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The Concept of Violence in International Theory: a Double-Intent Account

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Abstract: The ability of international ethics and political theory to establish a genuinely critical standpoint from which to evaluate uses of armed force has been challenged by various lines of argument. On one, theorists question the narrow conception of violence on which analysis relies. Were they right, it would overturn two key assumptions: first, that violence is sufficiently distinctive to merit attention as a category separate from other modes of human harming; second, that it is troubling in a special way that makes acts of violence peculiarly hard to justify. This paper defends a narrow understanding of violence and a special ethics governing its use by arguing that a distinctive form of ‘Violent Agency’ is the factor uniting the category while partly accounting for the fearful connotations of the term. Violent Agency is defined first by a double intention [1] to inflict harm using a technique chosen [2] to eliminate or evade the target’s means of escaping it or defending against it. Second, the harms it aims at are *destructive* (as opposed to *appropriative*). The analysis offered connects the concept of violence to themes in international theory such as vulnerability, security, and domination, as well as the ethics of war.

Key words: Hannah Arendt; violence; just war theory; vulnerability; republicanism; feminist international relations theory; collateral harms and double effect.

Theoretical work on the theme of ‘just and unjust wars’ has expanded in recent decades to encompass a much wider range of practices than the paradigmatic inter-state wars with which it began.¹ Crossing the boundaries between international relations, political science, law and philosophy, the ‘ethics of political violence,’ as we may now call it, embraces the normative dimensions of practices ranging from terrorism, revolution, and civil war, to torture, targeted assassination, and military intervention (Bellamy 2006, 5; Coady 2008; Gross 2010, 2015; Fabre 2012; Buchanan 2013; Finlay 2015). The success of this new, wider field of inquiry has not gone unchallenged, however, and the same period has also seen critics raise a

Acknowledgements: My thanks to the organizers and audiences at various workshops and seminars at which I presented versions of this argument including the University of Aberdeen Workshop on ‘The Category of Violence’ in June 2011, the Colloquium on Social and Political Philosophy, University of Tallinn, in July 2012, the International Relations and Security Theory Reading Group, University of Birmingham, February 2013, the EISA Conference in Giardini Naxos, September 2015, and the ‘Landscaping Cyber-Deterrence’ Workshop at the Oxford Internet Institute, June 2016. For critical engagement and comments, I’d especially like to thank Alexander Blanchard, Vittorio Bufacchi, Thomas Christiano, Mervyn Frost, Kimberly Hutchings, Todd May, Jeff McMahan, Joseph S. Nye, Jr, and Paul Schulte as well as the editors of *International Theory* and three anonymous referees.

¹ Arendt 2006, 3 (first published, 1963) as well as Walzer 1977.

variety of objections to its fundamental assumptions, aims, methods, and, crucially, to its foundational concepts.²

In International Relations theory, for instance, the notion of *war* has received careful critical analysis bringing attention to the ways it incorporates ethical commitments at a conceptual level and thereby contributes in potentially troubling ways to the perceived legitimacy of violence in international society (Clark 2015, 69-70). Surprisingly, however, IR theorists often take the concept of *violence* as such for granted (Clark 2013, chapter 2; Kaldor 2012; and Coker 2004, 2008, 2015), even those offering systematic analysis of closely related terms such as *harm* and *insecurity* (e.g. respectively Linklater 2011, chap 1; Deudney 2007, chap 1).³ And yet attention to the philosophical literature of the past several decades (not to mention peace studies and feminist scholarship) suggests that, without careful critical reconstruction, the way theorists employ the concept of *violence* is at least as vulnerable to challenge as their usage of *war*. As John Stone writes, ‘the means of war, whether construed as force or violence, remain under-explored and under-specified’ (in Strategic Studies particularly) and theorists consequently suffer from a ‘precarious grasp of the concepts [they] routinely employ in [their] discourse about war as such’ (2013, 101).

The purpose of this article is to offer critical reflection on *violence* as a foundational concept within international ethics in particular, as well as across international political theory more broadly. Just war theory and its relatives, I argue, are vulnerable to challenge on the basis of their relatively unreflective commitment to a ‘narrow’ understanding of violence and to two closely related assumptions, both remarked by Hannah Arendt. The first is that when political action becomes implicated in the element of violence it is thereby ‘set [...] apart from’ other political phenomena in some important way (2006, 8). The second is, that employing violence imposes a *special burden* of justification and is permissible only in a subset of the circumstances that would mandate using other means (1970, 51-2). As Kai Nielsen writes, ‘[p]olitical violence, like violence generally, is in need of very special justification indeed’ (1982, 25). I offer a new account of the concept of violence in the narrow, morally evaluative sense usual in normative theory as a response to what we might call the ‘ideology critique’ implicit in the wider challenge to these assumptions posed by a range of arguments.⁴

² Work on the ethics of violence is challenged directly or indirectly by Mbembe 2003; Slomp 2006; Booth 2007; Fiala 2007; Kochi 2009; Zehfuss 2011; Williams 2012; Weizman 2012; Clark 2013; O’Callaghan 2013; Rengger 2013.

³ Clark suggests (2013, 40) that ‘international society has a powerful sway in what counts as violence in the first place, and what does not’ but focuses chiefly on how it differentiates between legitimate and illegitimate forms of violence (41).

⁴ Especially Galtung 1969; Wolff 1969; Harris 1980; Perry 1970; Lee 1996; Žižek 2008; Hardt and Negri 2009, 3-4; Winter 2012. For an anthology Bufacchi 2009 and for a review, 2005. See also Friedrich Engels’ remarks in Harris (1980, 25-6) and discussion in Winter 2012. For analytically sharp rebuttals, see Coady 2008, chap. 2 and Bufacchi 2007. For argument using extended notions of violence in feminist IR theory, see, e.g., Tickner 1992; True 2012.

In essence, this critique comprises three interrelated claims: first, that far from simply reflecting a distinct category of phenomena, the narrow understanding of violence is an ideological construct that obscures matters of moral significance rather than illuminating them;⁵ second, that if we build the ethics of violence around this notion, it supports a less sympathetic attitude than we should have towards those who might use armed force to fight injustice in global politics (e.g. in the form of subsistence war, anti-systemic violence and social revolution);⁶ and third, that doing so reinforces an overly forgiving attitude towards unjust social and political orders (both within states and globally) by excluding some of their most destructive features from the category of the violent. The distorting influence of this understanding thus accounts for the ‘relative quietness of our feelings about the distress of inequality, and the violence of our feelings about violence,’ to use Ted Honderich’s words (2003, 27; cf. Winter 2012). Some critics therefore seek greater parity of denunciation in confronting injustices of all kinds by expanding the range of things that may be characterized as ‘violence’.

I review this line of argument in greater detail in the second part of section 2, after specifying in the first the moral connotations of the term ‘violence’ in contemporary usage and the ‘Strict Conception’ that is sometimes offered by way of a narrow definition. Then, in the third and fourth sections, I defend a narrow understanding but on a new footing. Based on the notion of what I call ‘Violent Agency,’ the ‘Double-Intent Account of Violence’ (Violence;) unites a wider range of intuitive cases than the Strict Conception while providing a more satisfying account of the way violence is distinguished from other modes of harming. It thereby upholds the assumptions underpinning the ethics of war and political violence but with some important revisionary consequences that I map out in the final section.

How to do things with the word ‘Violent’

Violence and moral appraisal

What do we usually mean when we describe an act as *violence*? To begin with, in this sort of usage, *violence* is a *moral* term. There are other, non-moral usages: we describe certain kinds of non-human event as ‘violent’ – thunderstorms, for instance – as well as sometimes the purely physical characteristics of a human action (as John Harris suggests, one can stir a cup of tea violently (1980, 14)). But while these are valid, they do not rival the moral usage. Rather, the word serves different purposes in different contexts. I shall restrict my attention for the most

⁵ De Haan, for instance, argues (2008, 28-9) that violence is ‘socially constructed’

⁶ Wolff 1969; Žižek 2008; for critique of Žižek, van der Linden 2012. On deprivation as a *casus belli*, see Luban 1980, Fabre 2012, chapter 3, Lippert-Rasmussen 2013, and Pogge 2013, and on social revolution, Geras 1989.

part to the morally evaluative possibilities. Unless otherwise stated, where I speak of an act being ‘violent,’ I mean it to be understood as ‘an act of violence.’⁷

In his reflections on method in the history of moral language, Quentin Skinner distinguishes three different things we need to understand to be able to use a moral term like ‘violence’ correctly. First is the evaluative attitude that it can be used to express or invoke. In this regard, it is useful to compare ‘violence’ with the words ‘courage’ and ‘murder’. ‘Courage’ or ‘courageous’ cannot correctly be used as terms of disparagement or disapprobation. We could use them sarcastically, of course, but doing so is parasitical on their positive connotations. The word ‘murder,’ by contrast, cannot correctly be used in a positive or even neutral way: one cannot, strictly speaking, murder justly; nor can a murder properly be a matter of moral indifference. By contrast, violence falls somewhere in between. Still a morally evaluative word, it holds up two possibilities: first, those means correctly described as ‘violent’ are *wrong prima facie*, as Robert Holmes writes, or *presumed wrong until proven otherwise* (Holmes 1992, 37). But secondly, whereas it is at least jarring if not downright nonsense to speak of ‘morally justified murder,’ it is not *logically* self-contradictory to speak of ‘morally justified violence,’ which is widely presumed to be a meaningful moral possibility.⁸ So, for purposes of moral evaluation, the word ‘violent’ expresses (and demands) an attitude of *presumptive disapprobation*: that is, a case correctly described as ‘violent’ is something we should disapprove of unless sufficient reason is offered to justify an exception. Usage thus implies that the practice therefore requires a special treatment in ethics, an assumption I will defend.

The second thing Skinner specifies is the ‘sense’ of the word, given by the criteria defining the occasions calling for its use. These, in turn, specify a category of things that are understood to merit the evaluative attitude that the word expresses, determining, thirdly, its range of ‘reference’. The rhetorical term for using a word like ‘violent’ in this way in relation to a particular whose significance is in contention is ‘redescription’ (Skinner 2002, 161-62). One way of specifying the sense of the word ‘violence’ is what Harris calls the ‘Strict’ definition. In common usage it is based on a cluster of features typically found in standard cases, some of them referring to the kind of agency violence involves and others to its external, descriptive features along the following lines:

VIOLENCE_s: the intentional infliction of (severe) harm by human agents on others, usually effecting itself in bodily injury or physical damage in paradigm cases but (on some accounts) also encompassing psychological harm. Acts of violence are typically also descriptively violent in that they are sudden, forceful, and sensational. Harms are

⁷ I take Harris’s point (1980, 14) to be that both ‘violent’ and ‘violence’ can be used in two ways, one purely descriptive, the other being ‘classificatory,’ as he puts it.

⁸ Though it becomes an oxymoron on legitimist definitions, e.g. Wolff 1969 and Lavi 2006, p. 203 n. 11.

inflicted by directing such actions towards either a victim's body or something they value (such as their property).⁹

The Strict Conception has proved difficult to defend, however, in the face of a series of attempts at *revisionary* redescription. Whereas *ordinary* redescription sees interlocutors simply disputing the status of a contested *thing* ('is *this* violent?'), *revisionary* redescription involves arguing about contentious cases on or beyond the margins of the usual category (in 'territory lying on an uncomfortable borderline between violence and non-violence,' as Coady puts it (2008, 41)) in order to dispute the definition itself (asking 'is violence *this*?) and thus proposing more or less radical definitional amendments (cf. Finlay 2009; Garver 2009).

Revisionary theories

Probably the most influential challenge to the Strict Conception is Johann Galtung's (1969; cf. Coady 2008, 24-9).¹⁰ At its heart is the idea as that as long as members of a society suffer any needless privation, they are not 'at peace'. And if 'peace' may be said to exist where 'violence' has been excluded, then 'violence' must equal privation: '*violence*,' Galtung writes, '*is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations*' (Galtung 1969, 168). It can therefore take many different forms: in addition to its Strict forms, *violence* encompasses the disfigurement people suffer when excluded from educational opportunities, deprived of resources, or exploited for their labour. It occurs when any individual, collective, institutional or social forces may be said to have caused harm. The most dramatic result is the extension of the category to include 'structural violence', occurring where harms arise without the action of any '*subject (person)*': 'The violence is built into the structure and shows up as unequal power and consequently as unequal life chances' (Galtung 1969, 170-1; Cf. Winter 2012; on structural violence in security studies, see Schnabel 2008, 88-95, and in feminist IR, Jones 2010, 133-4, and True 2012).

While Galtung radically alters the intension of the word and the category, its negative moral connotations remain the same, but he resists the idea that revision should lead to a more permissive view on physical force as a political means, i.e. one that justifies using it to resist the wider variety of types of violence (a possibility recognized by Lee 1996, 68. Cf. Hardt and Negri 2009, 7 & 16). By contrast, Slavoj Žižek's revisionary approach challenges the restrictiveness of the ethics of violence directly. Žižek distinguishes between three kinds of violence: 'physical violence (mass murder, terror)' and 'ideological violence (racism, incitement, sexual discrimination)' are both species of 'subjective' violence while the third is 'objective' or '*systemic*' violence (Žižek 2008, 8-9; cf. Fanon 1980, 63-4). Žižek's agenda is similar in one respect to Galtung's: 'the task,' he says, 'is precisely to *change the topic*, to move

⁹ See, for instance, the strict conception disputed by Harris 1980, 15; also Madden Dempsey 2006, 310-11 and Jacquette 2013; cf. Geras 1989, 187.

¹⁰ See also Garver 2009, which extends the category to include 'covert institutional violence'; and Lee 1996, 330, on 'the moral continuity between the harms of social disorder and the harms of social order'.

from the desperate humanitarian SOS call to stop violence to the analysis of that other SOS, the complex interaction of the three modes of violence' and 'to resist the fascination of subjective violence' which is 'just the most visible of the three' (Žižek 2008, 10; cf. Hardt and Negri 2009, 7; Winter 2012). But in one other respect he pushes further. In an argument recalling the Red Army Faction's use of the notion of structural violence to justify targeting bankers and other socially influential figures (Varon 2004, 238), Žižek argues that complicity in objective violence may render one liable to subjectively violent harm (Žižek 2008, 14, 33, & 184, n. 1).

In perhaps the sharpest revisionary argument, John Harris claims that there is such a thing as 'non-violent violence' consisting of the 'negative acts' of people failing to respond to injustice and help those in desperate need (Harris 1980; see also Salmi 2009 [1993]). To bring its boundaries into question, he argues from cases that seem intuitively to belong in the category of violence but that Violence_s excludes. Examples include slow poisoning where there are no descriptively 'violent' characteristics in either the agent's action or its effects on a victim – I'll discuss his examples in more detail in part 3. Since they seem to have the same moral character as standard, descriptively violent cases like shooting, stabbing, and so on, these non-standard cases must, he argues, belong in the same category. But once this adjustment is accepted and we abandon the assumption that 'acts of violence' must also be loud, sudden, or dramatic, Harris pushes further, maintaining that there can be no reason to exclude further harms for which individuals might be held responsible even when they didn't exercise direct, intentional, active agency in bringing them about. If someone *fails to prevent* harms comparable to those caused by Violence_s – such as the shortening of lives by deprivation – then this too should be seen as *violence*.

Removing the Strict Conception's descriptive and agential criteria in the way Harris proposes gives rise to a category of violence narrower than Galtung's since it excludes structural harms for which no one bears personal responsibility but a great deal wider than that which arises from ordinary usage. Like Galtung's argument and various others offered, for instance, by Garver (2009), Salmi (2009), and Lee (1996), Harris contributes to the ideological critique of the ethics of violence, in which the distinctiveness of violence in a narrow sense as a form of harmful agency – paradigmatically, the resort to arms – is challenged and, with it, the special status it has been given by the ethics of violence.¹¹

The double-intent account

In order to defend the assumptions identified in part 1, it is not necessary to defeat the claim that there could be meaningful conceptions of violence *other* than those encompassed by a narrow conception. What *is* needed is an argument for a distinctive category of violence that corresponds roughly to the set of cases that the Strict Conception embraces and for the

¹¹ In similar spirit, Honderich's aim is to correct 'the relative quietness of our feelings about the distress of inequality' by persuading us 'in some degree to discount the vehemence, indeed the violence, of our feeling about violence' (2003, 27, 22)

moral characteristics commonly associated with it. I now turn to this argument. In three subsections, I explain the components of the ‘Double-Intent Account of Violence’ (or Violence_i) summarized thus:

VIOLENCE_i: is defined by the presence of Violent Agency consisting of the intentional infliction of [1] *destructive* harm by human agents on a target using a technique chosen with the further intention [2] of eliminating or evading the target’s means of escaping it or defending against it. In paradigm cases of violence by single-minded attackers, [2] will be realized as far as is *necessary* to secure [1] or, failing that, as far as *possible* to maximize the chance of doing so.

This definition is based on a set of deeper features occurring in cases of violence in the narrow sense that account for the *prima facie* plausibility of the Strict Conception while at the same time showing that, upon closer scrutiny, it doesn’t capture the relevant class of phenomena. I outline its components in subsections addressing (respectively) ‘double intention’, then the orientation towards ‘destructive’ harming, and finally the resulting idea that violence therefore typically involves combining a *force multiplier* with a *dominance multiplier*. This last insight connects my account with the themes of violence, vulnerability and domination in recent international relations theory.

Violent agency (I): double intent

Violent Agency is defined first by *an attempt* [1] *to inflict harm by a technique designed* [2] *eliminate or evade the target’s means of escaping it or defending against it*. It therefore occurs where there is a double intent: on the one hand to inflict harm; and, on the other, to narrow the window of opportunity within which its victim can respond or the range of means available for doing so.

Consider the way many of the *means* of violence are designed. One person throws a punch at another. She intends harm of some sort: pain, perhaps bruising, broken bones, unconsciousness, or worse. Like many other technologies used for violence, as theorists of strategy often emphasize, thrusting a fist forward at speed operates as a ‘force multiplier’, increasing its impact as it comes into contact with the victim (e.g. Stone 2013, 106-7; also 2007). But the method also, crucially, has a second advantage: it shortens the time within which the victim has a chance to evade the blow. (I will refer to this as the ‘response window’ below.) This is even more remarkable when instruments are used.

Just as thrusting a dagger employs a mechanism similar to punching, albeit with greater likelihood of harming severely, firearms mimic the action of stabbing but with even higher speed and force and over significantly greater distances. The ability to inflict harm from a range at which it is impossible for (perhaps unsuspecting) victims to defend themselves greatly enhances the ability of an attacker to narrow their response window. The suddenness of a bomb exploding – whether fired remotely by artillery, dropped from the sky, concealed beneath the seat of a car, strapped to someone’s body, or stowed in a baggage hold – works along similar lines. Speed, distance, secrecy, and surprise may be combined in different ways

to narrow the response window and inflict harm without impediment. The more effectively a technology does so, the better suited it is to employment as a means of violence.

It is useful to distinguish, here, between the means of violence and its deployment. In each standard case, the response window is narrowed not only by a chosen technology (the fist, the knife, the gun) along with its characteristic method of employment (striking, stabbing, shooting) but also by the way it is brought into engagement.¹² The figure of the gunslinger in the American Western illustrates the point: he defeats opponents not only by having a gun and knowing how to shoot accurately; he also knows how to do so suddenly and without warning. Or in a duel, it is his ability to draw quicker than his opponent that makes his a successful act of violence. To succeed, he must narrow the opponent's response window a fraction more than the other narrows his. Like the sniper, the drone operator, or the suicide bomber, he brings the means of harming into engagement in such a way as to maximize its capacity to evade or eliminate his opponent's means of escape or defence. I will use the term 'technique of violence' to refer to a particular means and its manner of deployment taken as a whole. Some techniques realize the second intention either through the choice of victim or the timing of an attempt (for instance, by attacking someone when they are already immobilized).

While I take the twin intentions to be necessary features of violence, the degree of motivation driving an agent to pursue them will vary. In a case where the Violent Agent is absolutely determined to inflict harm, they will seek to realize both intents to whatever extent is possible up to the point necessary to ensure success. In other cases, however, countervailing motives might limit the energy with which either intention is pursued. One might, for instance, attack someone half-heartedly without freeing oneself from the accusation of having committed or attempted an act of violence (e.g. by throwing a punch that is too slow to be *assured* of making contact with its target). Likewise, it is possible to pursue the twin intentions while treating moral constraints such as those set out in International Humanitarian Law as limits on what it is 'possible' to do (e.g. by forswearing the use of prohibited weapons even where they might be necessary for the greatest possible assurance of success and instead selecting others that, although they might still succeed, have a lower chance of doing so). These various factors will condition the chances of realizing the agents' aims without calling into question the fact that they were actually *intended*. And, of course, Violent Agency may attempt to harm but fail due to the inadequacy of available means.

The potential of Violent Agency to reconcile seemingly contrary intuitions is seen in its ability to unite the standard cases within the same category as the non-standard ones that Harris marshals in his challenge to the Strict Conception (also Stone 2013, 106-7). Since they lack the sensationally 'violent' experiences usual in cases of Violence_s, Harris uses the latter

¹² Cf. Clausewitz (1993, Bk 1, ch. 1, section 1): 'Force, to counter opposing force, equips itself with the inventions of art and science.'

to drive a wedge between intuitions (that these are ‘acts of violence’) and the theory (that violence = Violence_s). One example describes children in Belfast during the Troubles hanging a length of cheese wire between two lampposts to injure the soldiers on passing vehicles. As Harris says, this was ‘[n]o violent act’ since the wire could be prepared at leisure, but it was ‘clearly an act of violence’ (1980, 16). Other tricky cases Harris cites include the use of poisoning, especially if the toxins operate on people without causing physically violent reactions. And, in fact, one of the Strict Conception’s ablest defenders, C. A. J. Coady, concedes that at least slow poisoning must be excluded from the category on the terms of a Strict definition (2008, 41; also Stone 2013, 107 n. 13). Another example of Harris’s involves slowly inserting a stiletto between someone’s ribs as an ‘act of violence’ that lacks descriptively violent characteristics (1980, 17).

Because they display Violent Agency in perhaps even more dramatic ways than the standard cases, the non-standard examples are untroubling for the Double-Intent Account. The Belfast children chose their method because the wire would be imperceptible to its victims right up to the moment when it was too late to do anything about it. Closing the response window in this way was essential to their plan, just as it is in cases of poisoning. Imagine I bear you a grudge for which I want revenge and I lace your drink with a deadly toxin, one that gently but irreversibly puts your vital organs into a lethal sleep. You know nothing of my hostility. I hand you your drink and you sip it as we chat and I wait till you’ve drunk enough to guarantee your death. I might then declare it to you, that you’ve been poisoned and it’s too late to do anything about it. Or I might never tell you, letting you die in ignorance of your fate and its cause. Either way the secret poison shuts your response window even more tightly than some standard techniques of violence: you might at least see the fist raised or hear a gun cocked in time to duck or run for cover. And whereas a booby-trap bomb announces itself and injures simultaneously, secret poison ensures that death is irreversibly in train *before* you know you have a problem: its response window is measured in negative units (cf. Scarry 1985, 79).

Weaponized nerve agents unite something of the bomb and the secret poison. Sarin can be emitted rapidly across an area analogous to the blast radius of a shell and if it moves more slowly than explosive combustion, it makes up for it by the fact that no one knows it’s there until it’s too late: it ‘has no smell or taste and is colourless, so the first people may know of its use is when victims start to fall’ (Sample 2013). Harris doesn’t specify the circumstances in which it is possible to stab someone slowly but presumably the victim would have to have been subdued. If so, then it is with the act of subjugation that an assailant shuts the response window after which speed is no longer needed. Or, if the assailant exploits a victim who is already helpless it is a case of opportunistic violence. I will say more about the intimate relationship between violence and subjugation in the last part of this section.

So in all these non-standard cases, a technique of violence is designed specifically to achieve the effect of suddenness by ensuring that the interval between the victim (or a third party) becoming aware of a threat and the harm occurring is too narrow to allow them to do anything about it. In this respect, they are the same as the standard cases. At the same time,

the element which unites these two groups also distinguishes cases of Violence; from other ways in which harm may be inflicted, e.g. as the foreseeable side-effects of primary actions that are not themselves Violent; or as a result of recklessness. This is potentially a more controversial claim which I will defend in section 4 (second part). It distinguishes them from structural harms without culpable agents. And finally, it identifies a differentia that can substantiate the intuition that negative acts such as negligence or the failure to assist where needed are not the same as acts of violence. As wrongful as they may be in many cases and as culpable as those responsible for them might be, they are different in ways that (I will argue) are sometimes morally significant (cf. Linklater 2011, 51-61).

Later I will defend this dimension of my account against some apparent counter-examples. But first I need to address one way in which it might be seen as over-inclusive which I can do while specifying the second feature of Violent Agency.

Violent agency (II): destructive harming

Violent Agency occurs paradigmatically in the range of actions commonly denominated ‘acts of violence,’ including both the standard and non-standard types that the Strict Conception struggled to unite within a single category. But these are not the only forms of interaction that its first feature – double intent to harm – appears in and shapes. It is also a feature of some practices often thought to fall somewhere (perhaps only *just*) outside the category of violence such as theft, slander, and exploitation.

Imagine someone discovers vulnerabilities in your bank’s security system and hacks into your accounts to steal your savings. Clearly they intend [1] to harm you. Moreover, the means chosen are probably intended [2] to deprive you of any means of resistance. Perhaps [2] is even clearer if your house is burgled: robbers strike when you are away and unable to defend your property. Compare these, then, with slander: someone harbouring a secret grudge attempts to diminish you by spreading unfounded rumours behind your back. As with hacking and burglary, your enemy seeks to harm you, choosing a technique that maximises your exposure by depriving you of the means of defence.

If these express the double intent characteristic of Violent Agency, then are we forced to expand the category of violence to include them too? Were it necessary to do so wholesale, then the Double-Intent Account of violence might have unattractively revisionary consequences. But I don’t think it is. One reason for this is that the type of harms Violence, inflicts is less controversial than the manner in which they are inflicted. Harris’s aim, for example, was to argue that causing potentially life- and health-threatening harms is morally the same whether the causal mechanisms are ‘fire and sword’ or global inequality and neglect (just as it was for Engels and Galtung, as Winter argues (2012)). Along similar lines, then, one way of upholding a narrow conception would be to define as ‘violence’ cases of Violent Agency that aim at the sorts of harms usually associated with the term, i.e. harms to the person inflicted through bodily injury, psychological trauma, or deliberate damage to their property, etc. The chief point of the argument, then, would be that double intent is what

distinguishes the infliction of such harms by ‘acts of violence’ from non-violent causation, e.g. through failure to assist those in need or recklessness. Harms of other kinds are simply beside the point.

For present purposes, such a response might just suffice. But I think there is something more deeply distinctive about violence in a narrow sense accounted for by the second feature of Violent Agency: *destructive* harming. Distinguishing it from *appropriative* harming specifies more precisely how ‘acts of violence’ intend a different kind of harm from acts like theft.

At first glance, the distinction between the two categories seems to track the following contrast:

- (a) APPROPRIATIVE HARMING: Agent deprives Victim of x , which Victim would otherwise have continued to possess; Agent seeks thereby to benefit herself to the tune of x .
- (b) DESTRUCTIVE HARMING: Agent deprives Victim of x , which Victim would otherwise have continued to possess; whereas Agent does not gain x or benefit from x as a good, she does benefit from A’s *loss* of x . Let’s call this derivative or indirect benefit ‘ y .’

So whereas robberies follow (a) by transferring good x from Victim to Agent, killing someone with a knife has a structure similar to (b). If you *steal* a wallet, you *gain* a wallet; but if you take a *life*, you don’t *gain* a life. This analysis may prove too facile, however, if we don’t push it further. To see why, imagine a thief stealing not a wallet but a part of his victim’s body. If he drugged someone in order to steal one of their kidneys, for instance, his action’s structure would resemble (a) but it would surely also be a case of violence. It therefore presents problems for a division between violence and other modes of harming based on the distinction above, indicating a need for further refinement.

Let x be the loss suffered by Victim, whatever the form it takes, and z be the gain enjoyed by Assailant as a result of inflicting it. My suggestion is that the difference between appropriative and destructive harming hinges not upon whether x is destroyed or transferred to the assailant but more deeply on the degree to which z is commensurate (and therefore also commensurable) with x . The more it is, the more likely we are to categorize the form of harming as *appropriative* (things like theft); the more jarringly incommensurate (or even incommensurable) they are, the more likely it is that we will see it as *destructive* (things like homicide and assault). Where x is destroyed by the assailant in order to secure some indirect benefit (revenge, security, military advantage, or whatever it may be) it creates disparities of this sort: this is why disparity and destructiveness are united in so many cases.

So, returning to the organ robbery, the thief gains a saleable asset – worth, say, some thousands of pounds on the black market in donor organs – whereas the victim suffers serious damage to their body, its integrity, and their health (not to mention pain and discomfort). Even if a monetary figure could be imagined that would restore a degree of contentment similar to what they enjoyed prior to the crime, there is no reason why it should

necessarily match the assailant's profit. But there is also a qualitative difference between the commercial asset gained and the loss of well-being suffered by the victim. It's trickier if we imagine the thief to be the transplant beneficiary herself since in that case she aims eventually to gain something that her victim loses. But even then, the value of x is *greater than* the organ as such; it also includes the bodily integrity that the attacker violates by cutting into it and thus forcibly removing the organ. And in any case, arguably even insofar as the perpetrator seeks ultimately to regain a good that their victim will lose (health; longevity), it is not acquired in the act of violence itself, which only affords the means to achieve it. To that extent, $z \neq x$ even if z will eventually be used to achieve the equivalent of (part of) x .

So just like other bodily violations, organ robbery involves double intent *and* destructive harming. The category of violence might therefore seem to be drawn conjunctively by this pair of characteristics. By way of contrast, let's return to hacking. I remove funds from your account and spend them. In that case, $z = x$; they are essentially the same. If this seems likely to be a fairly uniform feature of many kinds of theft, then we can say that whereas they express a double intent, they generally omit the destructive harming that is characteristic of Violence_i. It seems possible, then, to draw a reasonably clear division within the category of harms resulting from double intent distinguishing those that are Acts of Violence_i from others such as theft even if, as I suggest, they are close relatives.

Before I turn to exploitation and slander, I need to add a caveat. While x and z might be materially identical in many, perhaps most, robberies, they won't always be entirely identical. Say Robber steals £1000 from Victim. Robber is already wealthy but Victim is poor with only £1000 to his name. He is unlikely to be able to acquire more funds in the immediately foreseeable future and there is no insurance to compensate him. In these circumstances, x and z are identical in one sense (they are *quantitatively commensurate*) but in another they aren't (they are *qualitatively incommensurable*). Robber's enhanced power to acquire luxury goods is not equivalent, we may say, to the means of escaping imminent starvation or significant privation for Victim. It might be, then, that robberies sometimes may be interpreted as cases of appropriative harming on one level but *also* cases of destructive harming on another. If so, then we might want to argue that whether or not a particular case is also properly an act of Violence_i depends partly on contextual factors. At the very least, it may justify using term *violence* metaphorically to capture fully its moral significance.

Exploitation might also be seen as involving double intent and yet be distinguishable from Violence_i but it is likely to vary according to type and degree. Consider two types:

1. SURPLUS VALUE: Whereas most people will accept some form of paid employment, at least as a necessary evil, exploitation occurs where more value is taken from workers than they are compensated for.
2. SERVITUDE: Exploitation involves taking advantage of someone's relative social vulnerability to force them to undertake labour they wouldn't otherwise have been willing to perform (or had independently good reasons to perform).

On this description, SURPLUS VALUE takes something from the victim (x) that directly constitutes a benefit to the agent. As a case of appropriative harming it is therefore relatively straightforward to distinguish it from paradigm cases of Violence_i. But what about SERVITUDE? At its most intense, it amounts to slavery. Should slavery too be interpreted as a purely appropriative mode of harming or is it destructive and, hence, a candidate case of Violence_i?

Slavery lies right on the border between the two categories. On the one hand, it resembles an appropriative harm in classic cases. The ancient Greek practice, for instance, is sometimes interpreted (e.g. Arendt 1958, chapter 5) as an institution intended to liberate citizens from the burden of labour, supporting their enjoyment of a free and dignified life from which slaves are simultaneously excluded. Insofar as in this picture labour is, in a fairly literal sense, *taken from* its victims and appropriated by its beneficiaries, then we might say that $x = z$. But this oversimplifies things.

To begin with, as well as being deprived of the benefits of their labour, slaves are harmed in being forced to undertake toil that they wouldn't otherwise have chosen or had reason to choose. Moreover, the victim is also deprived of *freedom* in a sense that is distinguishable from the substantive loss of labour as such (see Pettit 1997). To describe *freedom* itself as the substance of both x and z can really only be figurative, not literal: the citizen doesn't literally gain *the slave's freedom* any more than someone killing an assailant in self-defence literally *gains the life of his attacker*. On both scores, then, x turns out not to be the same as z . On the Double-Intent Account, therefore, slavery should be interpreted as a form of opportunistic violence in which the social vulnerability of the victim is exploited as a means of ensuring non-resistance for purposes of inflicting a harm that is essentially destructive.

I'll say more about the connections between Violence_i and domination / vulnerability in the last part of this section. But first, one type of case that remains problematic is that of slander since the agent inflicting harm in this way doesn't seem to carry off x as an asset. If it can involve both double intent *and* destructive harming, it would at least sometimes belong *within* the category of violence on the Double-Intent Account. Imagine, for example, someone lying to the head of a primary school that its janitor was rumoured to have a history of downloading child pornography. If the slanderer knew that this would cause him to lose his job, it is hard to see how it differs in any significant way from other ways of intentionally [1] inflicting destructive harm [2] by means chosen to deprive the victim of a means of defence. If it seems like a counter-intuitive extension of the category of violence, however, the fact that this sort of malicious harming is widely known as 'character assassination' reflects the deeper intuition that it has all the characteristics of violence, even if it seems like a 'soft' variant.

On the other hand, while slander might be exploited as a *means* of violence, it perhaps frequently bears greater affinity with modes of appropriative harming like theft. Consider the nature of the good – x – that slander sometimes seems to *destroy*, namely, reputation and relative esteem in a social group to which one belongs. Keeping this in mind, we may say that

where I bring someone down in reputation through backbiting, I don't simply deprive them of some good; nor, furthermore, do I destroy an asset without gaining part of it. Provided I am a member of the social group within which reputation and status is awarded, my victim's loss is also a relative gain for me and others. If slander is directed towards altering status between rivals, then it has something in common with other cases of appropriative harming: I deprive you of x (elevation in relative status) in order to gain z (elevation in relative status); hence, x is at least commensurable with z .

Violence, vulnerability and domination

Before responding in the next section to some further objections, I want to say something about the important connections this account identifies between violence and the cluster of concerns that theorists analyze through the terms *security*, *vulnerability*, and *domination*. This will contrast it with rival approaches towards the analysis of violence in IR as well as helping specify more fully the significance of *necessity* and the *possible*.

Feminist IR theorists sometimes speak of a 'continuum of violence' to characterize the ways in which women suffer exposure to wrongful harm in contemporary global politics. Jacqui True, for example, writes of

the multidimensional continuum of violence [which] extends from violence in the home, to the structural violence of poverty, to the ecological violence associated with the depletion of our planetary resources and natural disasters, to the violence of war and its aftermath, which has conventionally been the exclusive domain of "security studies" (True 2012, 5).

Assimilating various kinds of oppression, harm, and injustice under the heading of 'violence' in this extended sense lends rhetorical force to an analysis emphasizing their interrelationships.

The same move, however, arguably runs the risk of sacrificing an ability to distinguish between different things. I think it better to reserve the term *violence* for those types of action categorized as such by the Double-Intent Account and to distinguish them from the background conditions of inequality that render Violence_i 'possible' (Young 2011, 61; cf Tickner 1992, 57-8). Doing so helps bring out more clearly the important functional relationships between, on the one hand, the occurrence of violence in a narrow sense and, on the other, the vulnerabilities arising from political economy (True 2012), the material and normative composition of international society (Deudney 2007; Clark 2013), and background conditions of oppression within particular societies (Young 2011). Insofar as all create vulnerabilities exposing people to arbitrary interference from those to whom the same structures grant relative power, they are forms of what republican political theorists call *domination*.

Domination is crucial to violence on the account I offer. One person may be said to dominate another when they are enabled by a position of social power to interfere with them arbitrarily

and without obstruction (Pettit 1997; Lovett 2010). As John Locke characterizes it, the most intense form of domination occurs where a ‘master’ possesses the ability to choose whether his ‘slave’ lives or dies:

And hence it is that he who attempts to get another man into his absolute power does thereby put himself into a state of war with him; it being to be understood as a declaration of a design upon his life. For I have reason to conclude that he who would get me into his power without my consent would use me as he pleased when he had got me there, and destroy me too when he had a fancy to it...(Locke 1988, *Second Treatise*, chap III, paragraph 17)

This passage portrays precisely the kind of relationship that paradigm cases of Violence_i are intended to establish between attackers and victims.

All the techniques discussed in the first part of this section seek to place their victims in a position where it is (close to) impossible for them (or others) to resist. In a word, therefore, we may say that *violence* on this account typically combines a force multiplier with a *dominance* multiplier. But whereas republican theory is centrally concerned with more enduring social relations of domination within and between states (Pettit 1997; Deudney 2007; Lovett 2010), those created as part of an act of Violence_i are usually transient and ad hoc, lasting just long enough to inflict the harm. In various ways, both standard and non-standard cases of Violence_i exploit speed, distance, secrecy and/or surprise to create more or less fleeting moments in which the vulnerability of its victims to the attacker’s will and, hence, to the harm they wish to inflict is intensified (on *defencelessness*, see Cavarero 2009, chap. 8; Deudney 2007, 27).

Violent_i techniques harness domination in three different but often complementary ways. In ‘opportunistic’ forms (I) perpetrators target people already rendered vulnerable and exploit it as part of a technique of Violence_i. As an extreme case, for instance, assaulting someone paralyzed by illness would clearly be a case of violence, however calmly and slowly the harm was inflicted (cf. Cavarero 2009, 31). But more generally, vulnerabilities created by wide differentials of wealth and power or permitted by political or legal conditions that fail to protect individuals, classes, or states all contribute to greater or lesser degrees to opportunistic violence (Tickner 1992; True 2012; Clark 2013).

Domination is experienced by its victims (whether states or persons) as an asymmetric vulnerability to interference. As such, the more intense it is, the more it excludes in advance any means to resist interference or evade harm, thus reducing the effort *necessary* for a Violent Agent to achieve their second intent. Established domination is therefore likely to make Violence_i *possible* across a wider range of cases by those it empowers. Richard Kraut, for instance, writes that Greek slaves ‘could not take legal action in the courts, and were therefore vulnerable to beatings and maltreatment from their masters’ (2002, 280). To kill a slave, the slave-owner might still need to employ one of the standard and familiar techniques of Violence_i, but his assurance that the slave will be unable to self-defend is greatly

strengthened their social relationship as defined by background norms. Contemporary violence against women too is likely to exploit opportunities opened up by material inequality and by forms of domination underwritten by the normative composition of gender relations (Tickner 1992, 58; True 2012).

Violent Agents can thus exploit the established relations of domination that republican and feminist theorists analyze by incorporating them within techniques of violence. They can also operate (II) by advance preparation. If a serial murderer drugged their victims before killing them, then we should see it as the part of their ‘technique’ for closing the response window. Someone might object that this suggests that the act of, say, slowing inserting a knife in someone’s side in such a case (discussed in Harris 1980 and Stone 2012) would not *itself* be an act of Violence; but only part of one. But this merely reflects the familiar idea that similar acts differ in meaning depending on context: whether the cut of a knife is a case of Violence; depends on whether it is part of a surgical intervention in a medical emergency or an attempt at grievous bodily harm. Issues of intention, consent, and domination are vital to the way we interpret the act narrowly defined.

Adriana Cavarero singles out torture as exemplifying the way defenceless victims may be ‘produced’ (2009, 31) but the Double-Intent Account suggests that this occurs in all familiar techniques of Violence; which harness a dominating relationship in the third way: (III) punching, shooting, bombing and so on, all aim at *creating* a momentary, radically intensified relationship of domination and inflicting the intended harm (more or less) *simultaneously*. This may occur with or without prior vulnerabilities. In war, for instance, as Clark argues, normative regulations generate ‘categories of the vulnerable’ through the ‘language of proper targets, and gradations in the liability to be killed’ (2013, 43) which privileges opposing combatants by rendering mutual Violence; impunable while depriving them of peacetime protections. Whereas the relationship is sudden and transient across a wide range of techniques, methods like laying siege to a target population or blockading them, by contrast, seek to maximize domination over a longer duration. Where essential goods are denied, the intention might simultaneously be to produce a defenceless subject *and* inflict harm (by means of starvation, for instance) as well as rendering them maximally vulnerable in preparation for armed attack (cf. Weizman on Wallfare in 2012, 80-1 & chap. 3; also Mbembe 2003, 28-30). Sieges and blockades may be described as acts of *violence* on this account insofar as they are intended to inflict destructive harm by means intended to deprive targets of any means of resistance to it, rather than by the presence or absence of ‘armed force’ as such. Likewise the use of sanctions: arguably these may or may not aim precisely at destructive harm to their targets. If so, the distinction between violent means and those that are not violent therefore draws a different line from the one marked by the UN Charter’s differentiation between means of enforcement excluding ‘armed force’ (art. 41 including sanctions) and those requiring it (art. 42 such as ‘blockade’).¹³

¹³ My thanks to Joseph Nye, Jr for pressing me on this application of the theory.

Asymmetries of power / vulnerability therefore permit agents to project harm towards potential victims, increasing the chance that they will suffer violence. But *vulnerability* is *not violence as such*, on this account, which occurs only once an agent exploits, intensifies, or creates radical asymmetry through Violent Agency. This is expressed in acts designed to deepen the victim's vulnerability drastically by increasing the degree to which the agent dominates them to whatever extent remains *necessary* to harm them destructively (and to whatever extent it is *possible* for the agent to do so).

At the margins of violence

Objections to which the Double-Intent Account must respond arise along four lines of argument: first, that it is over-inclusive, encompassing *any* serious attempt at harming; second, that it under-cludes by excluding acts that are 'violent' due to their *foreseeable* but *unintended* consequences; third, that it implausibly excludes cases of consenting violence; and fourth, that it faces what I will call the *defence* and *futility* objections.

Over-inclusion

First it might be asked whether Violent Agency (as I define it) doesn't occur in *any* attempt conceived in earnest (what John Locke called a 'settled design') to harm another person. Isn't it true that anyone truly resolved on harming would try to eliminate their victim's means of resistance? And if so, wouldn't Violence_i become equal to *all serious attempts at harm*?

In general, while Violence_i may be an efficient and, consequently, a common way to realize a settled design to harm, it isn't the only one. Consider two alternative courses of action that someone – call him Godfather – might take against a man who had previously wronged him, say, by killing Godfather's beloved relative. Godfather wants 'justice' and has the option, first, to use his private investigator to help bring charges (by the legitimate means of gathering evidence) and help secure criminal conviction and, hence, the death penalty. Or, second, he could exact revenge directly by planting a bomb in the man's car. Let's imagine that in the circumstances both means of harming had the same probability of success (due to the strength of the evidence or the difficulty of organizing a reliable assassination). The man might be lucky and escape either, but one vital difference between them is that, whereas proceeding against the man through a court of law affords him an opportunity to defend himself, planting a bomb does not. This is why, although either could issue from a clear, settled intent to harm, the latter is a case of Violence_i while the former isn't (even if, for contingent reasons, the odds are the same either way). By contrast, were the Godfather's investigator instructed to manufacture false evidence and destroy material helpful to the man's defence, then it would no longer be part of a non-violent attempt to secure justice. It would be an act of Violence_i writ large, one that instrumentalized the powers of the court to inflict harm while intentionally depriving the victim of his means of defence.

Speech is another medium through which one might intentionally harm another without excluding opportunities for defence though I'll indicate below some ways in which it too might be sometimes be instrumentalized within a technique of Violence_i.

Collateral harms

Some theorists argue that describing an act as ‘violence’ shouldn’t necessarily require that its agent *intend* harm. For Vittorio Bufacchi, for instance, the category should include actions threatening foreseeable but unintended harms. Since the Double-Intent Account defines violence by a double *intention*, it is necessary to defend it from this argument.

As illustration, Bufacchi borrows H. L. A. Hart’s example of FENIANS:

In 1868 there lay in jail two Irish Fenians, whom the accused attempted to liberate. For the purpose, one of them dynamited the prison wall outside the area where it was believed the inmates would be at exercise. Though the ploy failed, the explosion killed some persons living nearby (H. L. A. Hart in Bufacchi 2007, 75).

This is violence, Bufacchi argues, ‘not because the [bomb plotters] intended to kill anyone (they clearly did not), but because the fatalities were foreseeable, therefore the deaths were avoidable’ (Bufacchi 2007, 75). Indeed few, presumably, would find it satisfactory to exclude such an obvious example of violence. This seems problematic for an account that takes a specific way of intending harm to be definitional of violence. I’ll first offer an interpretation of FENIANS that addresses the difficulty and then seek further clarification from a slightly trickier hypothetical.

Like Bufacchi, I presume that violence encompasses attempts to damage property and other things external to the body insofar as doing so can constitute destructive harm affecting people: as well as destruction of personal property, it includes sabotage of public utilities, spaces, or monuments (see Mandela 2002, 151; in the context of war, see Stone 2012, 105-6). The first line of response to FENIANS is therefore to point out that bombing the prison constitutes an act of violence itself regardless of its unintended consequences. What we might call the Fenians’ ‘primary act’ therefore satisfies the criteria of Violent Agency. If the bombing also killed people collaterally, then we can say on this basis that they died ‘as a result of an act of violence’. But while the victims suffered harmful consequences *as a result of* violence, it doesn’t necessarily follow that the Fenians committed *an act of violence against* them. Eliding the two descriptions marks a shift from literal to metonymic description.

To throw into sharper relief the salience of the *primary* – i.e. intended – result in altering the way we describe an act considered as a whole, consider another hypothetical:

POTHOLING: Explorers are trapped in a partially collapsed cave and are running out of oxygen. Rescuers discover that only a carefully managed dynamite explosion will unblock the cave and release them. But the explosion will also unavoidably destroy someone’s house near the cave entrance. Its owners haven’t consented but the dynamite is detonated, the explorers saved, and the house destroyed.

As with FENIANS, the owners suffer harm foreseeably and by the deliberate use of classically ‘violent’ means. But are they victims of an act of violence? The primary act seems intuitively not to merit that characterization, nor does it fit the definition of violence on either the Strict or Double-Intent accounts, so we cannot say that they ‘suffered from an act of violence’ in the way the Fenians’ victims did. But neither, I think, would we say that the rescuers committed an act of violence against them. If so, then foresight of the harm doesn’t appear sufficient to make this an act of violence which tends to confirm that intention *is* a prerequisite for that description.

I want to anticipate a second line of response to FENIANS that some might think appropriate according to which Violent Agency should also encompass at least some cases where *reckless* behavior threatens harm in such a way as to close the window of opportunity for defence. Think, for instance, of the casualties in Tripoli, 2011, caused by rebels firing their guns into the air in celebration of victory (a practice sometimes called ‘celebullets’ (Zeitoun 2011)). Should we describe these gestures as ‘acts of violence’?

While these actions were vanishingly close to acts of violence, I think they were nevertheless different in a significant way. The gunmen used a technology *originally* designed to threaten harm *and* to narrow their targets’ response window and, although unintended, their manner of using it risked fulfilling that original design. However, I don’t think it a trivial matter that the rebels acted in a way that was not intended to cause harm. For sure, an elementary sense of physics (and of responsible behaviour) might have indicated that the risks to bystanders were unacceptably high and their actions were probably reprehensible. But they didn’t involve Violent Agency and are therefore more accurately described as acts of ‘callous recklessness’ rather than of ‘violence’.

In this respect, the Libyan rebel is comparable to a drunken driver. Both know the potential of their instrument for serious harm; both, we’ll assume, (ought to) realize that the way they use it imposes an unacceptably high risk on others; both (ought to) recognize that they are using it in a way that serves no purpose of sufficient moral value to countervail against this risk; both, therefore, act irresponsibly and may rightly be seen as culpable if they do in fact harm others as a result (and even, in a lesser degree, if they don’t). Now, I think at least some of those who would have wished to describe the rebels as *literally* being engaged in violence would nevertheless agree that if we said the same about the drunken driver we would be speaking *figuratively* (if not downright inaccurately). But if both actions involve essentially the same sort of recklessness, then why distinguish between them in this way?

It can’t have to do with differing degrees of risk because either might be worse depending on circumstances. I therefore suspect it has to do, once again, with metonymy. The rebel’s gun is an instrument originally designed to serve Violent Agency; and in the celebrations, its use for *other* purposes nevertheless poses risks similar to those it was designed for (even if perhaps to a different degree). It seems natural, therefore, to characterize the rebel’s actions as ‘violent’ figuratively and, because of their close resemblance to Violence, it is easy to mistake metonymy for literal redescription. The relationship between the drunken driver’s

actions and a true case of Violence_i, however, is less direct, so redescribing it as such is more obviously figurative.

On the Double-Intent Account, therefore, when civilians suffer harms as a side-effect of permissible attacks in war, we shouldn't say, strictly speaking, that *the agents perpetrated acts of violence against the civilians* but we can certainly say that *the victims suffered as a result of acts of violence*. (This is true, incidentally, of any definition of violence that makes the *intention* to cause harm definitional of the act (including variants of the Strict Conception).) In this respect, it tracks the logic of the Doctrine of Double Effect (DDE) quite closely. But I'll indicate in the final section one way in which the Double-Intent Account might also add further weight to the burdens of responsibility that the DDE imposes on combatants in war.

Harming by consent

To illustrate the *consent* objection, imagine two friends agreeing to take turns hitting each other; each also agrees not to resist the other.¹⁴ This is a clear case of violence but since neither has to evade the other's defences, the objection goes, the Double-Intent Account must exclude it. But I don't think it does. Consider, by way of a response, what might motivate such an unusual agreement:

- a) PAIRED SADISTS: Each wants to hurt but without the desire to *be* hurt; *or*
- b) PAIRED MASOCHISTS: Each wants to be hurt but without the desire to hurt.

In PAIRED SADISTS, the relationship is a contracting one in which each agrees to receive an unwanted injury in exchange for the benefit of *inflicting* one. It is a peculiar case, therefore, of *opportunistic* Violence_i: each exploits something about the circumstances of the other to lower their guard, namely, their compulsive desire to inflict pain. Consenting to endure a punch is thus a means by which each realizes the second part of double intent. The case only seems problematic for the Double-Intent Account if we assume the contract is external to the violence. Once we view it as *a constituent part of* the violence, it is clear that SADISTS intend *both* [1] destructive harm and pursue it by means intended [2] to eliminate or evade the other's defences.

Whereas PAIRED SADISTS belongs squarely within the category of Violence_i, PAIRED MASOCHISTS is more ambiguous. On the one hand, if both *want* to be hurt – for instance, if each somehow experienced pain as a source of exhilaration – we might question whether either is really harmed at all. And if neither inflicts harm, then neither commits Violence_i. If this judgement seems perverse, then compare voluntary euthanasia. Where physicians end the lives of patients seeking to avoid a protracted, more painful death, one could surely deny that they thereby commit acts of *violence*. One reason for this, presumably, is a doubt that killing someone, in such cases, really inflicts *harm* rather than, as some argue, a 'benefit' (summarised in Young 2015). PAIRED MASOCHISTS might then be interpreted along similar

¹⁴ My thanks to an anonymous referee for suggesting this sort of counter-example.

lines, *mutatis mutandis*. If pain is experienced by each as a benefit, then, by inflicting it, the other acts more like a physician tending to the other's needs than a violent assailant in the moral sense of the term.

But perhaps, on the other hand, the MASOCHISTS do not precisely *enjoy* pain but suffer from crippling feelings of guilt that can only be assuaged by inflicting genuine suffering (Feinberg 1984, 115). In which case, we might be more inclined to a second interpretation. Both MASOCHISTS and suicides of various kinds might be seen as engaging in Violence; if we distinguish more sharply between what they destroy (x) and what they hope to gain (\approx). Take a genuine case of voluntary euthanasia sought by someone with terminal illness first. We might want to say that this is not an act of violence because of (a) consent and (b) the putative benefit to the patient. But I suspect this to be a distraction arising from focusing on the *physician* as agent. In the best case, presumably, the physician is merely an accessory, whereas the principal agent is the patient. The question then isn't whether the physician commits an act of violence, but whether the patient does. If we follow the analysis from section 3, it is possible to argue that the patient intends destructive harm insofar as he hopes to benefit from one thing, the relief from continued pain (\approx), by depriving himself of another, continued life (x). As for the second part of double intent, as Ludwig Wittgenstein once remarked, 'anyone who has visualised what is in practice involved in the act of suicide knows that suicide is always a rushing of one's own defences' (quoted in Monk 1991, 187). If true, it reflects the idea that even where the agent is also the patient, there will be a need to engage in conflict with oneself, suppressing intentionally one's instinctive tendency to block a threat. So, with both destructive harming and double intent in place, it is possible to see suicide even in the best case as 'Violence' (which presumes nothing about its permissibility).

Turning back to PAIRED MASOCHISTS, whether compelled by guilt or by a pleasure derived from pain, their arrangement can be interpreted in terms similar to that between the patient and the physician. Even if they find pain or injury desirable, they may still need to storm their own reflexive defences in order to bring them about. Partnering helps overcome the problem: while each must still suppress an instinct to raise an arm in defence, both enjoy the assistance of another who is willing to throw the punch at sufficient speed to inflict the desired injury. So, as with euthanasia, the masochists may be seen as engaging in Violence; insofar as each recipient of a punch is also its author (with the other acting as accessory). As such, each intends [1] a harm to himself by an elaborate means [2] of overcoming his own defensive reflexes; \approx the gain each enjoys (relief from guilt; exhilaration) differs from x what each deprives himself of (freedom from injury and pain).

Defence and futility objections

To illustrate the *defence* objection, consider two hypothetical cases. In the first, GUERRILLAS attack a military compound and try to kill as many soldiers as possible, realizing that they will themselves be killed in doing so. Or, similarly, imagine SOLDIERS being sent over the top of a trench in World War I, and running with guns blazing into enemy fire. They know they have little chance of harming the enemy and every chance of being killed. In both cases,

since the agents are all killed, it might seem that the targets' 'defences', on one possible understanding of that term, remain intact, rendering the second intent moot (call this the *defence* objection); in the second, the absence of any reasonable expectation of harming the targets destructively seems to render the first intent moot (the *futility* objection).¹⁵

Take the *defence* objection first: the word 'defence' is sometimes used ambiguously between two aspects of what someone does in an attempt at 'self-defence'. On the one hand, they defend themselves against the *attack*, by which I mean they block it, prevent it, or deflect its intended effects. On the other, we might say they *defend* themselves against the *attacker*. Sometimes the best means of escaping an intended harm is to inflict defensive harm on the agent threatening it; hence, defence in the first sense might require defence in the second. On the other hand, where the victim of an attack harms their assailant while realizing that there is no way that doing so can defend against the *attack*, it can be argued (and is often assumed) that the harms are not, strictly speaking, *defensive* (Rodin 2002; Statman 2008). Even if we thought them justifiable, it would have to be for reasons other than defence, strictly speaking, like retribution or to prevent future attacks on others (see Statman 2008). In the Double-Intent Account of Violence, 'defence' is intended in the first sense. This means that in cases such as SOLDIERS and GUERRILLAS, Violence_i may be said to have occurred even if the agents had no chance of surviving. As long as they can reliably be said to have intended both destructive harm to their targets and the elimination or evasion of their defences *against the attack*, then the cases satisfy the requirements of Violence_i in spite of expecting harm to the attacker.

For a variation on the *defence* objection, consider another hypothetical: TERRORISTS launch an attack intended to provoke their enemies into an indiscriminate counter-attack, radicalizing the affected population and intensifying support for the terrorists. This might be seen as a case where an act of violence is intended to *widen* the enemy's response window rather than narrowing it.¹⁶ But again, this misapplies the theory. In fact, TERRORISTS aim at *two* assaults against *two* targets and they employ a technique that will realize the double intention in each case. The first targets are those harmed and rendered defenceless by the initial terrorist attack; the second are those harmed and rendered defenceless by a counter-attack engineered by the TERRORISTS.

As regards the *futility* objection, success is not part of the definition of Violence_i; nor, for that matter, is 'reasonable prospect of success.' All that is required is *intent*, and this is satisfied fully where the agent *believes* they have *any* chance of realizing the double aim at all. In the first example, soldiers combine the method of storming an enemy with the use of firearms to evade enemy defences *as far as possible*. That this might not be *as far as necessary* does not render it any the less an act of Violence_i. What it means is that the soldiers might engage in an *unsuccessful* act of Violence_i.

¹⁵ My thanks to the editors of *International Theory* for suggesting these cases.

¹⁶ This is another counter-example suggested by the editors.

Conclusions

To justify the ethics of violence, as I argued at the outset, it is necessary, first, to defend the claim that violent means require a special justification. This demands, in turn, a defence of twin premises on which that claim depends: that there is, secondly, a category of ‘violent’ things similar enough to each other and sufficiently distinct from other phenomena to form a distinct category (Harris 1980, 18; Coady 2008, 41); and, third, that even if they aren’t necessarily always worse than anything else, they are nevertheless troubling in a distinctive way (cf. Nielsen 1982, 25; Coady 2008, 42; Audi 2009, 136). These assumptions underpin what Žižek calls the special ‘fascination’ of violence in the narrow sense exhibited by just war theory and its contemporary relatives (2008, 10). The Double-Intent Account is offered as a means of withstanding challenges to all three. I conclude with some reflections on how it does so and on its significance for international ethics particularly as regards war.

The Double-Intent Account justifies using the term in a narrow sense and helps decide on some tricky cases, clarifying the borders of ‘violence.’ It also explains the superficial plausibility of the Strict account of Violence, with its emphasis on the sensationally ‘violent’ characteristics that Harris, seemed like a thought unimportant. This is because shutting down someone’s opportunity to evade a threat is often best achieved by harnessing forces that are descriptively violent, operating suddenly or even explosively. But this isn’t the only way of realizing such intentions and the Double-Intent Account also suggests some modestly revisionary adjustments to the category indicated by the Strict Conception.

First, if violence is defined by Violent Agency, then there is no reason to exclude inflicting psychological harm by means designed to bypass a victim’s means of resistance. This permits including the use of sensory overload or deprivation to undermine the psychological integrity of detainees. Granting that, it is necessary, second, to add the more revisionary observation that one way to cause mental distress (sometimes with further severe and enduring consequences) is through speech. Abusive and degrading language might be directed at someone in a loud and sustained manner and in such a way as to prevent them from defending themselves (whether from the sheer force of the attack or from the import of the words used). Or hate speech might be posted anonymously on billboards. As Jeremy Waldron writes, this creates ‘something like an environmental threat to social peace, a sort of slow-acting poison’ and ‘a calculated assault on the public good of inclusiveness’ and ‘dignity’ (Waldron 2012, 4, 5-6). My analysis suggests that the connection Waldron makes here between hate speech and violence might not be purely metaphorical, a thought reflected in various legal judgements in the US concerning forms of speech that might not merit protection under the First Amendment (‘fighting words’ that ‘by their very utterance inflict injury’ (Newey 2013, 22)).

Third, cyber-technologies such as computer viruses might also be employed in acts of violence, on this account. Thomas Rid argues that cyber-attacks aren’t *acts of war* since, among other things, they generally lack the direct relationship with ‘lethality’ that he regards as definitional of warlike ‘violence’; moreover, ‘[i]n an act of cyber war,’ he adds, ‘the actual

use of force is likely to be a far more complex and mediated sequence of causes and consequences that ultimately result in violence and casualties' (Rid 2012, 9). But cyber-attacks can exhibit the necessary features of Violence_i. Rid's hypothetical 'logic-bombs' that cause train crashes, electricity black-outs, and the collapse of air traffic systems, clearly aim at *destructive harm* while evading or incapacitating the fire-walls and other defences set up to resist them (Rid 2012, 9). It is therefore possible to classify at least some such attacks not only as precipitators of violence but as *acts of violence themselves* on the Double-Intent Account.

As regards war, whereas Violence_i seeks to achieve and harness a relationship of domination in order to inflict injury, as I suggested in the last part of section 3, *war* in a Clausewitzian sense inflicts Violent_i injury as a means of establishing dominance. This is secured once a belligerent achieves strategic superiority such that their ability to inflict further Violence_i exceeds that of their opponent to such a degree that they accede to less damaging demands (see Rid 2012, 8). As Clausewitz writes,

Force – that is, physical force [...] – is [...] the *means* of war; to impose our will on the enemy is its *object*. To secure that object we must render the enemy powerless; and that, in theory, is the true aim of warfare (1993, 83; cf. Scarry 1985, 77; cf. *ibid.* 79 on Kecskemeti and, for a contrasting account, Stone 2013, 104-6).

Some wars aim as a whole purely at remedying or preventing harm. But if victors seek *dominance* in order to *harm* the defeated, then their *war* as a whole might itself constitute an *act of violence*. Whether it does depends on whether it aims at a *destructive* harm to the enemy as opposed to an *appropriative* one. However, the distinction between *wars* that are also *acts of Violence_i* writ large and those that aren't doesn't necessarily correlate with the distinction between *just* and *unjust* wars. The attempt to deteriorate an enemy's capacity to harm civilians might constitute both a *destructive harm* and a *just cause*. Likewise, wars aiming at the wrongful acquisition of territory or resources intend *appropriative harm* but are nonetheless *unjust*.

On the account I offer, the presence of Violent Agency explains why Violence_i is not only distinctive but also distinctly troubling. Its 'fearful associations' (Harris 1980, 21) arise from the way Violence_i is designed to elude defensive or evasive measures whereas other kinds of agency (and structures) have only a contingent (if, perhaps, frequent) relationship with harm. This in turn clarifies, second, why it is peculiarly hard to justify employing Violence_i and why it requires special attention in ethics: it is harder to justify threatening a given degree of harm through Violence_i than in other ways because Violent Agency will itself increase the probability that the harm will occur to the fullest possible extent. As a causal factor, it thus makes things worse, all else being equal. But more than this, we can also say that even if we hold the actual harms resulting to be equal between two different acts, one by a Violent_i Agent and one by an agent of another sort (reckless or negligent, for instance), then the former will usually bear a greater degree of moral responsibility and, in case of wrongful harming, be the more culpable. Judgements about the presence of Violent Agency thus issue *in* and not *from* judgments about culpability. As a general rule, consequently, the more alike to a case of Violence_i an action (or inaction) causing wrongful harm is, the more likely it is – all

else being equal – that we will condemn it, the more forcefully we will do so, and the harder it would be to justify resorting to it.

The idea of Violent Agency therefore also helps explain why successfully redescribing an act as unjustified ‘violence’ can have the permissive effect illustrated by Žižek and the RAF in section 2 and why there is such a close association in just war theory between just cause and prior or threatened ‘armed kinetic attack’ (Fabre 2012, 108-10). Žižek’s move harnesses a tendentiousness seemingly inherent in the word ‘violence’ as commonly used. If ‘institutional injustices’ come to be redefined as ‘forms of violence,’ Steven Lee writes, ‘this would be relevant to determining whether a violent response on the part of those who are being treated unjustly is justifiable, as, under common moral notions, the violence of aggression can sometimes justify the violence of defense’ (1996, 68; also, van der Linden 2012). The association between violent threats and justified counter-violence is also implicit in Cécile Fabre’s analysis of justified ‘subsistence’ wars. To make her case, she has to defeat just war theory’s implicit commitment to a paradigm case of ‘defensive’ force defined by the prior threat of ‘an armed, kinetic, attack’ (2012, 108-110, 118). The reason suggested by the account of violence I offer is that, by definition, actions involving Violent Agency are those designed to exclude means of defence. The more successful the act of violence, therefore, the narrower the range of options it leaves its target. If Violent_i acts thereby eliminate the chance to use things like blocking, parrying, negotiating or escaping, then it is likely that in many cases they leave victims with only Violence_i itself as their remaining means of defence. It would therefore be unsurprising if Violence_i often generated the conditions of necessity and proportionality that justify Violent_i defence (cf. Coady 2008, 42).

This won’t, of course, exclude the possibility that human harming not arising from Violent Agency could sometimes justify Violent_i defence. Accommodating this possibility doesn’t, however, require a redefinition of the concept: ‘there are other evils in the world than violence,’ as Norman Geras writes, but, ‘to argue that (some) violence is justified in a struggle against them, one has no need to extend its core meaning [...] to embrace them all’ (1989, 187-8). Instead, clarifying the role of Violent Agency in Violence_i helps specify the conditions in which non-Violent_i anthropogenic threats could justify armed resistance, potentially including international war.

In a nutshell, the closer a form of harm-threatening agency is to Violence_i in its effects or intentional structure, the more likely it is to constitute *prima facie* just cause for a Violent_i defence. To illustrate, consider a hypothetical case of the sort discussed in recent just war debates about resource wars:

DROUGHT: State A causes drought in neighbouring state B by diverting a river traversing their territory. A’s aim is to improve agriculture within its own borders; the drought is incidental, a foreseeable but unintended consequence of A’s policy, albeit one that causes a large number of fatalities.

State A's action is not an act of Violence_i, strictly speaking, but it might justify force if there were no other means to avert fatalities (as Fabre argues (2012, chap. 3)). This is because of the closeness of the case to a true instance of Violence_i: at some point, let's assume, if diplomatic efforts fail, then State B will have exhausted all other means of evading drought and its consequences. Its predicament will then be little different from that of a victim of Violence_i as it faces a now imminent threat of harms commensurable with those associated with 'armed, kinetic, attack' and with a rapidly narrowing response window. Not only are the *effects* close to those associated with Violence_i; but so too is State A's leaders' form of agency. The fact that they created a situation in which State B faced the threat of severe harm and a narrowed response window *knowingly* is part of what makes it plausible to think some individuals in State A might be liable to defensive harm even if it wasn't precisely *intended* either as an end or the means of achieving their aims (cf. Gargarella 2007, 371 and Fabre 2012, chap. 3). But even while the Double-Intent Account leaves such possibilities for justifying armed resistance open, it also maintains our ability to demarcate crucial differences between those cases that *are* tantamount to Violence_i and the many others that aren't by upholding and clarifying a narrow understanding of the concept.

Finally, the Double-Intent Account harmonizes with the Doctrine of Double Effect (DDE), which accounts in just war theory for the idea of collateral damage and the circumstances in which foreseeable harms to non-combatants might be permissible in war. But it also suggests a further refinement. On the Doctrine's usual interpretation, non-combatants are immune from *intentional* but not proportionate *foreseeable* harm. Michael Walzer adds a further refinement that merely *not intending* harm is insufficient; double effects are permissible only when soldiers *minimize* foreseeable harm by choosing alternatives that maximally respect non-combatant immunity. They therefore must pursue a '*double intention*' different from the one defining Violence_i: ensuring that both [i] 'the "good" be achieved' (the legitimate military objective) and [ii] 'that the foreseeable evil be reduced as far as possible' (1977, 155). But if military Violence_i itself seeks to realize *two* intentions, as the Double-Intent Account maintains, then just war theory ought to recognize that non-combatants can suffer two types of collateral consequence and demand that combatants do their utmost to minimize *both*. Where they must attack a military target but (proportionate) side-effects are unavoidable, therefore, Violent Agents ought to pursue a *triple* intent that inverts the agential structure of Violence_i, viz. [i] to secure the good (the military target) while minimizing civilian casualties by [ii.a] choosing those means of attack that cause the fewest side-effect harms while (additionally) [ii.b] help non-combatants avoid it by sparing defences or offering escape.

This refinement helps make sense of what Walzer takes to be a 'commonly accepted' principle, 'that soldiers are under an obligation to help civilians leave the scene of a battle' (1977, 168-70). Both of the *intentions* that I argue are characteristic of Violence_i affect civilians collaterally but minimizing their effects might not demand precisely the same measures. For example, where soldiers encircle their enemies in order to maximise their vulnerability to destructive harms, Walzer's idea of *double intent* might demand choosing ground attack rather than relying on an airstrike that risked higher levels of collateral harm to civilians (1977, 154-

6). But even then, it could still leave civilians exposed by the attempt to eliminate the means of defence and escape available to enemy soldiers as they remained trapped in the circle. What the theory of Violent Agency points towards, here, is the wider duty born by combatants to diminish side-effect *harms* yet further by reducing collateral *vulnerabilities* where possible which they may do by protecting safe zones and establishing corridors through which non-combatants can escape the fighting.

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