Dirty Wars Literature Search

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This is the results of a literature search performed by students enrolled on my Dirty Wars course.

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Human Dignity and Political Community in War and National Security

Introduction

The idea of Political community in war encapsulates many different debates. Various questions have arisen as to the legitimate use of force by the state over different parties. One of the major debates within this field is how citizenship factors into in war– for example, whether it is right for a nation to treat its own citizens as combatants and deny them a judicial process. The debate also revolves around humanitarian causes, namely legal concepts such as the Responsibility to Protect, which claims that any state has the right to protect other citizens from the actions of their own government. This also leads to the central questions regarding the role of human dignity–what do we owe to each other simply for being human? Is this basic human dignity mitigated by war, or is it non-derogable? Are a nation's citizens owed more or different rights than non-citizens? These different case studies and sources discuss various aspects of the issue of citizenship and human dignity in war.

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Regulating War and Warfare

Introduction

The challenges of regulating war and warfare are reflected in the evolution of international law. Traditional legal approaches sought to frame concepts such as state sovereignty and the distinction between combatants and non-combatants. In light of new developments, however, scholars have increasingly challenged the applicability of existing regulations. Some highlight changes to the character of war, including the impact of globalisation and the rise of non-interstate conflict. Others note shifts in the participants and parties to war, highlighting the salience of non-state actors and a blurring of the distinction between combatants and non-combatants.

At the tactical level, technological advances have created further difficulties for the regulation of warfare or highlighted gaps in existing legal structures. Weapons targeted at the environment or the use of rape in conflict have outpaced legal frameworks designed to address traditional interstate conflict.

Moreover, the fields of counterterrorism and counterinsurgency have provided fertile ground for examining the regulation of war, with states facing a range of non-state adversaries and confronting the contested applicability of IHL and IHRL. For example, whilst the criminalisation policy adopted in Northern Ireland might contrast with new legal mechanisms created during the War on Terror, others see a clearer lineage born out of a state's continued ability to define its own conflicts.

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Reasons for Restraint

Introduction

The two bodies of law that apply restraining principles in war are international humanitarian law (IHL) and international human rights law (IHRL). While these two sets of law share similarities in their spirit of

upholding a basic humanity and may sometimes be complementary (Qureshi 2017), the problems arise when IHL and IHRL conflict. Such occurrences are becoming increasingly common (Draper 2011), especially with regard to the war on terror, where an 'armed conflict' necessary for IHL is uncertain. This uncertainty allows states to pick and choose the legal principles which suit them best, rather than keep to a stringent set of restraints which normative theorists argue is crucial in war. Restraint is crucial not just to keep operations legal, but also for a more fundamental purpose of viewing the enemy as human (Evangelidi 2018). Law – especially in war – is much more often followed when it is linked to morals that the actors value (Stephens 2019). This trend must be emphasized because it is difficult to apply restraint at the tactical level even when officers know its value on the strategic level.

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Is Any War Clean?

Introduction

The risk of sexual violence is a constant in armed conflict, though like warfare itself, its effects, motives, strategic logic, and perpetration is quite varied. Sexual violence "occurs to varying extent and takes distinct forms" in warfare, depending on particular social context (Wood, 2006 p. 307). In line with this variation and contextual nature, this literature search collects examples of sexual violence from a range of historical experiences, from its use as an instrument of state terror in internal conflicts, to same sex violence, to its use as a political tactic.

Corresponding to this historical breadth, a variety of disciplines have analyzed sexual violence in conflict. The predominant question is one of motivation: what engenders sexual violence and explains its occurrence in war? Sexual violence has been linked to the strategic aims of genocide, as in the former Yugoslavia. Feminist scholars have linked rape to gendered forms of political repression. Security scholars have analyzed sexual violence among internal government forces. Normative scholars have conducted meta-analyses of the study of sexual violence as too focused on quantitative analysis and not enough on interrogating its normative motivations.

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Treason, Political Community, and National Security

Introduction

The modern literature on this vast topic predominantly revolves around the definitional work of Carl Schmitt's on his Theory of the Partisan. It is a very Western European-based work on the nature of political community and the relationship between enmity and politics, in the specific context of the rise of nation-states. Research and analysis on more recent dirty wars offer more varied and comparative literature on the topic, moving away from Schmitt's strict frame. However, many will also find the basis of the concepts of treason, enmity and political community in work dating back to the 17th century, in particular in Hobbes' political philosophy, and in literature analyzing power and warfare in ancient regimes.

The modern nation-state defines what is in the 'national interest', directly impacting the internal politics that sets the parameters for citizenship, patriotism and treason. Partisanship, rebellions and insurgencies for example are often considered as a by-product of the build-up and institutionalization of a political order that aims to eliminate differences, structurally but also rhetorically - as the idea of nation (the Anderson's "imagined communities") and sovereignty are a construct, not a given, in which unity, enmity and multi-faceted divisions, domestic or foreign, interact in a complex way.

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Strategy and Population Control

Introduction

The theme of Strategy and Population Control is addressed by scholars with various backgrounds and academic focuses. However, despite the abundance of the material, a few major themes were identified during the literature search and review. First, most researchers tend to describe specific means of population control, such as rape, torture, propaganda and information control. This suggests that population control is not monolithic, but varies widely depending on context. Thus, as identified by the readings, population control usually occurs as part of a cost/benefit analysis, with the unethical nature of the acts being weighed against their political advantages. Secondly, as seen in the case studies, many examples of population control occur with ethnic or cultural motivations. Therefore, the analyses of causes and behaviors of population control are generally specific, to the individual level; which provides relatively subjective insight for a reader. Thirdly, there is no consensus on the definition of the topic, as understandings change based on the frame one uses to analyse it, such as politics, law and psychology. Overall, the literature search established new boundaries for the potential future research in the topic.

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Political Warfare and Political Emergencies

Introduction

Political emergencies are often rooted in state collapse and therefore, understanding the underpinnings of statehood is essential to understanding PEs. With the recent nature of conflicts being characterized by these emergencies, these 'small wars' need to be studied under different lenses in order to extract their causes and consequences. Additionally, political emergencies are often characterized by the interaction of multiple non-state and state actors, as in the case study of The Second Congo War. Motivated by mining interests the war in the Democratic Republic of the Congo was also heightened by disease and humanitarian crises which are often hallmarks of political emergencies.

Political Warfare, also known as psychological warfare, is a state tool dedicated to output propaganda to the needs of a war. This is done so through overt and covert means to influence the morale of the enemy or/and of an ally. Northern Ireland provides an example of political warfare, in part in the form of Britain engaging in a propaganda war with the IRA. The British government installed propaganda agencies and even forged letters to incriminate some of the IRA senior individuals, all in attempts to gain the upper hand in this dirty war.

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Identity, Identification, and Intelligence Institutions

Introduction

Secrecy and intelligence services have long been means for states to protect themselves their national security interests. The role identity and identification play in these institutions, as many authors have argued, can be crucial to how these conflicts play out. Intelligence agencies use the cloak of secrecy since the information gathered would not be available to the public. Yet nowadays the role of secrecy is increasingly being challenged by public demands for accountability, especially after leaks which revealed the extensiveness of surveillance in Western states. This may create a problem for states regarding the safeguarding of national security without a reliance on excessive secrecy. States now have to find a new balance between national security and secrecy within the context of identity and identification.

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Torture

Introduction

The boundaries of legitimacy, morality, and legal permissibility relating to the employment of torture and enhanced interrogation techniques can become blurred by states in times of crisis. Those regimes that have openly engaged in such methods in order to extract information, or in many cases exact punishment, often seek legal loopholes (such as the denial of protected status to belligerents), or justification which places the security of the state and safety of the population above the rights of the individual. One oft-used justification is the ticking time-bomb theory, which would allow torture in extreme cases. Another common device employed by state actors is the attempt to restrict the definition of torture to exclude specific methods. The risk of hiding behind such legal ambiguity is the normalization of inhumane practices, and the possibility of impunity for inhumane acts not defined as torture specifically. The literature provides numerous case studies and theoretical models to inform definitions of torture and illuminate the practices, justifications, and both moral and legal paradoxes, which serve to highlight the disconnect between liberal democracies and the value they attach to human rights, and their resort to torture in dealing with terrorism or dissenters.

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Targeted Killing and One-Sided Violence

Introduction

Violence in war is often perpetrated and experienced asymmetrically. The increased use of targeted killing as a strategy in contemporary warfare further highlights and exacerbates war's disparity as violence can be enacted with little to no risk for one side. Technological developments, particularly in the field of drone warfare, have demonstrated targeted killing to be an effective means of achieving national security objectives in contemporary conflicts. In particular, Targeted Killing has been adopted as a central tactic by the US in the global war on terror.

However, with increased use has come extensive criticism primarily surrounding the legality and morality of targeted killing as a method of warfare. Despite these criticisms, the use of targeted killing appears only to have increased and shows no sign of discontinuation. The literature addresses questions associated with the morality and ethics of identifying and classifying targets. In other words 'Who is a legitimate target?' and 'What constitutes legitimate violence?'

There are limitations that are presented in the literature. For example, the strategic effectiveness and benefits

of targeted killing are not questioned, rather the morality of such tactics. The absence of legal infrastructure explains to a certain extent the lack of clear regulation surrounding such issues. In addition, there remain key debates surrounding the distinction between targeting killing and assassination.

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