

The Subject of War, From Salamanca to Sydney Cove

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As is now well known, Australia's colonisation by Britain (from 1788) was accomplished without the 'consent' of the Indigenous inhabitants, or the negotiation of any kind of treaty. Its accomplishment was aided by the violence of the colonisers against the Indigenous inhabitants. This violence was never officially acknowledged by colonial authorities to be a form of 'conquest', or even to be a 'war' at all. That it was not was in part due to the fact that the Indigenous inhabitants of Australia were not regarded by the colonisers to be subjects against whom a war could in fact be waged. Australia's early colonisation offers a particularly galling example of the conceptual myopia in the development of European discourses of international relations. Within these discourses, in part derived from the work of the Salamanca School theorists in the sixteenth century, warfare was seen as an increasingly disciplined form of violent engagement between the subjects of sovereign states. In arguing so, European thinkers came to see the subject of war as a self-disciplined, rights-bearing individual inhabiting a civil space underwritten by relations of private property and guaranteed by the sovereign state. In this way, the subject of war was differentiated from the undisciplined violence of non-subjects - those in rebellion against their sovereign, or those who were without sovereignty altogether. By the eighteenth century, this constellation of concepts was framed by the articulation within European thought of notions of civilisation which tied the subject of war to an historicised account of the difference between supposedly 'civilised' societies and so-called 'savage' peoples. This pretension to civility, especially in the practice of war, underpinned European claims to their right to empire over 'uncivilised' peoples. In this way, I will argue that notions of civilisation are central to our understanding of the development of IR discourse. Moreover, understanding this development helps us to contextualise the official denial of both a treaty or

a war of conquest in Australia's early colonisation. Finally, it will be argued that contemporary problems of how to conceptualise asymmetric warfare and terrorism can be traced in part to the long history of how European thinkers construed the subject of war.

Introduction

When Captain Arthur Phillip had his official instructions read to the assembled officers, marines, convicts and assorted other colonists at Sydney Cove on February 7th, 1788, the sovereignty of His Majesty's government was asserted 'over all those Territories, belonging to his Britannic Majesty', investing 'full power and authority' in the office of his Governor of the colony.¹ This was not, as the British saw it, a dispossession of the Indigenous inhabitants, because they did not regard the Indigenous peoples to be exclusive owners of the entire surface of the continent. Above all however, this taking of possession and the blank assertion of British sovereignty was not considered to be a conquest. There had been and would be no war and no peace negotiation over the presumptive right the British assumed they had to take possession. Consequently, there would be and indeed in the eyes of British officials there could be no treaty with the Indigenous inhabitants of Australia.

The explanations offered for this decision, or perhaps more accurately non-decision, are many and various. One of the most popular, if contentious, explanations hinges on the assumption that the British were supposed to have made that New Holland (or Australia) was *terra nullius*.² This assumption was that the whole continent was an uncultivated waste-land, un-owned by its nomadic inhabitants, and therefore available for European colonisation. There is however, considerable doubt over whether the British did make use of this legalistic formulation in 1788. With this in mind, some revisionist historians have suggested that British colonisation of Australia

¹ A. Bowes Smith, *The Journal of Arthur Bowes Smith: Surgeon, Lady Penrhyn 1787-1789*, P. G. Fildon and R.J. Ryan (eds.), (Sydney: Australian Documents Library, 1979), p. 68.

² This material is discussed more fully in Bruce Buchan, *Empire of Political Thought: Indigenous Australians and the Language of Colonial Government*, (London: Pickering and Chatto, 2008, forthcoming).

was relatively humane, the absence of any treaties notwithstanding, and indeed 'civilized'. I will argue in contrast however, that the conceptual mechanisms that facilitated British colonisation were much more complex than the debate over the application or non-application of *terra nullius* implies. Indeed, the early colonisation of Australia illustrates how some of the most central assumptions in the early development of European conceptions of international relations (IR) were applied in a colonial context.³ This argument does not deny the obvious influence of exigent factors over the course of Australia's early colonisation. Such factors included the absence of the other European colonial powers in Australia, or the impact of the kind of frontier conflict that developed in Australia after 1788. Rather, those exigent factors helped to reinforce prevailing assumptions in European thought about the nature of international interaction.

It has become a commonplace in IR literature that the sphere of interaction designated by the term 'international relations' only really came into existence after the emergence in Europe of sovereign states in the sixteenth century, and the consolidation of an international system of states following the Treaty of Westphalia in 1648. This view implied a conception of the international as a more or less horizontal plane of interaction between more or less powerful but similarly sovereign states occupying different geographical locations.⁴ The basic unit of this view of the international, and hence the more or less exclusive focus of IR study, is the sovereign state. States may variously be conceived in IR literature as interest maximising rational actors, as institutional mechanisms geared toward the international

³ David Boucher, 'Property and Propriety in International Relations: the Case of John Locke', in *Classical Theory in International Relations*, ed. Beate Jahn, (Cambridge: Cambridge University Press, 2006), 156-157, 176-7 [156-77]; Paul Keal, *European Conquest and the Rights of Indigenous People: The Moral Backwardness of International Society*, (Cambridge: Cambridge University Press, 2003), pp. 34-5; and Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*, (Oxford: Oxford University Press, 1999), pp. 42-5, 102-8.

⁴ R.W. Mansbach, 'Deterritorializing Global Politics' in *Visions of International Relations: Assessing an Academic Field*, ed. D.J. Puchala, (South Carolina: University of South Carolina Press, 2002), p. 103.

projection of domestic sovereignty, or even as political structures shaped by pervasive normative values.⁵

Debate continues however, on whether to conceptualise the international realm of interaction between these states as essentially 'anarchical' or more or less 'orderly', and what role norms and values play in it.⁶ I will argue that the very development of early conceptions of the international were normative insofar as they were inscribed with a particular narrative about the development of states, premised on a particular relationship between the state and its 'subjects'. In this way, I will argue that later conceptions of the nature of IR imbibed powerful assumptions about historical progress. One effect of these assumptions was to exclude from the conceptions of the international certain peoples (deemed less developed) who could be denied international recognition (in both treaties and wars).⁷

The origins of Western conceptions of the international were based on an assumed trajectory of historical and social development in which the horizontal 'plane' of interaction could itself be seen as a measure of development, a historical level of achievement. On this view, the essentially horizontal (and geographical) interaction between similarly sovereign states that constituted 'the international' emerged from and rested upon a vertical (and temporal) trajectory.⁸ Where this temporal trajectory has been acknowledged, it has usually been associated with processes of civilization centred on the progressive limitation of violence.⁹ This however, is not quite how early theorists of the international saw it.

⁵ D. Lemke, *Regions of War and Peace*, (Cambridge: Cambridge University Press, 2002), p. 22; Barry Buzan, *From International to World Society? English School Theory and the Social Structure of Globalisation*, (Cambridge: Cambridge University Press, 2004), pp. 44-45.

⁶ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, (London, Macmillan, 1977), p. 8, and pp. 5-21; H. Bull and A. Watson (eds.), *The Expansion of International Society*, (Oxford: Clarendon Press, 1984); Heather Rae, *State Identities and the Homogenisation of Peoples*, (Cambridge: Cambridge University Press, 2002), p. 15.

⁷ For example, see Buzan and Little on 'pre-international systems' in B. Buzan and R. Little, *International Systems in World History: Remaking the Study of International Relations*, (Oxford: Oxford University Press, 2000), pp. 111-133.

⁸ Andrew Linklater, *The English School of International Relations: A Contemporary Reassessment*, (Cambridge: Cambridge University Press, 2006), pp. 117-122.

⁹ Linklater, *The English School*, p. 134.

For them, historical development (or civilization) involved the more effective sovereign control of overwhelming violence (in war) due to the development of new relationships between states and their subjects. These subjects were conceptualised as self-disciplined, rights-bearing individuals inhabiting a civil space underwritten by relations of private property guaranteed by the sovereign state.¹⁰ In this way, the subject of war in IR has become a measure of both sovereignty and civilization. One of the most important ways in which the measure was used was in differentiating the ordered, disciplined and supposedly limited violence of war from the supposedly undisciplined and limitless violence of non-subjects – those people deemed ‘savages’ (or in contemporary parlance ‘terrorists’) who existed outside of the relationship between states and their subjects.¹¹

1. The Subject at Salamanca

The conceptualisation of this relationship between sovereigns and subjects has deep foundations in European political thought but it received particularly influential expression in Early-Modern Natural Law (NL) theory.¹² Some of the most influential NL theorists of this period were the members of the Spanish Salamanca School, who followed the work of the Dominican scholar Francisco Vitoria. Some IR scholars have identified the significance of Spain as an early sovereign state, and have used it as an example of the influence of religious and other values on the ‘international’ conduct of states.¹³ Few IR scholars however, have acknowledged the leading role of the Salamanca Scholars in articulating a new conception of ‘the international’ that was not solely based on religion, but on the conceptualisation of a legal relationship between states and subjects.

The achievement NL theorists was to provide an account of the development of this relationship in Europe framed by an apparently natural, universal

¹⁰ Rae, *State Identities and the Homogenisation of Peoples*, p. 48.

¹¹ Bruce Buchan, ‘Civilization, State Sovereignty and War: the Scottish Enlightenment and International Relations’, *International Relations*, 20: 2 (2006), pp. 175-92; M.B. Salter, *Barbarians and Civilization in International Relations*, (London: Pluto, 2002).

¹² Tuck, *Rights of War and Peace*.

¹³ Rae, *State Identities and the Homogenisation of Peoples*, p. 64.

scheme of historical development. Within this scheme, the development of sovereignty was tied to a naturalistic account of property ownership and the development of law within European societies. This account was phrased in terms of the primary injunction of European NL thought that the right to property derived from the rational capacity of human beings to make proper use of nature (through agriculture and trade) in order to sustain life.¹⁴ A central feature of NL thinking then, was a conception of the individual as a rational self whose agency was tied to property ownership and accumulation. The individual and its property however, both required protection.

For Vitoria, individual reason was an insufficient protection from the uncertainties of nature, and thus 'mankind was obliged to give up the solitary nomadic life of animals and live life in partnerships (*societates*)'.¹⁵ Of all 'partnerships' the best able to compensate for individual human weakness and to provide the order and security in which individuals may develop their talents was a 'civil partnership (*civilis societas*)'.¹⁶ The kind of civil partnerships Vitoria had in mind here were ordered communities with regular systems of written laws under the authority of recognised rulers.¹⁷ This apparently naturalistic account of the emergence of civil polities did not entail a naturalistic account of sovereignty. Initially Vitoria claimed that the power of sovereigns and of their commonwealths both derived from God, and that there was no transfer of power from commonwealths to sovereigns by means of institution.¹⁸ In his later work on *Ecclesiastical Government* [1532], Vitoria expressly altered this position and asserted that 'all the power of secular princes comes from the community and commonwealth'.¹⁹

¹⁴ Anthony Pagden, 'Stoicism, Cosmopolitanism, and the Legacy of European Imperialism', *Constellations*, 7: 1 (2000), pp. 8-10; Francisco Vitoria, 'On the American Indians' [1539] in *Francisco de Vitoria, Political Writings*, eds. Anthony Pagden and Jeremy Lawrence, (Cambridge: Cambridge University Press, 1991), q1, a2, pp. 240-243; also, pp. 278-80.

¹⁵ Vitoria, 'On Civil Power' [1528], *Francisco de Vitoria, Political Writings*, § 4, p. 7

¹⁶ Vitoria, 'On Civil Power', § 4, p. 9.

¹⁷ Vitoria, 'On Civil Power', § 8, pp. 14-15.

¹⁸ Vitoria, 'On Civil Power', § 10, pp. 18-19.

¹⁹ Vitoria, 'On the Power of the Church' [1530], *Political Writings*, § 3, pp. 103-4. K. E. van Lieere, 'Vitoria, Cajetan, and the Conciliarists', *Journal of the History of Ideas*, 58: 4, (1997): 615.

In arguing so, Vitoria's express purpose was to separate secular from ecclesiastical government. This apparently innocuous alteration had another effect. In tracing political power to the commonwealth and its subjects (as opposed to God), political theorists were able to claim that the degree of sophistication of a people's internal political arrangements could indicate their level of historical development. In this sense, schemes of historical, social or political development were held to culminate in the development of polities in which there was a close mutual accommodation between sovereigns and subjects. The outlines of such a view were developed most clearly by Jesuit thinkers outside the School of Salamanca, and especially by José de Acosta and Giovanni Botero.²⁰ Acosta considered it a 'proven fact that barbarian peoples show their barbarity most clearly in their government and manner of ruling,'

...for the more closely men approach to reason the more humane and less arrogant is their government, and those who are kings and nobles conform and accommodate themselves to their vassals, acknowledging that they are equal by nature and inferior only in the sense that they have less obligation to care for the public good. But among barbarians the case is opposite, for their government is tyrannical and they treat their subjects like beasts while they themselves desire to be treated like gods.²¹

The significance of Acosta's articulation of this scheme of historical development has been widely recognised as a crucial step in the development of European interest in comparative ethnography.²²

Acosta's scheme is also significant in its vision of human beings as able to fully develop themselves only as subjects of properly constituted states.

²⁰ Giovanni Botero, *The Reason of State* [1589, 1606], translated by P. J. and D. P. Waley, (London: Routledge & Kegan Paul, 1956), p. 85.

²¹ José de Acosta, *Natural and Moral History of the Indies* [1590], translated by F.M. López-Morillas, ed. J.E. Mangan, (Durham: Duke University Press, 2002), pp. 345-6.

²² Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology*, (Cambridge: Cambridge University Press, 1982), p. 198; Jeremy Muldoon, *The Americas in the Spanish World order. The Justification for Conquest in the Seventeenth Century*, (Philadelphia: University of Pennsylvania Press, 1994), pp. 66-71.

This becomes apparent not only in his three-fold classification of the peoples of the Indies, but in the claim he makes upon this for the conversion of the American Indians to Christianity. Acosta's three-fold classification hinged on the 'kinds of government and styles of life' among the tyrannous monarchies of the Inca and Mexica, the 'free associations' or federations of tribes for conquest and war, and the 'absolutely barbarous' peoples 'who have neither laws nor king nor fixed dwellings but go in herds like wild animals and savages.'²³ Here, Acosta presents America as an example of what John Locke was later to call the 'Pattern of the first Ages' of human society.²⁴ All of Acosta's three 'kinds' of American Indian community were still considered barbarous, far less developed than the more accomplished 'barbarians' of Asia, and nowhere near the height of European sophistication.²⁵ While Acosta identified the presence or absence of writing, and hence the knowledge and communication of history, law, and other useful learning as a means of this identification, its real substance lay in the practices of 'idolatry'. Acosta believed that all barbarians were idolaters lost in the wiles of the Devil, worn out by the futile cruelties of their idolatrous worship, and destined by divine providence to be conquered and converted by Europeans.²⁶

Acosta's scheme clearly amplified Vitoria's concern to locate the American Indians within a framework of law based on a European model of historical progress. Central to this endeavour was the identification of state sovereignty as the essential framework for the self-development of subjects. This identification was reinforced by Europe's experience civil strife and religious war throughout the sixteenth and seventeenth centuries, leading a variety of European thinkers influenced by the Salamanca theorists, notably Hugo Grotius, to place a premium on the provision and

²³ Acosta, *Natural and Moral History*, p. 359.

²⁴ John Locke, *Two Treatises of Government* [1690], ed. P. Laslett, (Cambridge: Cambridge University Press, 1988), §108, p. 339.

²⁵ Acosta, *Natural and Moral History*, pp. 334-39.

²⁶ Acosta, *Natural and Moral History*, p. 445, also, pp. 253-300.

legitimation of protection by sovereign states.²⁷ In doing so, many turned to schemes of historical development similar to Acosta's. These schemes were based on the harnessing of productive labour (in manufacture and agriculture), and engagement in economic exchange or trade (typically involving money) as concomitants in the development of sovereign states as protective institutions.²⁸ The rights of particular members of these societies were held to be secure precisely because they lived within societies based on private property and protected by systems of written law enforced by sovereign power.²⁹

The centrality of sovereignty in European thought in the sixteenth and seventeenth centuries was also reflected in the way in which warfare itself came to be defined as an armed contest between sovereign states, as opposed to armed violence between private individuals. Vitoria considered that individuals have a perfectly just right to wage what he called a 'defensive war' strictly limited to securing oneself and one's property from immediate and real injury.³⁰ Warfare proper pertained only to the interaction of sovereign states, each defined as 'complete in itself... not part of another community.'³¹ Only these state actors were able to engage in just war proper because their rights extended beyond the need for immediate self-defence and included 'the authority not only to defend itself, but also to avenge and punish injuries done to itself and its members.'³² This committed states to a different kind of violent engagement beyond mere self-defence, and more closely aligned with securing justice.

²⁷ See for example, Hugo Grotius, *The Law of War and Peace* [1625], translated by F.W. Kelsey, (Indianapolis: Bobbs-Merrill, 1925), Bk I, ch 1, pp. 39, 43, ch 2, p. 53; Samuel Pufendorf, *The Whole Duty of Man According to the Law of Nature* [translated by A. Tooke 1691], ed. Ian Hunter and David Saunders, (Indianapolis: Liberty Fund, 2003), pp. 55-56. Tuck, *Rights of War and Peace*, pp. 78-108; Pagden, *Lords of all the World*, pp. 66, 73-86.

²⁸ Grotius, *Law of War and Peace*, Bk ii 186-190; also, Pufendorf, *Whole Duty of Man*, p. 129. John Salter, 'Hugo Grotius: Property and Consent', *Political Theory*, 29: 4 (2001), pp. 544-5. Anthony Pagden, 'Human Rights, Natural Rights, and Europe's Imperial Legacy', *Political Theory*, 31: 2, (2003), p. 180.

²⁹ Keal, *European Conquest and the Rights of Indigenous People*, p. 26.

³⁰ Vitoria, 'On the Law of War' [1539], *Political Writings*, § 3, p. 299.

³¹ Vitoria, 'On the Law of War', § 7, p. 301.

³² Vitoria, 'On the Law of War', § 5, p. 300.

A primary consideration in determining the justice of war, as both Vitoria and Suárez averred, was that the war be declared and waged by a 'sovereign power' which 'has no superior in temporal affairs'.³³ This became a fundamental element of just war doctrine beyond the Salamanca School. As Alberico Gentili defined it, war 'is a just and public contest of arms.'³⁴ What he meant by this was that warfare was conceptualised as a conflict publicly proclaimed and pursued by sovereigns seeking their own just ends.³⁵ As Suárez defined it, a just war was one waged to punish those responsible for inflicting significant injury (or 'grave injustice'). By committing such injustices 'non-subjects' (the subjects of foreign sovereigns) rendered 'themselves subjects' of the sovereign who declares a just war to punish them.³⁶

Determining the grounds of such injustices was a matter for debate. In his celebrated lectures 'On the American Indians' Vitoria wrote expressly to deny the validity of Spanish dispossession and conquest of the Indians *on the grounds that they were irrational unbelievers*.³⁷ After discrediting a variety of reasons adduced to justify Spanish conquest of the Americas, Vitoria then argued that the main justification for Spanish conquest was Indian resistance of peaceful Spanish invitations to trade.³⁸ Vitoria's reasoning here was once again that the NL injunction to make use of nature to sustain life necessitated engagement in trade and exchange and thus the peaceful travel and intermingling of peoples. By resisting invitations to trade, Vitoria argued, the Indians showed themselves to be in default of this primary

³³ Francisco Suárez, 'A Work on the Three Theological Virtues' [1621], in *Selections From Three Works*, Vol II, translated by G. Williams, A. Brown and J. Waldron, (Oxford: Clarendon Press: 1944), p. 805.

³⁴ Alberico Gentili, *De Juri Belli Libri Tres* [1612], translated by J. Rolfe, (Oxford: Clarendon Press: 1933), p. 12.

³⁵ Gentili, *De Juri Belli Libri Tres*, pp. 15, 22-23. Theodor Meron, 'Shakespeare's Henry the Fifth and the law of War', *The American Journal of International Law*, 86: 1, (1992), pp. 9-10.

³⁶ Suárez, *Selections*, p. 816.

³⁷ Vitoria, 'On the American Indians' [1539], *Political Writings*, Q 1, § 7-24, pp.243-51.

³⁸ Vitoria, 'On the American Indians', Q 3, § 2-8, pp. 278-83.

injunction and thus as 'treacherous foes against whom all rights of war can be exercised.'³⁹

Vitoria's interpretation of the grounds of just war gave rise to a view of *ius gentium* (or the law of nations) as based on and amplifying the fundamental precepts of *ius naturale*. According to Francisco Suárez however, *ius gentium* and *ius naturale* were separate systems of law that though different, often coincided with one another.⁴⁰ Among his reasons for so arguing were that the principles of *ius naturale* were so 'common to all' people, and so self-evidently true, that only some 'error' could prevent all peoples from following them.⁴¹ *Ius gentium* on the other hand, was not 'written upon the hearts of men' by god, but created by 'free will and the consent of mankind', and thus its stipulations were not so readily apparent.⁴² According to García, Suárez stipulated that *ius gentium* applied both to relations 'between different states (*ius inter gentes*)' and to those 'between individuals of different states (*ius inter homines*)'.⁴³ Indeed, Suárez speaks at great length that the introduction of *ius gentium* among the 'human race as a whole' (*universo humano genere*) grew from the 'habitual conduct of nations' or 'by means of propagation and mutual imitation among the nations'.⁴⁴ This qualification essentially limited the application of *ius gentium* to peoples as *subjects of political entities* - nations and states. As the later English theorists Hobbes and Locke were to argue, it was only as subjects that the rights of individuals could be protected at all.

2. Civilizing the Subject of War

³⁹ Vitoria, 'On the American Indians', Q 3, § 8, p. 283. Indeed Vitoria referred to conquest on these grounds as 'blameless self-defence', (§ 6, p. 282). Ruston pays scant regard to this justification as a wide-ranging dismissal of Indigenous peoples. Roger Ruston, 'Justice, Peace and Dominicans 1216-1999 IV, Francisco Vitoria: The Rights of Enemies and Strangers', *New Blackfriars*, 80: 935, (1999): 13.

⁴⁰ David Boucher, *Political Theories of International Relations*, (Oxford; Oxford University Press, 1998), pp. 243-4.

⁴¹ Suárez, 'A Treatise on Laws and God the Lawgiver' [1612], in *Selections*, p. 342.

⁴² Suárez, 'A Treatise on Laws' in *Selections*, p. 332.

⁴³ A. G. Y García, 'The Spanish School of the Sixteenth and Seventeenth Centuries: A Precursor of the Theory of Human Rights', *Ratio Juris*, 10: 1, (1997), p. 27.

⁴⁴ Suárez, 'A Treatise on Laws' in *Selections*, pp. 349, 351.

According to Thomas Hobbes' (1588-1679) account, the subject was a person whose freedom ('corporall Liberty') consisted in whatever his or her sovereign permitted, or did not expressly forbid. It was in this latter sense that Hobbes famously defined the liberty of the subject as consisting in the 'silence of the Law', allowing the subject freedom 'to do, or forebeare, according to his own discretion', and such freedoms as the law permits, such as freedom to choose a trade, diet, or place of residence.⁴⁵ In so defining the subject, Hobbes argued that the subject's liberty was tied to the effectiveness of the state's sovereignty, the purpose of which was to ensure the 'Peace of the Subjects within themselves, and their Defence against a common Enemy.'⁴⁶ In doing so, Hobbes' state gave greater force to the NL injunction to sustain life, which, in the state-less state of nature was unenforceable. Hobbes' express purpose of course was to construe the relationship between sovereign and subject in such a way that the purpose of political association hinged on protection (of life and property). Consequently, the subject must obey the sovereign only so long as the sovereign is able to provide effective protection, and when that protection ceases, the subject returns to a 'state of nature'. In this condition, which he famously equated to the condition of 'the savage people' in America, individuals must provide for their own protection, or seek it under some other sovereign power.⁴⁷

While the purpose of sovereignty was to provide protection, the mode or operation of sovereignty consisted in the twelve 'rights' Hobbes specified in Chapter 18 of *Leviathan*, all of which framed sovereignty as a power over (though exercised for the benefit of) subjects. Of these twelve, Hobbes insisted that the ninth right, 'of making Warre, and Peace with other Nations' was crucial because command of the armies 'without other Institution, maketh him that hath it Soveraign'.⁴⁸ The radical purport of this

⁴⁵ Thomas Hobbes, *Leviathan* [1651], (Harmondsworth: Penguin, 1968), pp. 271 and 264.

⁴⁶ Hobbes, *Leviathan*, p. 268.

⁴⁷ Hobbes, *Leviathan*, pp. 187, 272. For the German Hobbesian, Samuel Pufendorf, the duty of subjects to obey their sovereign would even excuse the taint of unjust acts the sovereign commanded, such as participation in an unjust war. Pufendorf, *Whole Duty*, pp. 224-5

⁴⁸ Hobbes, *Leviathan*, p. 234-5.

argument was that sovereignty was conceived as instituted not by god, but by human beings for their mutual protection. While Hobbes went far to deny a subject's right to rebel against that sovereignty, his structure of argument was that the very rationale of sovereignty was the protection of the liberties of the subject, and this implied a presumption that a sovereign's non-fulfillment of this satisfaction might lead to rebellion.⁴⁹

A more radical statement of this view was John Locke's identification of the sovereignty of his ideal 'political society' as derived from the consent of the 'subjects' who constituted it. This sovereignty was provisional on the grounds that their 'natural rights' (life, liberty and estate) were protected and secured from infringement by having an independent means of adjudicating disputes.⁵⁰ In fact, Locke was reticent to use the language favoured by more absolutist writers, and argued that seeing the 'making of War and Peace' as the defining feature of 'sovereignty' would allow any band of pirates who grouped together on oath to become 'sovereigns'. Locke argued that the making of war and peace was the prerogative of the 'Supream Power' or government of 'Politick Societies', namely those political associations established by consent for the mutual preservation of individual rights.⁵¹ Crucially, Locke tied this understanding of the provisional and delegated nature of 'Supream Power' to an historicized account of the emergence of such societies in Europe, far in advance of supposedly inferior types of association in North America.⁵²

Hobbes and Locke's thought represented a pervasive trend in European political thought in which historical development was presumed to culminate in the creation of sovereign states able to wage war. Warfare was itself conceptualised as an activity of states claiming sovereignty over their own subjects and defined territory. By the mid-eighteenth century however, the activity of warfare itself came to be seen as an index of this process of

⁴⁹ M.C. Williams, 'The Hobbesian Theory of International relations: Three Traditions', in *Classical Theory* p. 264.

⁵⁰ Locke, *Two Treatises*, § 88 pp. 324-5.

⁵¹ Locke, *Two Treatises*, § 93 p. 238.

⁵² Locke, *Two Treatises*, § 108 p. 339-40. Boucher, 'Property and Propriety', pp. 163-177.

historical development or civilization.⁵³ The avid and erratic English Advocate General, James Marriott, expressed this sentiment in characterising his as 'the Age of Negotiation' in which European diplomatic practice had been 'civilized'.⁵⁴ In suggesting this approach, Marriott gave voice to the characteristic assumption of European Enlightenment thought that the universal laws of progress governing the historical development of all nations could be discerned.

These laws were expressed in terms of theories of civilization which sought to place the emergence of commercial economies with pacified, law governed civil societies in Britain and Western Europe within long historical trajectories of development. A key to unraveling the direction of historical development was the transformation of the rude virtues of savage life (based on simplicity, hardiness and a warrior ethos) into the more flexible and rational manners of civilized societies.⁵⁵ Manners consisted in the widely accepted standards of conduct and self-regulation that made civil life possible by circumscribing violence and entrenching social virtues such as courtesy, probity, and industry. Civilized societies were those characterized by the interdependent development of both flourishing commercial economies and effective state sovereignty. These 'civilized' states, such as Britain, France, and Holland, confronted one another in a new international order of sovereign states in Europe. In this way, the domestic development of civilization was tied to the civilization of international relations by the influence that civilized manners had on the mechanisms of international conduct - war, peace and treaties.

⁵³ Bruce Buchan, 'Civilization, State Sovereignty and War: the Scottish Enlightenment and International Relations', *International Relations*, 20: 2 (2006), pp. 175-92.

⁵⁴ 'James Marriott to John Pownall, 15 February 1765', LAC, R216-193-4-E.

⁵⁵ The contrast between 'savage' and 'civilized' manners was most clearly drawn by Adam Smith who argued that 'the style of manners which takes place in any nation, may commonly upon the whole be said to be that which is most suitable to its situation.' In other words, the harshness of 'savage' nomadism and war gives rise to hardiness, while the security of civil life engenders greater 'humanity' but also more 'softness'. Adam Smith, *The Theory of the Moral Sentiments* [1759], ed. D.D. Raphael, A.L. Macfie, (Oxford: Oxford University Press, 1976), pp. 205, 209. D.L. Blaney and N. Inayatullah, 'The Savage Smith and the Temporal Walls of Capitalism' in *Classical Theory* p. 143.

Marriott's contention thus amounted to the claim that Europe's superior civilization showed in the prevailing patterns of international conduct. Here the logic of Marriott's argument turned on the fundamental assumption then becoming a shibboleth of European Enlightenment thought that European nations had succeeded in civilizing war,

In the present Age as War is commenced on different Principles from the Wars of Antiquity, so it ends with different Principles, in both more to the Honour of Humanity. The public law of Europe abhors the sanguinary Object of antient Wars, universal Slavery, or Extirpation - Every War in these Times is considered but as an Appeal to the rest of the powers of Europe, and is but a temporary Exertion of Force to decide a Point of Interest which no human Tribunal can determine...

The central message of Marriott's argument was that in the period from 1648 down to his own day, European international relations - and the practice of warfare - had been civilized thanks to the historical development of the 'manners' of European nations.⁵⁶ Now that Europe had developed more sophisticated and 'humane' manners, Europeans could conduct their international disputes in a manner that befitted their civilized status. Wars could be waged solely in the rational pursuit of national interest rather than the irrational desire to enslave or exterminate all enemies.

⁵⁶ A central feature of Enlightenment conceptions of the 'rules of war' was that civilized Europeans were motivated by a heightened sense of honour. Honour was held to consist in the open conduct of battle in which the aim was to defeat the enemy by means which win the 'approbation and esteem of mankind'. Waging war according to the 'principles of humanity' would lead to abstention from 'slaughter as much as possible' and the protection of non-combatants. J.J. Burlamaqui, *The Principles of Politic Law: Being a Sequel to the Principles of Natural Law*, Volume II, (Dublin: J. Sheppard and G.Nugent, 1776), pp. 38, 209, 214. Considerations of interest also played a role in leading to finer calculations of the benefits of securing a peace favouring future commercial prosperity rather than continual conquest. Accordingly, under considerations of honour and interest 'the Effusion of Blood is spar'd', and indiscriminate reprisal is forbidden. Samuel Brewster, *Jus feciale Anglicanum: or a Treatise on the laws of England relating to war and rebellion...*, 2nd ed, (London: T. Cooper *et. al.*, 1740), p. 7. See also, Francis Hutcheson, *A Short Introduction to Moral Philosophy in Three Books...*, (Glasgow: Robert Foulis, 1747), pp. 232-34, 333; David Hume, 'Of Refinement in the Arts', in *Essays Moral, Political and Literary* [1777], ed. E.F. Miller, (Inanapolis: Liberty Classics, 1985), p 274; Capel Lofft, *Elements of Universal Law, and Particularly of the Law of England*, (London: His Majesty's Law Printers, 1779), p. 127.

Perhaps nowhere were these sentiments more forcefully expressed than in Scottish Enlightenment histories of civilization in which war and diplomacy were treated as crucial indexes of social progress. In Hume's *History* for example, even the invention of devastatingly lethal artillery showed the influence of civilization. This 'furious engine', Hume wrote,

Though it seemed contrived for the destruction of mankind, and the overthrow of empires, has in the issue rendered battles less bloody, and has given greater stability to civil societies. Nations by its means have been brought more to a level: Conquests have become less frequent and rapid: Success in war has been reduced nearly to be a matter of calculation: And any nation overmatched by its enemies, either yields to their demands, or secures itself by alliances against their violence and invasion.⁵⁷

The extension of Hume's argument was that the practice of war in Europe showed not only the effect of civilization, but even drove it forward.⁵⁸ In this way, civilized war was associated in the European imagination with the development of civilized conventions of war based on a heightened sense of honour culminating in a European 'balance of power'.⁵⁹

This kind of claim to European civilization could be used as a foundation for claims to European superiority, and even empire over supposedly uncivilized peoples.⁶⁰ Others took a more subtle view. Adam Ferguson for example, could not deny that civilized militaries exhibited superior discipline and control, but these were accomplished by subordinating the individual soldier's warrior virtues to the commands of drill.⁶¹ The loss of warrior virtue in civilized armies, he argued, was exposed by imperial conflicts in which 'civilized' soldiers fighting for empire across the globe had to

⁵⁷ D. Hume, *The History of England from the Invasion of Julius Caesar to the Revolution in 1688*, Volume II, (London: J.Mcreery, 1807), p. 432.

⁵⁸ Hume, 'Of Refinement in the Arts', p. 271.

⁵⁹ Smith, *Theory of the Moral Sentiments*, pp. 144-45.

⁶⁰ The Abbé Raynal denounced European Empire, but still saw European commerce as an agent of global civilization by creating a globalised 'mutual intercourse' between nations. G.T.F. Raynal, *A Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies*, (Edinburgh: 1782), Volume I, pp. 1-2; V, pp. 223-36.

⁶¹ Adam Ferguson, *Reflections Previous to the Establishment of a Militia*, (London: MDCCLVI), p. 18.

'contend with the savage' and thereby to 'imitate' the savage warrior's skills.⁶² As the history of various colonies attested however, 'contending with the savage' was to raise other uncertainties.

3. The Subject of War in Australia

By the late eighteenth century then, European political thinkers saw state sovereignty and warfare as integral features of Europe's claims to civilization. Even those such as Immanuel Kant who opposed (as had Vitoria) the usual practices of European imperialism, could nonetheless resolutely maintain the principle that all peoples should be subject to a state's sovereignty.⁶³ The British steadfastly maintained that their colonization of Australia was not based on violent conquest. At least part of the reason for this was that they believed that a war of conquest could not be fought in Australia because it was inhabited by peoples who did not cultivate the soil, and lived by 'the fruits of the chase' (that is, by nomadic hunting and gathering). Such peoples were not fitting subjects of war. They were regarded as having no private property, no settled 'society' or any ordered 'polity' to conquer.⁶⁴ Such lands were, in the European legal terminology of the period, a *res nullius*, vacant space, 'nobody's land'.⁶⁵ Such lands and the peoples residing upon them were excluded from the international - possessing neither property nor polity they lacked any status as subjects.

The question remained however, whether they could become the subjects of an imperial polity. The evidence from the early colonization of Australia

⁶² Adam Ferguson, *Essay on the History of Civil Society* [1767], (Edinburgh: Edinburgh University Press, 1967), pp. 216-17.

⁶³ See for example, Immanuel Kant, 'Perpetual Peace: A Philosophical Sketch' [1795], in *Kant's Political Writings*, ed. H. Reiss, (Cambridge: Cambridge University Press, 1970), p. 103. Kant's arguments are explored more fully in Bruce Buchan, 'Explaining War and Peace: Kant and Liberal International Relations Theory', *Alternatives*, 27: 4, (2002): 407-428.

⁶⁴ William Blackstone, *Commentaries on the Laws of England* [1765-9], Vol I, (New York: Legal Classics Library, 1983), II, p. 8. Also, Emmerich Vattel, *The Law of Nations or the Principles of Natural Law* [1758], Vol I, translated by C.G. Fenwick, (Washington: Carnegies Institution, 1916), p. 86; Hutcheson, *Short Introduction*, pp. 172-3; Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* [1776], ed. R.H. Campbell and A.S. Skinner (Oxford: Oxford University Press, 1976; reprint, Indianapolis: Liberty Fund, 1981), Vol II, p. 626.

⁶⁵ See for example: Vitoria, *On the American Indians*, §4, p. 280; Francis Hutcheson's *A Short Introduction to Moral Philosophy in Three Books*, (Glasgow: Robert Foulis, 1747), p. 159. I am indebted to Paul Turnbull for his suggestions here.

attests to the prominence and persistence of this question. Its insolubility was traced in large part to the conceptual implications Europeans identified in Indigenous patterns of violence. Early colonists for example, were puzzled by intra-Indigenous violence. Some described this violence as 'outrages' illustrating a 'malignant' attachment to 'vengeance', a lack of order and profligate waste indicative to Europeans of the condition of 'savagery'.⁶⁶ Others however, suggested that such violence was more rule-bound. These writers suggested it was often ritualized warfare or 'duelling' that signified 'some tendency to civilization', implying the existence of laws.⁶⁷

Nonetheless, Australia's colonization was based on the official denial of any Indigenous laws or polity, and hence on the expressed intention not to sign any treaties with the Indigenous inhabitants, but merely to 'conciliate their affections'. The earliest accounts of the colonization of Australia testify to the rapidity with which efforts to 'conciliate' the 'affections' of the Indigenous peoples degenerated into outright violence.⁶⁸ Inevitably, the policy of conciliation soon became a policy to 'reconcile' the Indigenous people to living with the colony. This is how Phillip himself expressed it, claiming that he wanted to prevent abuses against the Indigenous people and to 'reconcile' them to 'live amongst us' so that they may be taught 'the advantages they will reap from cultivating the land' enabling them to 'support themselves'.⁶⁹

Many Indigenous people did forge peaceful and productive relationships with settlers. The problem for colonial authorities however, was that the assertion of British sovereignty on the basis that the Indigenous people were 'savages' precluded their recognition as 'British subjects' while also

⁶⁶ For examples of this view see, *The Sydney Gazette*, October 2, 1803, in *The Sydney Gazette and New South Wales Advertiser, Vol I, March 5, 1803 to March February 26, 1804*, facsimile, (Sydney: Trustees of the Public Library of NSW, 1963).

⁶⁷ See for example, Anon., 'Collins's Account of New South Wales, Volume II', *Edinburgh Review*, 2: 3 (1803), p. 35.

⁶⁸ Smith, *The Journal of Arthur Bowes Smith*, p. 66.

⁶⁹ 'Phillip to Lord Sydney, 10 July 1788' HRA, I, p. 65. Later governors were also to express the desire to effect 'reconciliation'. See for example, *The Sydney Gazette*, July 17, 1805, in *The Sydney Gazette and New South Wales Advertiser, Vol III*.

preventing their being considered foreign subjects against whom a legitimate war could be waged. Consequently, prolonged campaigns of violent Indigenous resistance to colonization exacerbated their dubious legal status in the new colonial order.⁷⁰ Lurking behind European responses to Indigenous resistance was a restive uneasiness that not all forms of Indigenous violence sustained the image of Indigenous 'savagery'. In European imaginations, warfare was an activity by which sovereign nations contested with one another by means of their armed forces. War was the ultimate means of pursuing national interests, whether defined as territorial expansion, the inviolability of national borders, or access to trade routes or colonies. Throughout European history, warfare had long been seen as a means to defeat one's opponents by the use of overwhelming armed force.⁷¹ The celebration of this European way of war emphasized its industrial and technological sophistication, its complex organization, its moderation of violence (for example, in sparing prisoners of war), and its rationality. Above all, European war was identified with the considered pursuit of national interest, while the 'savage' way of war was characterized by festering rancour fuelling an incessant cycle of revenge culminating in the desire to annihilate one's enemies. As one contemporary source described 'savage' war in America, the 'want of government' among the tribes consigned the Indians to perpetual 'war with each other' in which 'their revenge [could]... only [be]... completed, in the entire destruction of their enemies.'⁷²

Some colonial officials in the far distant shores of Australia, most notably the Lieutenant-Governor in Van Dieman's Land, George Arthur (a Peninsular War veteran), would come to regard his conflicts with Indigenous peoples as a form of guerilla war.⁷³ There was however, no official declaration of war

⁷⁰ 'Phillip to Lord Sydney, 9 July 1788', 'Phillip to Secretary Stephens, 10 July 1788' and 'General Orders 13 December 1790', *HRA*, I, pp. 48-9, 62, 293.

⁷¹ Jeremy Black, *War and the World. Military Power and the Fate of Continents 1450-2000*, (New Haven: Yale University Press, 1998), pp. 4-17.

⁷² Josiah Filson, *The Discovery, Settlement, and Present State of Kentucke*, (Wilmington: James Adams, 1784), pp. 76, 80.

⁷³ 'Lieut-Gov Arthur to Sir George Murray, 12 Sept 1829', *HRA. Resumed Series III. Despatches and Papers Relating to the History of Tasmania*, VII, January-February 1829, p. 607; 'Report of the

in Australia, in part at least because Indigenous people were not regarded as a national force fighting under the command of their own sovereign. Only grudgingly did early colonists concede that Indigenous people used violence in a 'somewhat systematic' strategy that had 'the appearance of a pre-concerted plan.'⁷⁴ Colonial anxieties were engendered by the fact that much of the violence that occurred on the frontier was not simply Aboriginal defence of strategic or territorial interests.⁷⁵ Where violence did occur, it seemed often to have a quality of 'payback' for colonists' infractions of Indigenous laws.⁷⁶

For Europeans however, Indigenous 'payback' was often dismissed as Indigenous 'vengeance' or 'revenge'.⁷⁷ In European thought, revenge was treated with disdain because it implied an ungoverned and uncivil urge.⁷⁸ 'There is no passion' Adam Smith asserted, 'of which the human mind is capable, concerning whose justness we ought to be so doubtful...'.⁷⁹ The implications of revenge in European thought however, were ambivalent. Revenge was indicative of both 'savagery' and 'barbarism' and thus of a defective or even complete absence of government. Nonetheless, revenge could also be redolent of a desperate desire for redress and thus of an attachment to a 'primitive' notion of justice. The Indigenous desire for revenge thus troubled colonists precisely because it did not confirm European suppositions about Indigenous 'savagery'. Such notions derived from over two hundred years of European political thought linking property and sovereignty to the status of individuals as 'subjects'. These ideas

Aborigines Committee, 19 March 1830', *HRA, Resumed Series III, Despatches and Papers Relating to the History of Tasmania*, VII, January-December 1830, p. 212. (Subsequently *HRA Series III*).

⁷⁴ *The Sydney Gazette*, April 28, 1805, in *The Sydney Gazette and New South Wales Advertiser, Vol III*.

⁷⁵ Nathaniel Ogle, *The Colony of Western Australia: A Manual for Emigrants 1839*, (Sydney: John Ferguson, 1977), p. 49.

⁷⁶ My argument here owes much to Mark Finnane's excellent paper, 'Payback', Customary Law and Criminal Law in Colonized Australia', *International Journal of the Sociology of Law*, 29 (2001), pp. 293-310.

⁷⁷ See for example, 'Phillip to Secretary Stephens, 10 July, 1788', *HRA*, I, p. 62; *The Sydney Gazette*, March 31, 1805, in *The Sydney Gazette and New South Wales Advertiser, Vol III*.

⁷⁸ Pierre Saint-Amand, 'Original Vengeance: Politics, Anthropology, and the French Enlightenment', *Eighteenth-Century Studies*, 26: 3 (1993), pp. 399-417.

⁷⁹ Smith, *Theory of the Moral Sentiments*, p. 38.

continued to inform the basic pattern of Australia's colonization derived from the blank assertion of British sovereignty and denial of any treaty.

Conclusion

By the time of Australia's colonisation then, European thought had been developing for over two hundred years around the central axiom that human beings could only attain their ultimate earthly felicity as 'subjects' under the rule of sovereign states. The sovereignty of those states consisted in their capacity to engage *inter alia* in the ultimate form of sovereign power, the practice of war. In the European imagination then, the subject of war was couched in terms of conflict between sovereign states who commanded their own subjects in war. Although these states held a power of command over their subjects, civilized conventions of war and principles of international law were thought nonetheless to protect and enhance the rights of those same subjects to security of person and property. For its defenders, such as Adam Ferguson, European conventions of war and the principles and rules of international law were designed to mollify its terrible effects, but simply did not apply in cases of civil war. The issue was not one of hypocrisy or inconsistency. For him, the development of modern military discipline and tactics was an index of civilization.⁸⁰

The process of civilization culminated in and its polished accomplishments were secured by the creation of sovereign states. The sovereignty of these states rested on their control and use of supreme military force. Civil war or rebellion, by challenging the very institution that embodied and protected the processes of civilization (the sovereign state), was thus seen as an assault on those processes of civilization and the forms of self-control that made life in civil society possible.⁸¹ As Ferguson himself advised, the 'Rules of War' were designed to protect 'Innocent Subjects' and to limit warfare to

⁸⁰ Brewster, *Jus feziale Anglicanum*, pp. 7, 30, 34, 51.

⁸¹ Ferguson, *Essay*, p. 131; Adam Ferguson, *Remarks on a Pamphlet lately Published by Dr. Price...*, (London: T. Cadell, 1776), p. 59.

the 'just measure of Hostilities' needed to 'force an Enemy to Justice', and thus not to cause harm 'wantonly'.⁸² Ferguson thought that 'Subjects in Arms against Their Sovereign' however, were less 'entitled' to the protection of the rules of war. 'Subjects of a Forreign Prince at War', he argued, do not incur 'any personal Guilt by that Circumstance' and thus it 'is not Lawfull to Distress them except so far as that is allowed in order to Distress the State to which they belong.' 'Subjects in Rebellion' however, do 'incurr a Personal Guilt & may be distressed' in order to 'Punish Their Crime.'⁸³

For Europeans then, the concept of war was tied to ideas of civilization by its association with the sovereign state. The subject *of* war was thus bound to the idea of the subject *in* war, that is, the individual whose status was held to depend on the sovereign state which guaranteed his or her rights, to which he or she owed allegiance, and through which he or she gained some measure of protection through 'civilized' conventions of war. Something of the same approach echoes in the literature on terrorism which persistently identifies it with non-state or anti-state violence.⁸⁴ In the wake of the attacks of 11 September 2001 a variety of Western leaders and theorists spoke of terrorism as an attack on Western civilization itself.⁸⁵ Others claim to identify in terrorism 'waves' of essentially anti-state 'activity' fostered by loose 'organizations' in opposition to the order represented by 'governments'.⁸⁶ Such approaches are redolent of the central assumption in IR thought that state sovereignty is the foundation of order and security,

⁸² Adam Ferguson, 'Notes on the Enquiry into General Sir William Howe's Conduct in the American War, 10 May 1779,' in *Correspondence of Adam Ferguson*, Volume II, 1781-1816, edited by Vincenzo Merolle, (London: William Pickering, 1995), pp. 562-4.

⁸³ Ferguson, 'Notes', in *Correspondence*, p. 561.

⁸⁴ A.H. Kydd and B.F. Walter, 'the Strategies of Terrorism', *International Security*, 31: 1 (2006): 49-80.

⁸⁵ See for example, United States' President George W. Bush's 'Address to the United Nations General Assembly', 23 September 2003, <<http://news.bbc.co.uk/1/hi/world/americas/3132984.stm>> (accessed 20 May 2004); C.K. Rowley, 'Terrorist Attacks on Western Civilization', *Public Choice*, 128, (2006), pp. 1-6; C.A. Newland, 'Fanatical Terrorism versus Disciplines of Constitutional Democracy', *Public Administration Review*, 61: 6, (2001), pp. 643-650.

⁸⁶ D.C. Rappoport, 'The Four Waves of Modern Terrorism' in *Attacking Terrorism: Elements of a Grand Strategy*, eds. A. K. Cronin and J.M. Ludes, (Washington: Georgetown University Press, 2004), pp. 47-8.

embodying the moral force of authority derived from popular consent or even a social contract.⁸⁷ Such approaches imply that terrorism represents a threatened return to a disordered 'state of nature' or even a 'new tribalism'.⁸⁸ Indeed, for some, terrorism itself is a form of 'vengeance' of the weak 'against the strong', thereby implicitly delineating it from the legitimacy of conventional warfare.⁸⁹

Such views echo the deeply entrenched assumption in Western political and IR thought that the emergence of sovereign states provided security to the subjects of those states. While states also intensified the lethality of war, they were nonetheless considered the building blocks of an international legal order that its defenders portrayed as limiting violence. The realities of battle in Europe and beyond often belied the shallowness of this image. It was sustained however, by the still more powerful conceptual opposition between the supposedly ordered and rule-bound violence of European war, and the disordered, vengeful and chaotic violence of non-subjects, especially so-called 'savages'. This opposition long served to justify the annihilating violence often directed by colonists against Indigenous peoples because they were not considered fitting subjects of war. Regarded as 'savages', they were thought to possess only a tenuous political and legal status. The 'war on terror' today has once again raised the question of whether the violence of non-subjects constitutes war, and whether such people are indeed fitting subjects of war. Such questions underline the continued significance in Western IR and political thought of the ontological and normative investments in the subject of war.

⁸⁷ D.A. Lake, 'Escape From the State of Nature: Authority and Hierarchy in World Politics', *International Security*, 32: 1 (2007), pp. 53-5.

⁸⁸ S. Scheffler, 'Is Terrorism Morally Distinctive?', *Journal of Political Philosophy*, 14: 1 (2006), pp. 5; J. Kaplan, 'The Fifth Wave: The New Tribalism?', *Terrorism and Political Violence*, 19 (2007), pp. 545-70.

⁸⁹ L. Richardson, 'Terrorist Rivals: beyond the State-Centric Model', *Harvard International Review*, 29: 1 (2007), pp. 67-8.