of yet legal practice and statutes provide little guidance.

The consequences of the CIA’s drone program and the NSA’s data collection program promise to be far reaching and are unlikely to be completely rolled back. Many of the NSA’s bulk collection programs rest on section 215 of the Patriot Act but even its demise may not stem the tide. As privacy advocate Lee Tien told me, “A lot of companies started doing this stuff [surveillance technology] after the War on Terror got going and even if you roll the law back, you have not made the Patriot Act vanish today as the effects of all of that would continue to add to surveillance technology”.⁷⁴⁰ The same could be said of the institutional forms that developed as result. The continued presence of these programs has the potential to redraw the boundaries of sovereignty; the biggest question now is how.

⁷³⁸ “Lawfulness of a Lethal Operation Directed Against a US Citizen Who Is an Operational Leader of Al Qaeda or an Associated Force,” 1–2.

⁷³⁹ Holder to Paul, March 4, 2013.

⁷⁴⁰ Interview with Tien

In this section, I have laid out the sites where redrawing is likely and speculated on some of the forms those changes will take. None of this means that boundaries, or even borders, are no longer important. Protecting the homeland, a concept defined by boundaries and borders, demonstrates their importance. There is a line between citizens and foreign nationals that privacy advocates do not want to move. NSA officials work to find ways to circumvent. Both sides admit the presence of an important boundary which separates the US from other states and populations. What has changed here is that the state – in particular the US – has adapted and is undertaking the creative action of following the movement of people, goods, and ideas across borders in the form of data so that it can act when it perceives a threat. In fact, it appears that we are witnessing the authority swaps present in Chapters 4 and 5.

Conclusion

One would be hard pressed to find an example of ‘shattering’ as clear and dramatic as September 11, 2001. In response to the attacks, previous certainties were smashed, previous ways of looking at the world were no longer valid, and previous ways of doing things were antiquated. New ideas and tools which had previously had trouble gaining audiences and advocates were suddenly considered. The United States government and its allies created the GWoT with an undefined, expansive scope which had the effect of elevating the threat. The violence of al Qaeda shattered the conceptual maps of state leaders and elites by making its actions illegible to states within existing boundaries and forcing the state to turn inward and think of its own citizens as threats. The state’s response, like it was in the early 18th century and the turn of the 20th, has been

to draw new boundaries, to make sense of al Qaeda and turn its actions into recognizable patterns that can be countered effectively.

Early efforts in the GWoT met with mixed results, especially as regards the plan of defeating ‘terror’ through regime change in the Middle East. Looking back, this was a response one might expect from old practices and old habits. If threats come from local struggles abroad, solving those local struggles is a sensible policy option. As a result, new practices had to be formed which have met greater success. Targeted killing and data surveillance programs have become accepted as successful in crippling al Qaeda and giving the US and its allies the upper hand in the War on Terror. These new programs are currently in the process of becoming practices themselves even as they draw new boundaries of sovereign authority. Borders move from barriers to collections in order to control flows, national security claims are extended beyond traditional jurisdictions in the name of targeted killing, and the role of the citizen, and therefore the boundaries drawn around the term, are likely to change drastically due to the use of big data in national security. How these practices are institutionalized and the limits are placed on them are still being contested, but they promise to go a long way to determining the placement of these new boundaries. These changes can be understood through the prism of the ‘control society’, but it is only by looking at the case in detail that we can begin to understand exactly where they may be headed and their ramifications.

Just like in the other cases, there is an authority swap. The state gives up some authority, for instance in controlling who crosses borders, in exchange for some authority or control in some other realm, for instance in data collection and analysis. This study will conclude with a chapter that does two things. First, I will look at each of the cases in

relation to one another, placing them in the larger context of the future of the state and the processes we call globalization in the 21st century. Second, I will examine and discuss the moral and ethical foundations and implications of this study. Following Dewey, this means a situated political morality which focuses on the contextual possibilities of goals rather than specific manifestations of those same goals.

Chapter 7: **Boundaries in the 21st Century**

In the introduction to this work, I claimed that there were three major contributions of this study: a greater understanding of the relationship between violence and sovereignty, a new way of interpreting the GWoT, and an intervention into the scholarly debates on globalization and the future of the state in the 21st century. The first of these has been covered in depth in Chapters 2 and 3 and will be summarized here in addition to some of the trends apparent across the narratives. Also in the chapter, I will deal with the generalizability of this study in the context of globalization. Finally, the implications of this study with respect to the role of privacy in the GWoT will be used as a vehicle to sketch out the value positions inherent in my argument before concluding with some ways to move forward.

Trends

Some will doubtless read this and attempt to look at trends, to discern the pathway from the golden age of piracy to the end of al Qaeda which can then be projected further into the future in order to understand what might have been called ‘the movement of history’ in the 19th century. This project provides those looking to do so with ammo. First, the boundary being redrawn in the case of al Qaeda would appear to be a revision of the one drawn to defeat anarchist terrorism. Propaganda of the Deed was defeated in part by the institution of passports, which signified that the state was interested in the movement of the lower classes and was willing to use borders to exclude or forcibly include these people. As a result of the GWoT, borders are fast becoming collection stations as opposed to places of exclusion. Thus, one of the boundaries formed in the fight against propaganda of the deed is now being redrawn in the GWoT. This could be

interpreted as a way to determine which boundaries are to be highlighted in future situations. While it would be in the spirit of this study to investigate how the logic of borders is entangled in different forms of transnational violence, I would caution looking at this particular boundary because the boundary linking the two cases is not something that is intrinsically linked to revisionist violence.

Second, there appears to be a movement in which national security is increasingly insured not through military might but instead through surveillance. This was clearly not the case in the early 18th century. New boundaries dealt with control over land and keeping colonial governors in check. Surveillance began in earnest as a way to defeat propaganda of the deed. We saw the first mug shots and the measurement of ears, noses and fingerprints in order to derive the ‘criminal type’. This led to the development of documents which used these markers to identify an individual as a citizen of a state Q with the right to pass across borders. These are surveillance techniques meant to keep people within national borders so that they can be controlled. As the GWoT winds down, control over bodies is still prevalent but it has been joined by control over data flows as a new means of surveillance. However, I would again caution anyone who says that revisionist violence leads to more surveillance. In these two instances it did, but remember that it did not in Colonial Atlantic and it may not in future episodes. What changes is context-specific rather than part of a universal law.

Another pattern in all three cases is that the men who took part in these episodes of violence all built reputations for being unconcerned by death. Part of the legacy of golden age pirates was that they would rather “go to hell together” than die on the gallows. Some propagandists viewed their deaths as an event which could further the

movement; indeed, the Spanish propagandist Pallas exclaimed, “Agreed!” upon his sentencing. As 9/11 demonstrates, the suicide attack has become an important tactic for al Qaeda. While not all pirates, propagandists, or jihadists demonstrated a disregard for death (many pirates did reach the gallows, for instance), their attitude towards death may have played a role in their illegibility. Modernity, dating back at least to Hobbes, is largely built on a fear of death and is derisive of the honorable death. To go against this grain would make little sense to state leaders and their societies at large. That said, these are not the only three groups who do not fear death. Al Qaeda is clearly not the only organization to utilize the suicide attack and yet, none of these other groups has been recognized as revisionist violence. At best we could say that defiance towards death heightens the crisis, the sense of illegibility: the state is under attack and it cannot threaten its enemies with death. But this defiance is not a cause. Even if each of the trends can be discerned, that in no way means this is what will happen going forward. Historical trends do exist but can only be observed post facto. They are not the ‘movement of history’ or some way to unlock the core of social and political life. They are merely empirical trends that we observe and make sense of.

Finally, I want to mention what is meant by ‘success’ in the campaigns undertaken in each case. At first glance, it may appear that the barometer for success is not the same. Pirates were extirpated, propagandists extinguished, but terrorism remains a threat even while I claim some sort of success in the War on Terror. Some explanation is necessary. First, the stated objectives in all three cases were to end piracy, anarchism, and terrorism, respectively. This did not happen, demonstrating how success changed throughout each case in ways that reflected current experience and the new boundaries

being drawn. This reflects the decentralized nature of the re-inscribing process, a single barometer of success was not created and adhered to through a centralized plan. The piracy case comes the closest to this ideal but there were cases of piracy throughout the 18th century and the act of sea robbery was vital in the numerous wars fought during this period. The key difference is that the piracy of the middle of the 18th century was not only less frequent but was more easily dealt with as criminal while sea robbery in the name of the state posed a different sort of challenge. For the anarchist case, I have mentioned that assassinations actually went up in the years after the propagandists were active AND violence by anarchists did not necessarily recede. However, assassination came to be interpreted as entrant violence in the name of colonial independence while anarchist violence now became a part of the syndicalist movement. This does not mean that they were less threatening. After all, it was an assassination by a secessionist group which triggered the First World War, but both made sense within current boundaries and they were no long posing the threat of revisionist violence. In both cases, the threat to the practice of drawing boundaries was eased even if the action or people undertaking it continued.

Success in the GWOT acts similarly. There is greater discussion of what success might mean because we are currently in the midst of this particular episode of violence. Here, it appears that al Qaeda and the larger jihadist threat is localizing. ISIS has peeled off and has begun constructing its own state. Affiliates such as Boko Haram, Al Qaeda on the Arabian Peninsula and al Shabaab are more preoccupied with local concerns than core al Qaeda ever was. If this trend were to continue, one could call the GWoT a success (putting aside legitimate questions about how it has been conducted). Terrorism

has not ended and these new groups still pose some very serious threats to US interests as currently constituted, but the state itself no longer appears at risk. Clearly, we cannot know if this is the case; ISIS may yet succeed in building a caliphate which has followers throughout the Muslim world. But if the threat localizes, jihadism is no longer revisionist. Success in all three cases is the end of the revisionist threat. In each case, new threats actually grew out of the original threat, or at least new types of violence evolved whether they be criminal, resource, or entrant. Success was never complete. Once again, the particulars are dependent upon the case, but the dynamic, the end of revisionist violence, is the same.

Sovereignty

Sovereignty is not a prepackaged set of rights and responsibilities that entities called states do or do not fulfill, nor is it a set of systemic norms that govern behavior at the meso and micro levels. The state is a practice, not a thing. There are two patterns to draw out of this study on sovereignty. First, each of the narratives above demonstrates that the state is dynamic with variation across time and space. This has implications for the study of IR, much of which assumes the presence of the state. Its dynamism means that not only does this presence need to be problematized, but so does the form that any state takes in any particular time and place. This notion of the state as a project which is continually maintained and tweaked through the redrawing of boundaries opens up avenues for violence to act as a site for this process.

Secondly, a conception of the state as a boundary-producing polity, and by the extension of sovereignty as the practice of drawing boundaries, highlights the margins of political rule. For the most part, the center is what we discuss when we talk about the

state and sovereignty in political science. Concepts like “the rule of law”, “the monopolization of legitimate violence”, and “the welfare state” conjure up a picture of a centralized force, overlooking what takes place at the margins. Boundaries create an inside and an outside; thinking of them as constitutive of the state refocuses our energies on these margins. Margins are not always dangerous things. For instance, privacy and free commerce are something that many living within states cherish. However, this is not always the case. Looking at boundaries refocuses our attentions away from the center and out into the places, conceptual and territorial, where the contention is actually happening, allowing us to observe how that contention changes long standing boundaries that construct the ‘center’.

Of course the threats outlined in this study are more complex than finding oneself on the wrong side of a boundary. The justifications of the pirates, propagandists, and terrorists display worldviews that cannot be accommodated within the boundary-producing polities which rule them. However, being on the outside but wanting in theoretically can be. This is the reason why each episode is illegible to the state, threatening it in ways that are unique to the boundaries that are drawn. Golden Age pirates took advantage of how practices of colonial rule clashed with the rise of mercantilist trade, propagandists took advantage of the tensions between mass media and conservative nationalism, and al Qaeda has taken advantage of the manner in which IT made contemporary boundary-producing practices obsolete. These are men who lived in the margins of the world (the Atlantic colonies, the proletariat, and Central Asia) and who challenged boundaries that construct the state and the state system in a manner imperceptible to those not alert to the importance of margins in the state system.

This is where violence and narrative play a role. Since actions do not have intrinsic meaning I argue, following securitization theory, that the threat posed by violence is constructed by narrative. In Chapter 3, I laid out a four-part typology of narratives on the relationship between violence and the state. Resource violence is used to draw boundaries and create margins while entrant violence is used to create new centers or realign the benefits of being at the center. The other two narrative types happen at the margins. Criminal violence looks to create ‘zones of exception’ in which to act freely from state control. Revisionist violence is recognized as a threat to the boundary-producing enterprise as a whole. A study which focuses on the margins of the system, therefore, will be much more attuned to the effects of criminal and/or revisionist violence in producing the state. In addition, it is only if we recognize that the threats which are produced from violence depend upon how violent action is situated, i.e. what narratives are built around it, that we can begin to study how violence plays a role in constructing the margins that in turn help produce the state.

Globalization

The roles of dynamism and margins play themselves out in how we think about the state in the 21st century. The idea that the state is receding or that it is no longer as important as it once was, is a straw man. But as we see in Chapter 6, both the imperial sovereignty and the surveillant assemblage literatures have a tendency to write the state out of governance and international relations. They do not claim that it goes away, but that it will have a reduced role either next to other entities which are able to control flows or as the administrator of a system of governance which always claims the exception in

order to avoid depending upon boundaries, respectively. These are more nuanced versions of the idea that the state and the processes of globalization are competing.

The evidence presented here complicates this story. While it does not advocate that the state is and will always be or that globalizing processes are nothing new, it shows that the state has the ability to change and that this change allows for the state's continuance as the dominant political form. New boundaries are drawn and rule by boundaries endures. The state faces episodes of violence which produce similar threats to boundaries such as increased migration, trade, capital flows, faster communication, social networking, and environmental pressures. Its response has been to redraw boundaries so that these episodes of violence can be made sense of, so that they can be normalized, and ultimately, even if they continue, they no longer pose the same type of threat and the state is re-inscribed.

I do not claim to have found 'the answer' to the problem of globalization and the state. Instead, I argue that there are similarities between certain episodes of violence and have developed mechanisms and processes which could be put to use in ordering experience. Mechanisms such as illegibility and crisis production can help us to understand when similar threats to boundaries arise. Mechanisms like retrenchment can help us point out how entrenched the boundaries that make action illegible are. Problems are solved through creative action and new boundaries can be drawn which make the threat legible and therefore much less of a threat. Similarly, the mechanism of authority swap, rooted as it is in the idea that the state is dynamic, can guide us to look at these instances not as the state gaining or losing any sort of control, legitimacy, or authority but instead as exchanging some forms of authority for others by drawing new boundaries.

The state is a practice so habitual that those with political power cannot imagine exercising this power without it. It is also the edifice upon which much modern political power rests. For these reasons alone it is unlikely to simply fade away. This is where my findings lead me in projecting the future of the state in the 21st century. It will devise creative solutions to solve the concrete problems it faces and as a result will re-inscribe itself through new boundaries. If forced to choose, I would say that the state will neither recede nor grow in import throughout the rest of this century but will instead find new ways to assert itself. In the case of surveillance and the GWoT, the state serves as the only actor realistically positioned to combine the data streams collected by private entities and currently has the only accepted, though certainly contested, justification for doing so: national security. This gives it an advantage over private conductors of surveillance and allows it to farm out surveillance and collection without being threatened.

Of course, re-inscription is by no means guaranteed. It is possible for a threat to arise which, for whatever reason, the state never makes sense of. Such a threat would be serious enough to begin unraveling the state and create space for polities constructed not through boundaries but through alternative logics of rule. This is the effect Daniel Nexon argues the Reformation had on the imperial structures of Early Modern Europe, resulting in the rise of the modern state.⁷⁴¹ One thing that separates the globalization of the 21st century from the transboundary processes of previous centuries is not the qualitative differences between the respective processes or even the dynamics involved, but is instead the quantity of processes. This produces a different set of threats and challenges

⁷⁴¹ Nexon, *The Struggle for Power*.

to the state. It may be that states can deal with a few such challenges simultaneously but cannot deal with 15 to 20. It is possible that the sheer quantity of processes which transcend boundaries will be so high that even continuous successful redrawing will result in new forms of governance.

It is important to remember that the state is created through practices and practices are habitual. They are the unthinking forms of action, the 'conceptual maps' of how we see and act in the world, of what is and is not possible. The practices which draw boundaries must not be one action among others but instead reified doings for which we have no basis to challenge. However, if boundaries are being redrawn on so many fronts at the same time that no new boundaries can be habituated, then we may be into the territory of some other, as yet unimagined, polity. If boundaries are constantly changing and being redrawn, the resulting world would no longer be adequately understood as a world of states. Two things could result. First, the idea of conceptual maps is challenged and we have a world of boundaries that are ever-shifting, wherein power and rule are clear only for small periods of time. This is, in part, the argument of postmodernism.⁷⁴² Second, such a state of affairs may lead to the abandonment of rule through boundaries. Boundaries would no longer serve the purpose of demarcating rule, of separating territory, conceptual spaces, or people into ruled and not ruled. What, in such a circumstance, would boundaries provide? This alone would be a shattering on a much higher scale whose result would not be the drawing of new boundaries but rather of finding new ways of producing legibility and rule.

⁷⁴² Rorty, *Philosophy and the Mirror of Nature*; Lyotard, *The Postmodern Condition*; Harvey, *The Condition of Postmodernity*; Baudrillard, *Simulacra and Simulation*.

The ever changing nature of 21st century threats is something that many of the people I interviewed articulated to me. Matthew Levitt explained that the biggest concern in counterterrorism is “keeping up with things as they evolve... It is a rapidly changing world and change is much, much faster”.⁷⁴³ Lee Hamilton described the terrorism threat as an “evolving threat that contains a number of elements”. He focuses specifically on cyber-attacks, which, 10 years ago, “we weren’t focused on... at all”.⁷⁴⁴ It is entirely possible that these trends are evidence of a world changing so rapidly as to move governance beyond boundaries produced through practice. The danger to the state is not the transgression of boundaries, but the constantly changing nature of those transgressions which make it impossible to habituate the new boundaries.

Privacy in the 21st Century

Following Max Weber and others⁷⁴⁵, I argue in my introduction that the first step in conducting ideal typical analysis is a value position. Theories are nothing but tools to help us understand the world from particular viewpoints. These tools are imbued with value positions and those positions should be stated as clearly as possible by a researcher. Failure to recognize this is what leads to overwrought claims of objectivity and the reification of particular viewpoints. With this in mind, I conclude this study by outlining the value positions which drive it. In particular, I will elucidate an interpretation of John Dewey’s claim that morality is to be decided not by ultimate ends or goals but instead in

⁷⁴³ Interview with Levitt

⁷⁴⁴ Interview with Hamilton

⁷⁴⁵ Weber, *Max Weber on the Methodology of the Social Sciences*; Jackson, *The Conduct of Inquiry in International Relations*.

a particular situation.⁷⁴⁶ This claim will be discussed in light of the debate over privacy and surveillance which has been renewed by the Snowden revelations.

There is no universal good; all morality is dependent upon the situation. Dewey makes this claim in *Reconstruction in Philosophy* and it is similar to his claim in *The Public and its Problems* that the details of the state are something that we must “go to history to discover”. In *Reconstruction*, Dewey argues that a reliance on universal moral principles force one to either irrelevance or fanaticism. At most, a universal moral principle, such as justice, privacy, or democracy, provides us with the goals (or a tool for insight) we may wish to achieve in a specific situation. According to Dewey:

Action is always specific, concrete, individualized, unique. And concretely judgment as to acts to be performed must be similarly specific. To say that a man seeks health or justice is only to say that he seeks to live healthily or justly. These things, like truth, are adverbial. They are modifiers of action in specific cases. How to live healthily or justly is a matter that differs with every person. It varies with his past experience, his opportunities, his temperamental and acquired weaknesses and abilities. Not a man in general but a particular man suffering from some particular disability aims to live healthily... The good of the situation has to be discovered, projected, and attained on the basis of the exact defect and trouble to be rectified.⁷⁴⁷

There are two things to discuss here. First, the attempt to find a set of universal moral principles is, according to Dewey, the downfall of moral philosophy dating back to the ancients. Second, morality is dependent upon the goals of the situation, goals which are unique to that situation and which may change over time.⁷⁴⁸

Finding new manifestations of normative goals demonstrates the very creativity upon which meaningful human action lies. Instead of finding solutions which fit within current conceptions (this is what is usually meant by coming up with solutions), the

⁷⁴⁶ Dewey, *Reconstruction in Philosophy*.

⁷⁴⁷ Ibid., 167, 169.

⁷⁴⁸ These are the reasons why I focus on narrative. If people are stories, then uncovering the details of a situation means immersing oneself in the narratives that people are telling themselves and each other. To “go to history” means to “go to the narrative”.

situation provides individuals and groups with the ability to come up with new conceptions, to 'bring something new into the world'. Allowing for such creativity is at the heart of both Joas and Dewey's conception of democracy.⁷⁴⁹ Instead of tying themselves to a particular set of institutions or rights, democracy becomes an overarching goal based around allowing people to act creatively and fulfill their own potential. This goal is realized in differently in different times and places. Joas states that "the questions of democracy are today the result of applying the idea of differentiation to itself". He goes on to claim that:

All conflicts over economic, political, military, and cultural issues are not taking a different form. The questions of peace movements were directed not only towards military strategy itself but also toward the continued differentiation of a military-industrial-scientific-complex... The questions of the ecology movements are not merely directed towards the defense of a natural or traditional environment, but also take the offensive in challenging the legitimacy...of technological progress. The classical questions of industrial society as to the structure of the social division of labor and the distribution of wealth may still be frequently articulated by the trade unions in their traditional form: however, they now become part of something which has been declared the object of societal self-organization.⁷⁵⁰

In other words, Joas believes that each movement will be or already is being forced to change how it manifests its claims and its goals. Democracy then is the ability to allow for this creativity. Dewey states that democracy "cannot be conceived as a... consecration of some form of government which has already attained constitutional sanction."⁷⁵¹ We should not act "as if our democracy is something that perpetuated itself automatically... that solved the problem of perpetual motion in politics"⁷⁵² Instead, democracy's "purpose is to set free and develop the capacities of human individuals

⁷⁴⁹ Dewey, *Reconstruction in Philosophy*, 186, 206–209; Dewey, *The Public and Its Problems*, 75–109; Dewey, "Creative Democracy: The Task Before Us"; Joas, *The Creativity of Action*, 196–258.

⁷⁵⁰ Joas, *The Creativity of Action*, 244.

⁷⁵¹ Dewey, *Reconstruction in Philosophy*, 209.

⁷⁵² This echoes the idea, contra liberalism, that politics cannot be solved by institutions which facilitate rational exchanges. It is ever-present. Dewey, "Creative Democracy: The Task Before Us."

without respect to race, sex, class, or economic status”.⁷⁵³ One may disagree with this definition of democracy on any number of grounds, but the method through which it is derived – an overarching goal, or set thereof, which can have different manifestations across time and space – reflects the value position that informs this project. If we are to act morally and effectively in times when habit has been shattered, we must act in the situation in which we find ourselves, not according to universal truths. Such universal truths *MAY* guide us in instances of habitual action, though they tend to reify inequities, but they are of no use in the types of situations examined here.

This relates specifically to the GWoT and the possibilities apparent in future scenarios. I have argued that the outcome of my cases was not inevitable; other ‘solutions’ could have redrawn boundaries to make threats legible. However, there is one exception, one inevitability: if the threat was to be defeated, boundaries needed to be redrawn. It is contemporary boundaries which are making the episodes of violence under study so threatening to the state. Bulk data collection and targeted killing were not inevitable on 9/11. It would be a mistake to summarize this project as ‘al Qaeda = drones and surveillance’. Citizens have a large role to play in how such scenarios are carried out. Anyone with a voice has agency and the situation can provide the opportunity for creative action not just from the elites who run and carry influence in the states targeted but also from the citizens of these states and other affected peoples. If one is unsatisfied with the affairs of the past few years, there may still be time to influence how targeted killing and data collection are institutionalized in the United States as they rapidly become habituated practices which draw new boundaries. But the point here is not to

⁷⁵³ Dewey, *Reconstruction in Philosophy*, 186.

send out a call to action but instead to suggest that this study gives us a way of understanding the situation that I believe is important. While citizens and other interested parties can play a role in deciding the boundaries of the future, they must understand the situation they are in if they are to do so effectively. And that situation necessitates new boundaries. This means that we cannot simply continue with past practice unless a) the actions of al Qaeda and its allies do not involve us or b) we have no problem with al Qaeda's actions tearing apart the state. If these are the goals at hand, continuing past practices is a perfectly justifiable pathway.

Instead, those unsatisfied with what is taking and has taken place in the GWoT must realize that they need to function in a situation in which change is necessary. The situation in which previous manifestations of goals were evident no longer exists. Too few opponents of both targeted killing and bulk data collection recognize this. Too often, the focus has been on the technology at the forefront of these new practices,⁷⁵⁴ but a) the technology cannot be erased, it has already emerged from Pandora's box and b) the technology itself does not dictate outcomes as they are socially constructed. There are ways of using drones which do not lead to a militarized security state or an imperial sovereignty as many fear. There may also be ways to protect privacy in an era of big data. So, decrying the technology can be just as self-defeating and unproductive as those who laud new technologies as our salvation. Technology is neither terminator nor savior.

This is manifest most clearly in the debate over privacy and bulk data collection. Some people may hold privacy very dear. They may have in their heads a conception of privacy in which all personal information is the property of the individual and is not for

⁷⁵⁴ For one such example see Singer, "Do Drones Undermine Democracy?"; for a critique see Carpenter, "Bad Predator?".

consumption and use by public entities. This is a laudable goal, but clearly it does not fit the situation. Not only does the US government have the capability to access large amounts of data, but this data is already being collected by Google, Amazon, VISA, Verizon, Facebook, etc.⁷⁵⁵ It is already out there, and while it may have happened without our privacy activists knowing it and while it may have happened against their will, it happened and cannot be undone. They must adapt to this situation. To talk about ‘privacy’ is the equivalent of talking about ‘health’ or ‘justice’ in Dewey’s argument above. Action takes place in a situation and therefore the situation must be front and center when we assign that action meaning. No reason to talk about universal goals such as ‘privacy’. Additionally, there is no reason to confuse an overarching goal such as ‘privacy’ with a particular manifestation of that goal. Dewey argues that ‘health’ should not be some sort of universal goal, but he also argues that one can aim for ‘health’ as a goal in a particular situation because, “Classifications suggest possible traits to be on the lookout for in studying a particular case”.⁷⁵⁶ Universal goals may guide our actions in particular situations, but we cannot let them be tied to particular manifestations.

This cashes out in the following claim: we may have to find ways to re-conceptualize manifestations of goals that are no longer possible in the current situation.

⁷⁵⁵ One of the more interesting debates to come out of my interviews was on the issue of government vs. corporate surveillance. Those in the policy community who gave me an opinion on the issue were unanimous that government surveillance was not as dangerous as corporate surveillance. Paul Pillar told me, “General Alexander has assured us, and I know that he is speaking the truth, that there are only 22 people in the whole NSA that are able to log into this kind of database. Verizon has all of my metadata, they know everybody I have called and when and so on. How many people at Verizon have access to that database? I haven’t the faintest idea”. Zelikow echoed: “In general, our government is somewhat more careful and more regulated”. The gist was that the government has more restrictions on what it can do with the data. While recognizing that the two were intertwined, privacy advocates were more concerned with government surveillance. DS told me that, “The state can bring all its forces to bear on an individual whether that be the criminal justice system or things of that ilk”. The focus here is on what can be done with the data, not the restrictions to doing those things. Interviews with DS, Pillar, Zelikow.

⁷⁵⁶ Dewey, *Reconstruction in Philosophy*, 169.

This is something that many in the privacy advocacy community have been slow to adapt to. While it is not surprising that policymakers and intelligence officers have come around to thinking about privacy in new ways, activists are lagging behind and it does them no favors. Much of the legal argument is built around how bulk collection violates the 1974 FISA law,⁷⁵⁷ enacted prior to the rise of digital communication. The advocates I spoke to made it clear that privacy, while threatened in new ways, is the same as it always was. One privacy advocate told me, “We had privacy, as a practical matter, in ways that we didn’t think about for the longest time until the technology starting exposing things in ways that they weren’t in the past.”⁷⁵⁸ Another echoed this sentiment, “In many ways privacy doesn’t really change, the threats to it change.”⁷⁵⁹ In both quotes, we see a universal ideal based around the withholding of information. Another used this language in explaining privacy, “I can hold this back from Congress, I can hold that back from my family and friends.”⁷⁶⁰ The ways in which privacy might change dealt with the degree to which it is realized. As DS suggested to me, “maybe it changes because we change the balance of it.”⁷⁶¹ In this, I echo Harris who states that some in the activist community are, “clinging to...an outdated version or definition of privacy. And frankly, that is why they have not made more gains.”⁷⁶² That said, this should not be taken too far. The problem here is not that privacy is necessarily ‘outmoded’, but that it is

⁷⁵⁷ Donohue, “Bulk Metadata Collection”

⁷⁵⁸ Interview with DS

⁷⁵⁹ Interview with Tien

⁷⁶⁰ Husband pointed out that this idea of rolling back policy is especially strong in older privacy advocates while younger ones are willing to live with the data needed to make the digital world work. Interview with Husband

⁷⁶¹ Interview with DS

⁷⁶² Interview with Shane Harris

characterized as a universal ideal. Lee Tien described privacy to me as, “less as a thing or a commodity that can be possessed but rather... an attitude.”⁷⁶³

Attempts to end government surveillance have already backfired. A few years after 9/11, the public got wind of DARPA’s creation of the Total Information Awareness system developed by John Poindexter.⁷⁶⁴ Congressional hearings were convened and, amid the controversy, Poindexter’s operation was shut down. However, through a loophole in the legislation, much of what Poindexter and his team were working on was repackaged and sent to the NSA and became the basis for the bulk collection programs.⁷⁶⁵

At this point, Bob Popp, Poindexter’s second in command at DARPA, sorted through the many different features of the program with an eye towards cutting those which may raise red flags. While he was reluctant to cut them, many officials did not think that research into the protection of privacy would pass the so-called “Washington Post smell test”. What was the NSA doing that required it to conduct privacy research?⁷⁶⁶ The privacy protections originally imagined for TIA were written out of the program by the time it was fully operational because of the constraints placed by those focused on privacy as withholding information. In other words, the focus of the privacy advocacy community has actually given its opponents more space to do what they wish. In

⁷⁶³ David Husband was more than open to the idea of re-conceptualizing privacy even if it was still within the ‘withholding’ framework. Interviews with Tien, Husband

⁷⁶⁴ Reports of Total Information Awareness began to appear as early as 2002, but it was not until 2004/5 that the story became large enough that congressional hearings were held and TIA was torn down. Rosen, “Total Information Awareness”; For the entire story see Harris, *The Watchers*.

⁷⁶⁵ The Defense Department Spending Bill pledged that, “none of the funds appropriated or otherwise made available in this or any other act may be obligated for the Terrorism Information Awareness Program”. However, as Shane Harris points out, there was a caveat, “provided: this limitation shall not apply to the program hereby authorized for processing, analysis, and collaboration tools for counterterrorism foreign intelligence, as described in the classified annex.” Essentially, a black budget had been created whereby many of TIA’s component parts would be reassembled and used under the NSA. Harris, *The Watchers*, 247.

⁷⁶⁶ *Ibid.*, 244–5.

addition, the community has long risked looking like it was against national security. As Harris told me, “activists have done themselves no favors when they allow themselves to be portrayed, sometimes unjustifiably, sometimes justifiably, as their real aim being to stop the government from doing surveillance.”⁷⁶⁷

Instead of focusing on keeping or withholding information, we should start by defining privacy as the control of information.⁷⁶⁸ Withholding is a particular manifestation of that ideal, one that does not fit all times and places.⁷⁶⁹ Another option is to radically give up information. This is the strategy of Bangladeshi activist and artist Hassan Elahi. Elahi was detained in 2002 following erroneous suspicion that he had left explosives in storage in Florida. After a few days detainment and another six months of FBI questioning, Elahi decided to open his life up completely.⁷⁷⁰ He posts every time he changes his location or has opened up his bank accounts.⁷⁷¹ This way the FBI cannot suspect him as a terrorist. In his words, “The best way to protect your privacy is to give it away... you can monitor yourself much more effectively”.⁷⁷² The strategy is that if everyone has the information it is, in his words, “useless... What is important is analyzing the information – what is the information telling you?”. With suspicious pieces of data, “you cannot delete, but you can bury” them with a lot of other information.

⁷⁶⁷ Interview with Shane Harris

⁷⁶⁸ This definition is taken from Renee Marlin-Bennett who argues that privacy is “controlling the flow of information inward *and* outward”; Marlin-Bennett, *Knowledge Power*, 169.

⁷⁶⁹ Unless, that is, we are willing to take steps to keep information out of the hands of the companies who own the databases the NSA uses to build its own. This is an intriguing idea but may come with weaker services and therefore could be unpopular. This was a topic I discussed with David Husband, Interview with Husband.

⁷⁷⁰ Elahi’s project website: <http://trackingtransience.net/>

His TED talk: https://www.ted.com/talks/hasan_elahi

⁷⁷¹ Elahi told me that his project is now largely obsolete as everyone on social media is basically doing this anyway, if not as deliberately as he. To demonstrate this, he pulled out his phone and found a random person on the social media site Instagram. Pictures that are posted to Instagram have a timestamp and are geo-located. He and I were able to see where this person lived, where he went on vacation, and where he ate out without having ever heard of him prior to the exercise. Interview with Elahi

⁷⁷² Romein and Schuilenburg, “Are You On the Fast Track?” 344.

Control for Elahi is not simply about withholding but is instead about releasing. This way you can control your online persona:

There is so much of our identity that is online... That data is having more interactions with more people than we are. Who do you want in control over that data? With us being proactive about it and deciding what that data is, and who that is, and how that represents you is much more direct than if it had been some random person who decided, 'well this is good enough, I think that describes you'.⁷⁷³

Elahi does not think that past conceptions of privacy are useful in a digital world:

“What we think is privacy today is definitely not what it was... the concept of it has changed.” He echoes what some of the policymakers I talked to mentioned about the dangers to privacy: that what seems to be important is what is done with the data, not its collection.⁷⁷⁴ In addition to releasing information, Elahi argues that “we too can hold up a mirror”. Therefore, in addition to the release of our data doubles, we can begin surveillance on the government. There are two ways this could be achieved that could work in concert. The first is already happening: make sure to track the actions of government and other officials. For instance, in the pre-digital age, it was possible to prevent the spread of images by taking the film from a journalist’s camera on the scene. However, the quickness with which this information can be sent up to the cloud today makes it impossible to have control over images. When journalist Scott Olson was arrested in Ferguson, MO earlier this year, pictures of the arrest made it out because it was so easy to capture the arrest and post photos online. This means that the government is not the only entity able to do surveillance, people and other institutions can as well. .

Second, there can be a push for greater transparency. If the threat is not data collection but is instead how it is analyzed and used, then techniques for analysis and use

⁷⁷³ These last three quotes and the next one are from my interview with him. Interview with Elahi

⁷⁷⁴ Interviews with Elahi, Hayden, Pillar

need to be out in the open. This would put the state in the same position as its citizens and give it an air of legitimacy, creating space for necessary surveillance. This has not happened; repeatedly the American people are told one thing only to later find out that another is true, eroding trust and by extension the state's capacity.

Much of this rests on the views of the public. On the one hand, the events of the past decade and a half demonstrate that security from terrorism is important to US citizens. It may not be as important as many in positions of power believe, but it is important. However, the question of whether or not private and public entities should have access to our data is important to the general public is still open. Most policymakers I talked to are of the belief that it is not important; one summed up the stance by saying, "relatively few people care about this one way or another."⁷⁷⁵ Ethan Zuckerman, who helped pioneer pop-up ads, argues that "users now accept that this sort of manipulation is an integral part of the online experience... even when widespread, clandestine government surveillance was revealed by a whistleblower, there has been little organized, public demand for reform and change."⁷⁷⁶ Privacy advocates countered that people do not care only because they do not know enough about what is going on. As DS argued, "It will become more and more important as people begin to understand just how much information is being collected about them, what is being used, and how many different entities end up using that information."⁷⁷⁷ But if, as many polls show, it is acceptable to the US public for the US government to do some surveillance, then transparency would seem to be a necessity.

⁷⁷⁵ Interview with Daniel Byman

⁷⁷⁶ Zuckerman argues that this did not have to be this way. There were other possible models for the internet that were not based on advertising. Zuckerman, "The Internet's Original Sin."

⁷⁷⁷ Interview with DS

Of course, transparency and intelligence are two concepts that do not traditionally work in tandem. Secrecy fosters the NSA's mission. However, we may be able to ask for translucency if not transparency.⁷⁷⁸ Translucency can mean being open and forthright about the programs and their goals. It can mean making public the decision criteria by which targets are chosen and decisions to look into domestic data are made. Currently, those decisions have been left up to the NSA and its analysts on their own judgment, creating a system ripe for abuse. This would allow for the use of sorely needed cost-benefit analysis of programs and could even lead to the end of the 215 program. Translucency does not have to mean publicizing who is under investigation at any particular time, but there could be a sunset provision where after 6 months or a year after an investigation, US persons under surveillance are notified or their names are made public. Reforms along these lines recognize a digital world where data is everywhere and give some control over that data back to the person it is about.

Lastly, such a conception of privacy would also help to make it accessible to more than those who can afford it. David Husband spoke about how privacy is being protected most assiduously by the private sector in the creation of 'black phones' and encryption services. However, this is not something that everyone has access to, making it something that only the affluent can afford as he suggested.⁷⁷⁹ Privacy as transparency and as control of information is, theoretically at least, something accessible to everyone. This is how one can take a universal goal and recognize that it needs to have different manifestations in different times and places. Such a process places importance on the

⁷⁷⁸ This concept was given to me by Michael Hayden. Interview with Hayden

⁷⁷⁹ Interview with Husband

context in which that action is undertaken. Undertaking piracy, assassination, and bombing poses a threat to a state in some contexts and a threat to the state in others.

Ways Forward

I can picture three ways to build upon this study. First, the ideal typical instruments developed here could be expanded to cases involving transboundary processes which do not contain 'violence'. How might these tools help us understand particular cases of migration, capital flows, environmental degradation, and other processes of globalization? There may also be other episodes of revisionist violence to be explored. The Earth Liberation Front may be one possibility, while ISIS could be another were it to turn into a proper caliphate. Essentially, one way to expand this study is to see how useful the tools developed here are in other cases. This is especially true for episodes that have taken place exclusively in non-western regions. This would allow us to see how weaker states deal with such threats. This could give us a better idea of how weaker or non-western states deal with revisionist episodes of violence. Are they reacting in similar ways? Are they using the same narratives? Do they even have the resources to combat them in any sustained manner? It appears that the answers may be that they are quite different. This also brings up other questions. Why might some episodes of violence not have a revisionist narrative built around them when others with very similar characteristics – even illegibility – do not? Why might some episodes be labeled as revisionist in the a non-western region and not be recognized as such by the system's great powers? Is there something about the state building narratives? Is it something about those perpetrating violence? All of these question can help us to understand violence and transboundary processes.

Another way forward would be to look more closely at how the other narratives are implicated in the boundaries of sovereignty authority. I have stated above that entrant violence challenges physical boundaries and the distribution of power and resources within them, while resource violence is used by states to draw, maintain, and redraw boundaries, and criminal violence looks to create ‘zones of exception’. However, each of these could be further demonstrated with the type of in depth case studies and narratives done here. A deeper look at narratives of criminality in drug trafficking or piracy in the Gulf of Aden might reveal something more about how each relates to the boundaries of sovereign authority than my cursory treatment in Chapter 3. The same goes with cases of entrant or resource violence. In fact, such a study may even begin to challenge my typology by combining existing types of developing new ones. It would also help to stretch this study in to different regions as entrant, resource, and criminal violence is just as common in non-western regions as in the center of the system.

Finally, any particular episode of violence – especially those treated in this study – could be looked at more closely with an eye on narrative configuration. Golden age piracy also had narratives of criminality and resource violence that are not fully explored in Chapter 4. The same goes with anarchist violence (criminal and entrant) and al Qaeda (criminal, entrant, and resource). This would not only help us to develop greater understandings of particular cases but could also have important theoretical implications by looking at how narratives combine and even compete. In Chapter 3, I talk about how narratives can be complementary (as they are in my cases), competing, or parallel. Looking at a particular case with an eye to how narratives combine would help us to further understand these tensions. Is there anything we can say about how some

competing narratives become dominant while others are brushed aside? A study of Piracy in the Gulf of Aden may help us to understand this. How about the ways in which multiple narratives work alongside each other in ways that create a master narrative in which different aspects were given precedence at different times? A study of the *corso indipendente* could help us to understand this. Similarly, the ways in which we combat the threats of revisionist violence brings about new types of threats. There are interesting ways to look at how narratives concatenate even if configurations are context-specific.

As a corollary, we can expand the study of each episodes covered here into other states. In Chapter 4, England is the focus; further study could include multiple states (France, Spain, Portugal, Holland, etc.) and may uncover new narratives. In Chapter 5, I mention the possibility of Spain and Russia forging an alternative path to defeating propaganda by the deed, that of totalitarianism. Here the regimes paid a large price for not adjusting as England, France, the US, and Italy (among others) did, but the state itself survived. Going off this, one wonders what happens when the state itself is challenged. Can some states fail or do they succeed by copying what more powerful and influential states do? Is this power in some ways dependent upon the ability to adjust? I would guess that there is some form of diffusion based on success but Spain and Russia's experience challenges this. The 'split' outcome of the anarchist case raises questions that I do not have the space to fully address in this study. In Chapter 6, I largely ignore the narratives on al Qaeda coming from the Muslims that it claims to speak for. Al Qaeda has also been more active in states at the periphery of the state system than either the golden age pirates or the propagandists.

More careful study of each case with a focus on multiple narratives could flesh out these 'weak points'. Carrying the theory to other cases, focusing on other narratives of violence, and expanding cases by looking at multiple narratives are all ways to expand and 'test' this theory. The expectation would be that some of what is written in these pages would be challenged, but that it can also help us to understand the role that violence plays in drawing the boundaries of sovereignty authority and therefore the state and politics itself.

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