

REPORT DOCUMENTATION PAGE				<i>Form Approved</i> OMB No. 0704-0188	
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1. REPORT DATE (DD-MM-YYYY) 30-04-2015		2. REPORT TYPE Master of Military Studies Research Paper		3. DATES COVERED (From - To) September 2014 - April 2015	
4. TITLE AND SUBTITLE Killing Our Way to Victory: Non-State Actors, Normative Frameworks, and Unrestrained Violence				5a. CONTRACT NUMBER N/A	
				5b. GRANT NUMBER N/A	
				5c. PROGRAM ELEMENT NUMBER N/A	
6. AUTHOR(S) Iams, Joel M., Major, USMCR				5d. PROJECT NUMBER N/A	
				5e. TASK NUMBER N/A	
				5f. WORK UNIT NUMBER N/A	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) USMC Command and Staff College Marine Corps University 2076 South Street Quantico, VA 22134-5068				8. PERFORMING ORGANIZATION REPORT NUMBER N/A	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A				10. SPONSOR/MONITOR'S ACRONYM(S) N/A	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S) N/A	
12. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited.					
13. SUPPLEMENTARY NOTES N/A					
14. ABSTRACT					
15. SUBJECT TERMS Norms, unrestrained violence, non-state actor,					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT UU	18. NUMBER OF PAGES 70	19a. NAME OF RESPONSIBLE PERSON Marine Corps University/Command and Staff College
a. REPORT Unclass	b. ABSTRACT Unclass	c. THIS PAGE Unclass			19b. TELEPHONE NUMBER (include area code) (703) 784-3330 (Admin Office)

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MASTER OF MILITARY STUDIES

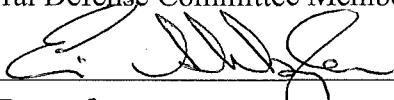
TITLE: Killing Our Way to Victory: Non-State Actors, Normative Frameworks, and
Unrestrained Violence

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF MILITARY STUDIES

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Executive Summary

Title: Killing Our Way to Victory: Non-State Actors, Normative Frameworks, and Unrestrained Violence

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Thesis: While contemporary norms restrain violence in war, states can employ unrestrained violence against non-state actors whose atrocities place them outside the normative framework that governs the behavior of civilized states.

Discussion: Despite their materiel and technical superiority, Western militaries have failed to defeat non-state actors in Lebanon, Iraq, Nigeria, and in other conflicts around the world. Part of this reflects diminished technical barriers to entry in the military market, external sources of support, but a historical analysis reveals that states and rulers have abandoned a mechanism of using alternate normative frameworks, one to govern violence against states and one to govern violence against non-state adversaries. The former is a restrained framework governed by norms of appropriateness and consequence, while the latter is governed only by norms of consequence. Contemporary international law reinforces the traditional appropriateness norms, but in two recent cases non-state adversaries committed atrocities of such magnitude that Russia and Sri Lanka adopted policies of unrestrained violence against Chechen separatists and the Tamil Tigers respectively. While the durability of the post-war settlements remains uncertain, these cases offer a glimpse of a “back-to-the-future” mechanism by which states might employ unrestrained violence against adversaries who have de-legitimized themselves.

Conclusion: States will continue to confront non-state adversaries on the battlefield, and will need to consider the normative constraints that apply to conflict against non-state adversaries. When challenged by criminal and separatist adversaries whose actions conform to contemporary norms of state behavior, states will need to work within that normative framework and apply military and diplomatic resources in accordance with international law. When non-state adversaries de-legitimize themselves by committing atrocities, states can secure tacit international approval for temporary lawlessness and employ unrestrained violence to eliminate unusually horrific non-state adversaries.

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Preface

The ability of non-state actors to consistently and effectively challenge states represents an emerging challenge that Western militaries have been slow to appreciate.

A wide array of faculty and staff provided their guidance and assistance while I researched and composed this paper at Marine Corps Command and Staff College. My Military Faculty Advisor, Lieutenant Colonel Hugh C. Curtright IV, United States Marine Corps, and my Civilian Faculty Advisor, Dr. Michael Flynn of the War Studies Department, provided instruction, guidance, and mentorship throughout the academic year. The Advanced Study Program, led by Dr. Benjamin Jensen of the Security Studies Department and Commander Russell Evans of the military faculty, was a critical incubator for these thoughts and ideas. Dr. Eric Shibuya, of the Security Studies Department, provided detailed guidance, feedback, and criticism that forced me to refine the paper's thinking further. His mentorship and guidance were essential to making this paper successful. Dr. Jonathan Phillips, of the War Studies Department, questioned me sharply and improved this document significantly.

My fellow students in the Advanced Study Program, especially Major Christina Manning, US Air Force Reserve, Major Kurt Gall and Major Joseph Farina, US Marine Corps, and Lieutenant Commander Maoz Akrama, Pakistan Marine Corps, were essential sounding boards from whom I learned immensely- thank you.

Finally, I would like to thank my wife, Elena, for her kindness and support.

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Killing Our Way to Victory:
Non-State Actors, Normative Frameworks, and Unrestrained Violence

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This analysis proceeds from Colin Gray's observation that warfare has two modes, a regular mode conducted between the states and an irregular mode between a state and a non-state actor.¹ Non-state actors are a diverse group, including international governmental organizations, non-governmental organizations, corporations, charities, and political parties, and most avoid competing with states in the use of organized violence. In recent decades, non-state actors have succeeded in denying Western militaries victory in irregular war. This paper argues that part of this challenge lies in the constraints under which Western militaries operate relative to non-state adversaries. This paper explores the origins of the norms of restraint and draws on historical and contemporary cases to define the conditions under which states might use unrestrained violence against non-state adversaries.

Non-State Actors As A Challenge

Despite their materiel and technical superiority, Western militaries have failed to defeat non-state actors in Lebanon, Iraq, Nigeria, and in other conflicts around the world. Part of this reflects diminished technical barriers to entry in the military market, as the lower cost of acquiring military-grade weapons allows major corporations, criminal organizations, and separatist groups to obtain and field sophisticated technology. Part of this reflects the non-state actor's external sources of support.² However, part of this is the challenge of achieving a political outcome short of total extermination at which the non-state actor will accept defeat.

War is a violent struggle between two irreconcilable actors over a political outcome.³ In regular warfare one state seeks to impose political terms on another, to revise a boundary or establish a policy. In irregular warfare a state and a non-state actor struggle over these issues but also over the nature of the political settlement, the type of polity or the composition of the state that will emerge from the fighting. The contest is a battle of wills between the state and the non-

state actor, in which the state finds itself constrained by a normative framework that the non-state actor can ignore as it sees fit. As the state employs military force against its adversary to destroy its will to resist, the non-state actor can take steps to render the state's victory hollow by embedding resistance within a population the state-based military is restrained from attacking.

This is an operational/strategic problem: what political objective can military force achieve against a non-state actor? Non-state adversaries can hide among the population as the organization rebuilds its strength for renewed confrontation in the Maoist model.⁴ Non-state actors can adopt social, economic, and political roles that enable them to perpetuate resistance to the state through non-military organizations. While a political settlement between a state and determined non-state adversary seems remote, the norms of contemporary warfare prevent Western militaries from using unrestrained violence to eliminate its non-state rival.

This dilemma leaves the state with three options: criminal, political, and military. First, the state can treat the non-state actor as a criminal entity and attack it with law enforcement means, as the British showed in Northern Ireland. Second, the state can persuade the non-state actor to act like a state, and engage it with diplomatic, economic, and military levers of state power as Israel has done with the Palestinian Authority. Last, the state can define the non-state actor as an illegitimate entity, beyond the protection of the laws that govern civilized society, and thereby justify unrestrained violence against the non-state actor.

This third option places the non-state actor outside the normative framework that restrains conflict among states. It is the most difficult option at almost all levels: the use of unrestrained violence to exterminate an opponent tests the boundaries of acceptability in the Western world, has difficult moral considerations for both the state and its military, and runs counter to a century of increasing constraints on military force. In many ways, this is a "back to

the future” option, applying a historically robust mechanism for eliminating non-state competitors in irregular war.

“Unrestrained” violence is a loaded term, conjuring images of unspeakable savagery. It is more useful to understand it as an alternative to the accepted norms of violence, the implicit and explicit rules that govern how legitimate actors fight. States employ violence within an accepted normative framework when confronting a legitimate adversary, but when fighting an illegitimate actor these rules are understood not to apply. This pattern echoes across historical eras. The chivalric code of the middle ages contrasts with the mass slaughter and dismemberment of leaders in the aftermath of peasants’ revolts. The courteous conduct of the Seven Years’ War in Europe contrasts with bloody raids slaughtering women and children on the North American frontier. And the careful accounting of prisoners on the Napoleonic battlefield contrasts with savage reprisals against partisans and guerrillas. Unrestrained violence is thus a conscious violation of norms of appropriate conduct in war, understood as a reasonable aberration to counter an irregular adversary against whom those norms do not apply.

This paper investigates the irregular challenge and argues that states can employ unrestrained violence against certain non-state adversaries. First, we will examine the rise of non-state actors as competitors to the state, and the reasons why this is an issue of increasing concern. Second, we will review the legal tradition that mandates restraint in the use of force, and examine the international relations theory of norms and the contemporary normative framework within which state militaries operate. Third, we will review the historical distinction between normative frameworks of restrained and unrestrained violence. Fourth, we will examine two recent cases of irregular war to clarify how a state employed unrestrained violence. Last, this paper will explore the criteria that can justify unrestrained violence to eliminate a non-state actor.

Non-state Actors and Norms of Restraint

As a rule, non-state actors work within an international system designed by and for states and respect the state's monopoly on the use of organized violence. Violating that role, some non-state actors are emerging as military competitors by fielding an array of inexpensive but technically sophisticated weaponry that was once unavailable to those without a state's resources. In domestic affairs, non-state adversaries emerge through rebellion against established authority. In foreign affairs, non-state actors sometimes employ violence as state agents, as in the various East India Companies.⁵ Today, states confront non-state adversaries emerging from within a weakening state because of postmodern dislocation and adaptation.

As individuals migrate from rural hinterlands to burgeoning megacities, people lose their traditional social and state-based institutional anchors and the resulting social dislocation forges new social relationships.⁶ In the developing world, the relative weakness of state institutions and state-based identity reifies identities based on shared ethnic, sectarian, and linguistic ties.⁷ Where new communities can avoid state regulation, they can replace states as the providers of public goods such as security and social services. The state's monopoly on the provision of public goods in social services has never been absolute, but the state monopoly on the legitimate use of force lies at the heart of what it means to be a modern state.⁸

International law makes no provision to deny a state its status as a sovereign power when that monopoly is broken, part of a broader phenomenon in which state sovereignty is honored in the breach as much as in practice.⁹ The post-colonial world offers stark examples of this blend of respect for sovereign status with recognition of the frailty of that status. Great powers have intervened in the post-colonial states of Africa and Asia to topple governments, to aid governments against insurgencies and other non-state rivals and to preserve freedom of action in

their former colonial sphere.¹⁰ Post-colonial states in particular have faced challenges exerting control within their frontiers, as evidenced in the discussion of “failed states”.¹¹

As non-state actors in Lagos and Karachi provide public services like hospitals and education and emerging elites observe state’s inability to meet public expectations, it allows non-state actors to become providers of security as well. Elites in Rio de Janeiro and Los Angeles already employ private contractors to provide for their security against well-armed criminal organizations.¹² This raises the prospect that Lebanon’s fragmentation, where various sub-state political-military organizations protect their own constituencies, could be a model for the future.¹³ The inability to distinguish between a state that monopolizes violence within its borders and states that have lost that capacity highlights a shortfall in international legal practice.¹⁴

Contemporary international law draws on Roman law, which applied three sets of laws to three categories of peoples. The civil law applied to Roman citizens and federated nations under Roman rule. The law of nations applied to non-Roman peoples, whose kings were recognized as legitimate rulers with whom Rome could make war or conclude peace. Natural law applied to all human beings, even those without kings, and governed Rome’s relations with barbarians.¹⁵ Rome could conclude treaties with civilized peoples ruled by kings or committees, but not with pirates or barbarian tribes that lacked a recognizable political institution. This category conflated criminals (pirates) with barbarians (tribes) as non-state actors to whom few laws applied.

Modern international law applies the law of nations to non-state actors, a practice dating from the Spanish Civil War.¹⁶ This eliminates the “barbarian” category and extends the protections of civil society across the globe.¹⁷ Minority peoples without state governments of their own now enjoy protections under international law, but the distinction between a non-state actor protecting a marginalized group and a non-state criminal organization is not always

obvious. As a marginalized minority leaders of the Roma can and do enjoy these protections, but the Sicilian Mafia might make similar claims to protect Sicilians.¹⁸

States can confront a non-state adversary through a criminal or a military approach. From a law enforcement angle, criminal non-state actors are subject to international police actions, and warrants can be issued for the arrest and prosecution of criminal elements that have violated state laws. From a military angle, the law of neutrality allows an attacked state to violate a neutral state when the neutral state will not or cannot prevent an aggressor from using its territory to attack the target. Under such attack, a state can use the “unable or unwilling” test to legitimize armed intervention in the neutral state.¹⁹

The normative framework codified in international law constrains state-based militaries. The state must employ proportional force, protect noncombatants and property to the extent possible, and treat prisoners in accordance with international law. The non-state actor faces no such requirements. The non-state actor does not have to distinguish between combatant and non-combatant persons or property, such as hospitals or religious sites, and does not have to adhere to standards in its treatment of prisoners. Adding to this disparity, the indistinguishability of non-state combatant from non-combatant poses a severe tactical/operational challenge for the state military: control measures that would identify combatants are onerous and may violate international law, while restraint can be portrayed as weakness by the non-state actor.

International relations theory explains how state militaries establish restraint as a norm of conduct. In establishing norms, great powers can coerce the weak and persuade the strong, and a consensus among great powers can constrain violence by specifying the conditions for using force.²⁰ These norms operate through two logics: a rationalist logic of consequences rooted in analyses of costs and benefits, and a constructivist logic of appropriateness based on social habit

and moral pressure.²¹ These logics can be mutually reinforcing, with expected benefits and appropriateness combining to reinforce a normative framework.²²

Both logics drive states to exercise military restraint: the consequence of using unrestrained violence is that others may do the same, and modern states regard unrestrained violence as inappropriate. The American Declaration of Independence charged King George III with inducing Native American tribes to attack the colonists, knowing that the aboriginal method of warfare “is an undistinguished destruction of all ages, sexes and conditions.”²³ The treaties of the twentieth century, including the Hague Convention and the Geneva Conventions establish principles for the wartime behavior of signatory states, codifying a framework for appropriate state conduct in war. It is no accident that increased restraint parallels increased lethality in modern war: the growing potency of weapons has been matched by efforts to restrain their use.

This represents a significant step in both the conduct of war and in establishing norms for the internal and external behavior of states. The norm of non-interference grants states wide latitude in organizing their affairs, and they might maintain separate normative frameworks governing action based on the nature of the actors involved. John Locke’s Letter Concerning Toleration is famous both for its strong argument in favor of religious tolerance within the state and for its assertion that a tolerant state need not accept intolerant religions.²⁴ Similarly, Hedley Bull posits “a sophisticated body of rules that are held to apply to wars between states but not to armed conflicts in which one or both parties is a non-state group, such as a civil faction or a barbarian power”.²⁵ This distinguishes between the norms that govern fighting against legitimate adversaries and the less restrained norms for fighting an illegitimate adversary.

Since legitimate rulers are reluctant to conclude war against an illegitimate adversary with a negotiated settlement, such wars have been subject to fewer restraints. A state-based

military sees itself in another state-based military, views the end of war as a negotiated settlement, and exercises restraint to avoid giving its adversary an excuse to employ unrestrained violence. But when fighting a non-state adversary, where the Self is not obviously reflected in the Other and the prospect for negotiation is slim, there are few material consequences to using unrestrained violence. Contemporary use restraint and strict rules of engagement for state militaries reflects notions of appropriateness codified in international law.

Recent attempts to employ unrestrained violence against non-state actors have yielded varying results. The French paratroopers' Pyrrhic victory in Algeria and the American Phoenix program illustrate the potential for domestic backlash to undermine a tactically successful enterprise.²⁶ Israel's ongoing struggles with Hamas in Gaza and Hezbollah in Lebanon, and particularly the backlash against the 1982 massacres at Sabra and Shattila, show the importance of international public opinion in reinforcing restraint as a norm. In contrast, British success against the Mau Mau in Kenya, the Russian victory in the Second Chechen War, and Sri Lanka's defeat of the Liberation Tigers of Tamil Eelam (LTTE) all offer the prospect that states may, under certain circumstances, kill their way to victory.²⁷

Confronting Non-State Actors

When confronting a non-state adversary, the state chooses among law enforcement, diplomatic, and military approaches. The law enforcement approach looks like the British intervention in Sierra Leone or Colombia's approach to the Medellin drug cartel, with a military-based enforcement of international legal norms. The diplomatic approach transforms a group like the Palestinian Liberation Organization into the Palestinian Authority, which has an internationally-recognized right to govern the West Bank and Gaza. The military approach is more problematic.

The American effort against Al Qaeda illustrates the difficulty in using military force against a non-state actor who conceals itself among a civilian population and employs normatively protected terrain to plan and conduct operations. By developing an alternate normative framework for illegitimate actors, states may return to a more effective approach to irregular war while at the same time protecting the valuable norms of international conduct that constrain state-based violence and protect civilians.

Unrestrained violence is morally perilous for consequentialist and appropriateness reasons. One consequence is that another state might employ it against fellow states or against minorities that are inconvenient to the regime. It also raises the prospect that unrestrained violence might legitimize or become associated with genocide. So a high standard must be set, one that withstands domestic and international scrutiny. Unrestrained violence can only be justified as a response to a positive action on the part of the non-state actor that places them beyond the pale of civilized society.

The 2004 Beslan massacre appears to meet this threshold. A team of Chechen rebels infiltrated a school in southern Russia on the first day of class, seized over a thousand teachers, parents, and children as hostages, and killed over 300 them, including 159 children.²⁸ The international response uniformly condemned the attack, including denunciations from those predisposed to support Islamic fighters in their struggle against Russia.²⁹ Russia used extraordinary brutality in the Second Chechen War, but at no point did the international community or other great powers take action against Russia for the documented human rights abuses in Chechnya.³⁰ Regardless of Russia's inept counter-terrorist response, the killing of schoolchildren by Chechen separatists seems to have justified Russia's application of unrestrained violence in Chechnya.

Most contemporary cases do not meet this threshold: nationalist insurgencies seek to become states, and generally do not commit these kinds of atrocities. Irredentist movements, as in Nagorno-Karabakh and the Donetsk People's Republic, have populations that they seek to protect and that could be threatened by their opponents. The majority of ethnic and regionally-based non-state actors, including those that might be found emerging in the megacities of the developing world, confront the state by providing security to a region or group and are unlikely to meet this standard with criminal or sectarian activity.

Israel's use of force in the 2006 Lebanon war illustrates this difficulty. With Hezbollah units sheltering in civilian areas, the Israeli Defense Forces (IDF) chose to use disproportionate force after warning civilians to vacate apartment blocks in the Beirut's Dahiyia neighborhood. The "Dahiya Doctrine" of employing disproportionate force is controversial, and has not been formally adopted by the IDF despite accusations that it was employed during the recent war in Gaza.³¹ But its originator has been appointed chief of staff for the IDF, and it shows that at least one Western military has begun to consider unrestrained violence in irregular war.³²

Case Studies

This case study examines war between state and non-state actors using paired comparison, recent cases, and data analysis. First, this section explores the normative framework for war between states and non-state adversaries in the medieval, enlightenment, and modern eras. Second, this section examines the Second Chechen War and the Sri Lankan Civil War as recent examples of unrestrained violence against a non-state actor. Finally, this section analyzes post-1989 irregular wars and examines the role of state power and restraint in determining the military outcome. This analysis indicates that high levels of state restraint correlate with increased incidence of non-state victory.

The Medieval Era

The two normative frames for regular and irregular war can be observed in two sets of paired comparisons from the Middle Ages. First, examining the First and Third Crusades illustrates the distinction between war against illegitimate combatants and war against a legitimate adversary. Second, examining the distinction between how the kings of England and France fought each other and how they suppressed peasant revolts illustrates that unrestrained violence is not confined to racially- or religiously-defined conflict, but is a mechanism by which state-based armies seek to destroy non-state actors on the battlefield.

The First Crusade was led by a band of Frankish lords against the Muslim princes of the Levant, and neither side recognized the other as legitimate rulers. In the First Crusade, the Seljuk Turks' deliberate killing of camp-followers at Dorylaeum was deemed unusually horrific by observers, while the "ferocious wave of carnage" unleashed by the Crusaders at Antioch and later at Jerusalem was remarkable even by the bloody standards of siege warfare.³³ It is tempting to dismiss this unrestrained violence as an instance of racism and religious hatred, particularly given the bloody history of the Crusaders against Jews in Europe.³⁴ While those elements are important, the ability to recognize the self in the other can transcend racism and religious hatred as witnessed by the restrained behavior of the Third Crusade.

The Third Crusade brought the kings of England and France to the Holy Land in a war against the Ayyubid sultanate led by Saladin the Kurd, who was recognized by both Richard the Lionheart and Philip Augustus as a fellow-king.³⁵ Battles and sieges in the Third Crusade were interspersed with negotiations that protected civilians, such as those who surrendered at Acre, while Richard's slaughter of Saladin's unransomed prisoners earned a measure of contemporary opprobrium.³⁶ The exception, and the reaction to it, illustrates the shared expectation between

Saladin and the Crusaders that their war was to be fought on civilized terms, and indeed the Third Crusade ended with a treaty.³⁷ Comparing the First Crusade of 1096 and the Third Crusade of 1189 highlights the distinction between the two normative frameworks applied to war between rulers on the one hand and war between a legitimate and an illegitimate adversary on the other.

Beginning in 1337, the Hundred Years' War between England and France offers a series of contrasts between the restrained violence of regular war and the unrestrained violence employed against illegitimate actors. Inasmuch as the English king Edward III sought to embody the chivalric ideal, he prosecuted his wars in France with ferocity in war and magnanimity in peace.³⁸ The mercy shown to prisoners after the battles of Crecy and Poitiers as well as to the burghers of Calais illustrates the restraint with which legitimate combatants were treated at the close of battle.³⁹ In contrast, Henry V's massacre of prisoners at Agincourt violated the norm guaranteeing the protection of prisoners in regular war. The contemporary disapproval of that killing and the ongoing controversy among French and English historians indicates the degree to which Henry's act deviated from accepted practice in war between kings.⁴⁰

When those defined as illegitimate combatants entered the same battlefield, the quality of mercy disappeared. In France during the Jacquerie of 1358, Charles of Navarre betrayed and murdered the leader of the revolt during a parley, and the remaining peasants were pursued and slaughtered in the towns of Picardy after their defeat.⁴¹ Across the Channel, the Peasants' Revolt of 1381 was put down with an analogous blend of betrayal and vengeance.⁴² The systematic slaughter of combatants in the aftermath of battle that was shocking at Agincourt was accepted practice in suppressing peasant revolts.

The contrast between the normative frameworks is clear. Battle among legitimate combatants was ferocious but limited to the battle itself, while battle between a ruler's army and

an illegitimate combatant ended only with the slaughter of one or the other. This pattern repeats itself across medieval Europe: regular war among recognized kings adhered to norms of conduct regarding truces, prisoners, and post-conflict settlement. Irregular wars between rulers and illegitimate actors explicitly reject those norms. The savagery associated with the Wars of Religion may reflect the application of this second framework, as religious legitimacy enabled Catholic and Protestant rulers to employ unrestrained violence against soldier and peasant alike.

The Enlightenment

Following the Wars of Religion, warfare among European kings became restrained almost to the point of being stylized. The wars of Louis XIV and Frederick the Great were characterized by relatively small, professional armies which maneuvered against each other and laid siege more often than they fought pitched battles.⁴³ When battles were fought, armies fought in the open, treated prisoners with respect, and minimized the destruction of property. The apex of these courtesies allegedly took place at the Battle of Fontenoy in 1745, where French and British Guards' officers gallantly offered each other the opportunity to fire first.⁴⁴

In general, war between eighteenth century kings proceeded along well-understood lines. Professional armies led by noble or gentry officers would maneuver against each other, then draw up on a field of battle. The defender might establish earthworks to protect his artillery, but as a rule the field of battle was open terrain in which massed formations of infantry and cavalry might maneuver. The attacking force marched toward the defender, the defender held his position, and at a range of some fifty feet the two infantry forces would open fire. As casualties mounted, the first to break and withdraw would be judged the loser, and the winner would take stock of the captured guns, standards, and prisoners.

The Seven Years' War in Europe offers an excellent example of such fighting. The unresolved disputes from the War of the Austrian Succession led Britain back to war on the side of Prussia, against the combined forces of France, Austria, Sweden, and Russia. The French attacked the English king's possessions in Hanover, and in 1757 a French army of 60,000 fought an Anglo- Hanoverian army of 30,000 at Hastenbeck. The contest resulted in roughly 3,000 casualties, with prisoners exchanged in the aftermath of the British retreat.⁴⁵ And when British and French regulars and their colonial levies met in battle, as at the siege of Louisbourg in 1758, both attackers and defenders conformed to the contemporary norms of siege warfare.⁴⁶

Different norms applied to the irregular war along the North American frontier. Decades of competition for strategic territory, native allies, and access to furs and farmland had led to violence in the Ohio Country as early as 1754.⁴⁷ The 1757 battles on Lake George and the massacre at Fort William Henry offer memorable examples of unrestrained violence. French forces ambushed and destroyed a lake-boat sortie by New Jersey militia, with the French-aligned native warriors spearing the survivors in the shallows. After the fort's fall, the Marquis de Montcalm guaranteed Lieutenant-Colonel George Monro safe passage in the traditions of "the most courteous European warfare of the day," but Montcalm's Indian allies ambushed and slaughtered the first Anglo-American contingent of 700 men*, and the next day's contingent required a heavy French escort.⁴⁸

1757's savage fighting echoed in the following year's battles in Canada. Besieging Louisbourg, Lord Amherst and the Governor Drucour exchanged "chivalrous" gifts of champagne and pineapple. The British approach to Drucour's Abenaki and Micmac allies was

* Competing attempts to portray the events at Fort William Henry to British or French advantage make accurate casualty counts difficult. Steele's lower bound estimate of 69 killed is persuasive, but substantially lower than most British contemporary accounts would suggest. What is certain is that virtually none of Monro's first contingent escaped: those not killed were captured, and most of the captured were not returned to the British colonies (being either killed or adopted into native families in the Upper Great Lakes region).

less refined: one of Amherst's brigadiers described them as "a dastardly set of bloody rascals...we cut them to pieces whenever we found them."⁴⁹ This unrestrained violence was hardly one-sided: near Fort Detroit in 1763, Pontiac ambushed a Captain James Dalyell's company, after which Pontiac cut out Dalyell's heart and impaled his head on a stake.⁵⁰

The contrast between the regular war in Europe and North America and the irregular war on the frontier is striking. Where regular forces faced each other in battle norms of restraint governed the use of force, while the introduction of irregular, non-European forces changed the norms of restraint. Though the racial element in the frontier warfare is clear, as in the Crusades it is not decisive: the French and British each made alliances that recognized tribal leaders as rulers. Native warriors might even integrate into armies: Roger's Rangers included 24 Stockbridge Indians on the St. Francis raid.⁵¹

Unrestrained violence was not confined to the North American wars. In Britain, the Rising of 1745 saw Scottish Highlanders support a Catholic Stuart pretender's bid to overthrow the Protestant Hanoverian king. Despite initial success in Scotland and in northern England, Prince Charles Edward Stuart withdrew into Scotland, where the Duke of Cumberland brought him to battle at Drumossie Moor, near the village of Culloden. In April, 1746, Cumberland's army broke the Highlanders' charge and crushed the last of three Stuart rebellions. Cumberland ended his campaign by hunting the fugitives, burning Scottish villages, and displaying such violence that he earned himself the sobriquet "Butcher".⁵²

At the time, and even after, the British public considered Cumberland's methods justified. The Highlanders' strange speech, outlandish dress, and reputation for barbarity in war made harsh methods seem akin to "those generally used by barbarians towards each other and therefore held inexcusable among civilized men."⁵³ Cumberland's efforts to subdue the

Highlands legitimized plunder, pillage, and the killing of prisoners who had deserted the British Army for the rebel cause, all of which met general approval in London, where public opinion seemed to regard the Duke as having been “driven” to these ends by the “obstinacy and intransigence” of the clansmen.⁵⁴

The passage of time changed British opinion. While Barrel’s regiment wore “Culloden” on their colors for some 40 years after the battle, and the warship *HMS Culloden* fought with Nelson at the Nile, the atrocities that followed the battle of Culloden eventually stained its reputation. Cumberland’s actions were eventually regarded as “unpardonable” and an indelible blot on his reputation.⁵⁵ No British regiment carries the name “Culloden” on its colors, a tacit recognition that the unrestrained violence that followed the battle may have seemed justified at the time but are not worthy of celebration.⁵⁶

Fifty years later, Napoleon’s war in Spain offers another contrast between war among recognized states and war between state and non-state actors. The Spanish army’s victory at Bailen in 1808 was a crushing defeat for France, which surrendered some 20,000 prisoners, and Napoleon’s subsequent seizure of Madrid restored the French government to power with limited bloodshed.⁵⁷ The battles fought by the Anglo-Portuguese army against the French in Spain followed a similar pattern: fierce fighting at battles like Talavera and Salamanca, occasional orgies of violence following sieges at Badajoz and Ciudad Rodrigo, all while taking care to respect the contemporary norms of warfare regarding prisoners and unresisting cities.⁵⁸

The “little war” in Spain (*La Guerrilla*) was an entirely different enterprise, a war of the people, with clergy, criminals, townsmen, and peasants taking up arms against the French. French forces were stymied in the urban combat at Zaragoza and in the bloody war of ambush that created a “guerrilla kingdom” in northeastern Spain.⁵⁹ French forces saw themselves as

enlightened liberators in a primitive land and regarded Spanish civilians who took up arms as violating the laws of war, and so Spanish resistance engendered brutal acts of repression.⁶⁰

The French were not alone in rejecting irregulars: following his restoration, Ferdinand VII refused to grant pay, honors, and pensions to the *guerrilleros* who had fought on his behalf. Irregulars operating without explicit sanction threaten the ruler's monopoly of organized violence, and so Ferdinand rejected the *guerrilleros'* claims to protect his own position.⁶¹ Seen in this light, the wars of the Enlightenment and the French Revolution followed the same pattern as the wars of the medieval kings: regular war adheres to one normative framework, and irregular warfare to another.

The Modern Era

The Spanish-American War offers a case of a state fighting first a peer competitor and then a non-state actor. In the initial phase of the war, American forces landed in Cuba ostensibly to support a Cuban uprising against Spain, while another force landed at Manila to seize the Spanish capital of the Philippines and a third force seized Puerto Rico. All three ground forces were closely supported by naval forces and conducted their operations in the traditional model of state-based war, with ferocity in the fight and magnanimity in victory.

The regular war between the United States and Spain sharply circumscribed the use of force against populated areas. In Cuba, General William Shafter considered firing on the town of Santiago uncivilized, despite its use as a fortification by Spanish troops.⁶² During the naval battle of Santiago, the American squadron destroyed the Spanish ships but took pains to treat captured sailors "with utmost chivalry and kindness".⁶³ In Manila, Admiral George Dewey's force destroyed their opponents and then paroled survivors and surrendered soldiers.⁶⁴ Dewey also

understood that once Manila's guns fired on his ships, the city would lose its immunity to hostile bombardment.⁶⁵ War between American and Spanish commanders was a constrained affair.

The American approach to irregulars was very different. American regarded the anti-Spanish insurgent forces in Cuba and in the Philippines with lightly veiled contempt, and focused on defeating their Spanish opponents as though General Maximo Gomez and General Emilio Aguinaldo were more hindrance than help.⁶⁶ In Cuba, Gomez and the Cuban separatists accepted American occupation with the promise of future independence, and by 1902 Cuba emerged as an American protectorate with internal sovereignty. In the Philippines, Aguinaldo proclaimed an independent republic and fought the Americans for an additional two years.

The Philippines war required the US Army to combine conciliation and repression in pacification. Drawing on the US Civil War and the wars against the Plains Indians, generals referred to General Order No. 100 (dated 1863) and the concept of reciprocal restraint, where the army would ignore a quiescent local population but guerrillas and their supporters faced harsh reprisals.⁶⁷ In the conventional fighting against Aguinaldo's armies on Luzon, General Lloyd Wheaton emulated the tactics of Sherman's March to the Sea, and General Henry Lawton chose to overlook the unauthorized seizure of livestock and property.⁶⁸ Nonetheless, the McKinley Administration's stated policy of "benevolent assimilation", a refusal to live off the countryside, and the army leadership's concern to maintain discipline restrained the use of force.⁶⁹

These tactics changed as the demise of Aguinaldo's government led to full-scale guerrilla war. By 1901, field commanders had implemented the harsher principles of General Order 100, and the prior emphasis on civic action and conciliation was limited to secure areas.⁷⁰ Following the destruction of an Army garrison on Samar, American reprisals included widespread

shootings in Samar and a policy of concentration camps in southern Luzon.⁷¹ Confronted with an irregular enemy, American commanders embraced unrestrained violence.

Contemporary Cases: Chechnya and Sri Lanka

Contemporary international norms maintain robust protections for civilians in and near the battlefield. Since separatist groups and other non-state combatants protect territory and people, the international community endorses the norm of restraint even when states confront non-state actors. This norm is broad but far from absolute: in two cases since 2000 non-state actors have effectively been designated “illegitimate” and subjected to unrestrained violence. In the Second Chechen War and in the Sri Lankan Civil War, the non-state actor’s murderous history enabled Russia and Sri Lanka to wage unrestricted war against their enemy.

With the collapse of the Soviet Union, Chechen separatists launched a war for independence ending 1996 with a Russian retreat and the creation of an autonomous Chechen republic.⁷² As Russian forces reduced Chechnya’s capital to rubble Chechen commanders resorted to terrorism, seizing a hospital in Budennovsk in 1995 and in Kizlyar in 1996.⁷³ Confronted with high casualties and unable to achieve a decisive military victory, the Yeltsin government signed a formal treaty recognizing Chechnya’s autonomy in May, 1997. Increasing radicalization within Chechnya produced violence against civilians, including Red Cross medical staff, British telecoms workers, and the Russian deputy interior minister.⁷⁴ By 1999, when Chechen and foreign Islamists invaded neighboring Dagestan in an attempt to spark a broader uprising in the North Caucasus, the Russian security establishment understood Chechnya as a terrorist state dominated by Wahhabi extremists and believed the use of force was the sole mechanism that might restore order to the region.⁷⁵

The 1999 offensive, sanctioned by then-Prime Minister Vladimir Putin, followed the invasion of Dagestan and a trio of bombings at Russian apartment blocks that appeared to fit the pattern of Chechen terrorist activities.⁷⁶ A senior Russian judge was quoted asserting that “the liquidation of bandits is acceptable in this situation,” supporting the widespread violence that would ensue.⁷⁷ As Russian counterinsurgency operations in Chechnya progressed, Russian forces and their Chechen proxies were notable for their lack of restraint toward civilians and systematic abuse of human rights.⁷⁸ Conventional wisdom argues that such violence is counterproductive for creating deep grievances in the target population and increasing support for rebels, but analysis of Russian artillery barrages in Chechnya from 2000-2005 shows that indiscriminate shelling succeeded in suppressing insurgent activity.⁷⁹ Further, Russia’s use of a Chechen proxy force improved the effectiveness of ground operations, effectively “Chechenizing” elements of the conflict.⁸⁰

Chechen fighters responded by resorting to the kind of attacks on civilians that had led to Russia’s capitulation in 1996. At Moscow’s Dubrovka Theater in 2002, a team of Chechens seized over 700 hostages, leaving over 130 of them dead after Russian forces stormed the building.⁸¹ In the summer of 2004, a series of suicide bombings by Chechen women downed two civilian aircraft and attacked a Moscow subway station, killing over 100 in a single week. Most significantly, at the Beslan School No. 1 in southern Russia, a September 2004 raid by 33 Chechens seized 1100 teachers, children, and parents on the first day of school, ending with over 300 dead including 170 children.⁸²

Despite widespread reports of Russian human rights abuses, the international community was circumspect in its criticism and limited in its action. Russia’s first war in Chechnya established a perception that great powers could violate norms with near-impunity.⁸³ Russia’s

second war in Chechnya coincided with America's wars in Iraq and Afghanistan, and Chechen separatists' Islamist radicalism and deliberate targeting of the most vulnerable civilians incurred condemnation even from Islamists normally supportive of the Chechen cause.⁸⁴ While Russia's use of unrestrained violence pre-dates the Beslan massacre, the deliberate killing of children seem to have allowed the international community to ignore Russian violations in the light of Chechen atrocities.

One might regard Russia's case as an example of "might makes acceptable," but a smaller state was capable of similar action. Sri Lanka faced a long-running ethno-religious separatist movement, waging an increasingly bloody war for independence since the early 1980s. The LTTE developed the suicide belt and used suicide bombers to kill Indian prime minister Rajiv Gandhi and Sri Lankan prime minister Ranasinghe Premadasa.[†] LTTE fighters, including child soldiers, attacked Sinhalese civilians at urban bus stations and in small villages on the periphery of the Tamil homeland. The LTTE was also known for its repression of dissent among Tamils and its willingness to kill moderate Tamil leaders.⁸⁵

Western powers, led by Norway brokered a 2002 cease-fire, and talks continued amid ongoing violence for the next six years. The cease-fire broke down in 2008 as the LTTE went to war, and the government counter-offensive displaced half a million people amid accusations of the deliberate targeting of Tamil civilians.⁸⁶ The United States, Japan, and the EU were willing to support the government with caveats to ensure respect for human rights. China, Pakistan, and Iran provided military and economic support with no strings attached.⁸⁷

With capability secured from outside backers and opportunity provided by dimming the prospect of international condemnation, the Sri Lankan government employed unrestrained

[†] This is the only known case of a single insurgent group assassinating the chief executives of two different countries.

violence against the LTTE in 2009. Sri Lankan ground forces drove the LTTE out of positions they had held for decades, while artillery and air forces delivered massed fires against areas still under LTTE control. Even outside the combat zone, the Sri Lankan government perpetrated an array of human rights violations in an effort to silence domestic opponents.⁸⁸

In May, the LTTE retained a narrow strip of land on the east coast of Sri Lanka, with some 100,000 civilians trapped between equally ruthless adversaries. The LTTE conscripted children as young as 12 after killing their parents, while the Sri Lankan military repeatedly bombed a designated safe area causing over 50,000 civilian casualties.⁸⁹ While the international community criticized Sri Lanka's human rights record, there was no intervention and the international community allowed Sri Lanka to use unrestrained violence against the LTTE.

The Sri Lankan government, led by Prime Minister Mahindra Rajapaksa and his brother, the minister of defense, made a political commitment to crush the LTTE and took deliberate steps to secure international backing for that decision. The government's belief that the no agreement with the LTTE would be honored and willingness to adopt extreme measures reflected the bitter experience of previous administrations. The Sri Lankan government's diplomatic efforts, public information campaign, and exclusion of international observers from the battlefield all contributed to the successful use of unrestrained violence to destroy the LTTE.⁹⁰

The Second Chechen War and the Sri Lankan Civil War show that states can employ unrestrained violence against a non-state adversary when that adversary's actions have placed them outside the zone of civilized behavior. The commission of public atrocities by a non-state adversary appears to allow states to publicly consider, and even implement, campaigns of unrestrained violence. Indeed, in the days after the September 11, 2001 attack on the World

Trade Center, it is entirely possible to imagine Washington adopting a campaign of conventional but unrestrained violence against Al Qaeda elements in Afghanistan.

These wars raise two essential questions: under what exact conditions can unrestrained violence be justified, and how can it be employed? In the first instance, is the threshold for unrestrained violence the deliberate murder of children, and if so, how many need die to justify this kind of war? In the second, is unrestrained violence different when employed by foreign forces as opposed to their local proxies? These questions are addressed in the discussion of an operational concept for unrestrained violence.

Post-1989 Data

This section analyzes data on conflicts between states and non-state actors to show that states with a high degree of power relative to their non-state adversary and a low degree of restraint are likely to be victorious. Using the Correlates of War (COW) data on wars between

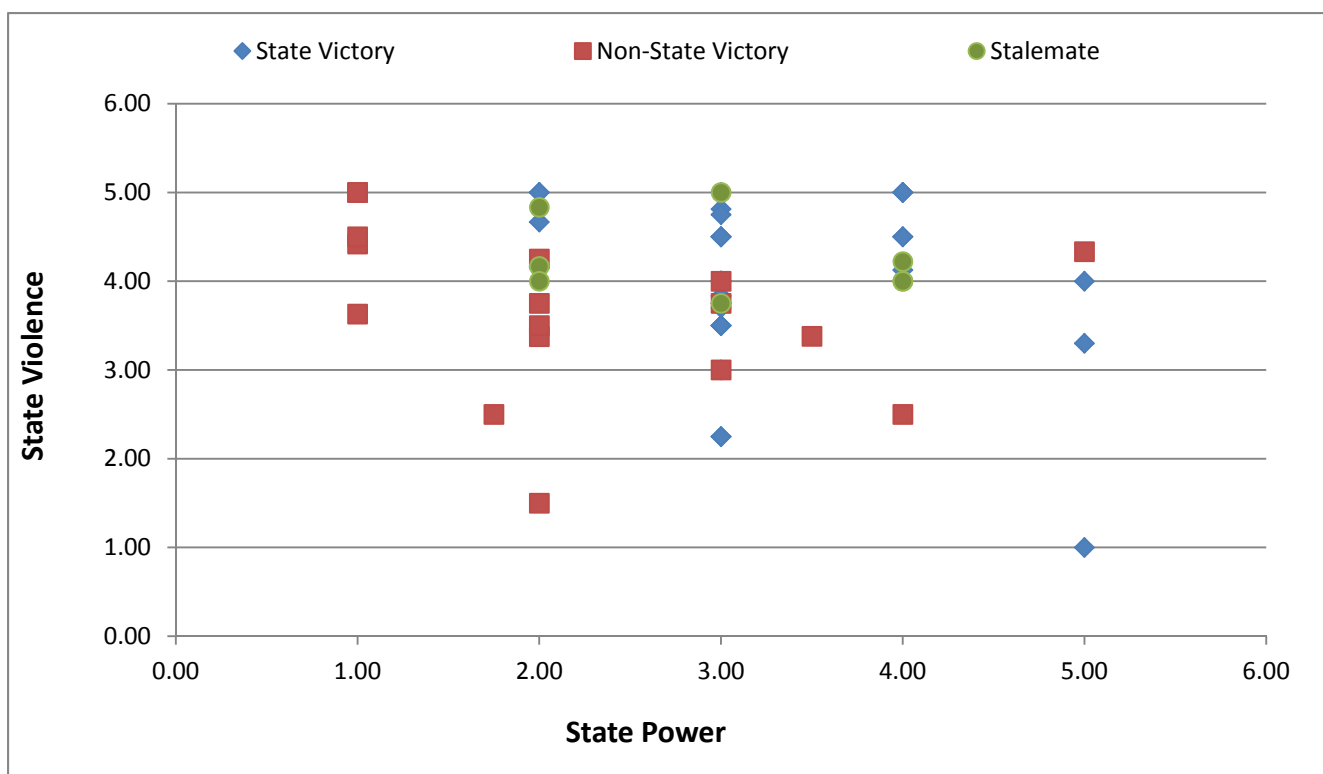


Figure 1: Power, Violence, and Outcomes in Irregular War

states and non-state actors, we confine this analysis to the post-Cold War era where proxy wars between superpowers have subsided. Further, we include only wars that have concluded by 2010, to better understand the outcomes associated with each conflict.⁹¹ We also exclude wars in which states fight on both sides, specifically the War of Kosovar Independence, as the NATO alliance fought against Serb-led Yugoslavia. The resulting list is found in Appendix A.

To model levels of state restraint, we take the Political Terror Scale's (PTS) data for actual violations of physical integrity as a more robust measure of state un-restraint than the political repression measured by the Cingranelli and Richards Human Rights Data Project.⁹² We assign individual states a power ranking on a scale of 1 to 5, with 1 being a very weak state and 5 a state capable of global power projection. For coalition restraint, we take the mean of the participating states' PTS violations in the years of the conflict, and we take the same mean for the proxy code for state power.

The COW data codes seven potential conflict outcomes. This analysis re-codes for three: state victory, non-state victory, and stalemate, excluding ongoing conflicts and re-coding the other categories as needed.⁹³ The revised data set of 59 conflicts can be found Appendix A. Figure 1 plots the data set based on state power and state violence, showing a correlation between state power and victory, and illustrating that weaker states more often employ unrestrained violence against non-state adversaries. The correlation between state power and state victory is unsurprising: one would expect the more powerful actor to win. The fact that non-state actors win four of the six wars in which state violence is 3 or less is striking, and indicates that state restraint may improve the non-state actor's chances of winning.

These results open the door for further investigation. What impact does a third-party counterinsurgent have on a state using unrestrained violence against a non-state adversary? Do

levels of restraint correlate to the strength of domestic civil society or state power? What are the key actions that make a non-state actor illegitimate?

Operationalizing Unrestrained Violence

Unrestrained violence offers military planners a framework for thinking about the mechanisms available for engaging non-state actors and managing their role in the operating environment. For non-state actors whose effect is positive or benign, American forces may cooperate with or tolerate the non-state actor. When the non-state actor has a detrimental effect on the mission and cannot be moderated, this concept offers three methods to eliminate the adversary: legal pursuit, diplomatic conversion, and unrestrained violence.

Unrestrained violence is the option of last-resort, to destroy a non-state actor whose actions have de-legitimized the group and made their existence intolerable. This is not an approach intended for the medical charity or international NGO, nor for a gray-economy cartel smuggling licit and illicit goods. This does not apply to the criminal syndicate, the triad or mafia or yakuza that uses violence to protect its markets and supply chains for illegal activities. Unrestrained violence applies only to non-state actors whose public atrocities are intolerable, against whom traditional methods of state power have failed, and when extralegal action by the state can be tolerated as a necessary corrective action. In short, the non-state actor has to have committed an atrocity so visible and ghastly that de-legitimizes itself.

Non-state actors are a diverse category, with charities like *Medicins Sans Frontieres* (MSF) and criminal syndicates like the Gulf Cartel. Some provide vital services that states are unable or unwilling to offer, while others undermine the functioning of the state. Regular forces will need to adopt a one of four of general approaches: *cooperation*, *toleration*, *moderation*, or *elimination* (see Figure 2).

Cooperation is the preferred mechanism for handling a beneficial non-state actor. MSF, the Red Cross/Red Crescent, and charity foundations fall into this category. These non-state actors may be suspicious of military forces and avoid partiality, but as a rule regular forces are well-advised to cooperate with such organizations to the extent possible. Toleration is useful for the un-cooperative but benign non-state actor. Educational organizations are not essential in the aftermath of a disaster or a collapse of state authority, but they can keep restive children occupied and relieve parents of the burden of childcare. Black markets, while less than optimal, may be tolerable given the breakdown in legal trade networks, so tolerating such non-state actors would be an effective approach.

Moderation can modify a non-state actor's negative effects, and is ideal for non-state actors that avoid confronting militaries. Black marketers who hoard necessities to charge exorbitant rates, or political organizations that threaten violence, or criminal organizations that undermine what remains of state authority, all can potentially be moderated. These non-state actors might be persuaded to either temporarily modify their activity, or be offered a position in which benefits accrue to cooperation with re-established authority.

Elimination is the option of last resort. A non-state actor that violates the law, undermines the state, and refuses to moderate its behavior cannot be tolerated and must be eliminated. When the non-state actor does not speak for an aggrieved minority and maintaining the rule of law is important, a *legal pursuit* of the non-state actor preferable. When the non-state actor claims to speak for an aggrieved minority but its use of violence mostly adheres to established norms and the state has time on its side, a *diplomatic conversion* is appropriate. When the non-state actor has committed a highly visible atrocity, within a pattern of attacking civilians indiscriminately, the state can consider using *unrestrained violence*.

Under extraordinary circumstances, regular forces may need to employ unrestrained violence, either directly or through a host-nation ally, to eliminate a non-state actor. This is truly the last resort, for use only when legal pursuit has been stymied, diplomatic conversion is not possible within the available time, and more restrained violence has failed.

Communicate: To ensure that the American public, American troops, and the world at large understand why extreme measures are necessary, leaders will need to explain how the non-state adversary's actions have violated deeply-held international norms of conduct. Examples include massacres of civilians, systematically killing schoolchildren, mutilating non-combatants, deliberately starving villages and towns, and using children as suicide bombers.

Isolate: To ensure that the adversary cannot escape and live to fight another day, it will be necessary to isolate the zone of operations. This may require modifying freeways or canals to create obstacles, constructing berms and employing temporary landmines to restrict movement, or destroying buildings in a sector to clear lines of sight and fields of fire to interdict movement out of the designated zone.

Delegate: The US military has embraced Lawrence's maxim regarding the relative effectiveness of host-nation efforts.⁹⁴ Host-nation forces will be more capable of identifying the distinguishing marks of the non-state adversary, either the social or behavioral shibboleths that identify members. Unrestrained violence is a conscious violation of the norms of proportionality and restraint that normally govern the employment of regular forces, and for Western states it would be better for regular forces not to participate directly in the slaughter.⁹⁵

Offer a Way Out: Political leaders may prefer to end the conflict by reconciling foot-soldiers once leaders are dead. In this case, defining a mechanism for surrender, disarmament, demobilization, and reconciliation will be essential. In the American West, native tribes were

offered reservations as a way out. In Sri Lanka, the government allowed the Tamil National Alliance to enter politics after dropping its demand for a separate Tamil homeland and rejecting the Tamil Tigers' legacy.⁹⁶

The principal capabilities required for unrestrained violence are political and not military. Both political and military leaders will need to ensure that unrestrained violence is applied against deserving foes, subject to political requirements, toward a specific end, and with the acceptance of the international community.

Discretion: There are many non-state actors whose interests and activities are opposed to those of the United States, but few of these are illegitimate. Political and military leaders will have to use discretion to determine which non-state adversaries should be pursued within the constraints of international law, and which non-state adversaries can be placed outside the scope of legal protections. The difference between a drug cartel and the Tamil Tigers is important.

Political Will: Once the decision has been made to use unrestrained violence, it will be necessary to see the mission through to its conclusion. Half-measures, or halting the operation once it is under way, would send an unmistakable message that the state lacks the determination to operate according to the unmediated law of nature. If a "way out" is offered, it needs to be clarified in advance so as not to undermine state credibility.

Termination Criteria: The commander will need to define the conditions under which unrestrained violence will cease. The sector that experienced unrestrained violence will have to be re-integrated with the rest of the system, barriers that isolated the zone of operations will have to be removed, and displaced persons will have to be allowed to return. The political leadership will have to determine the minimum conditions at which those actions take place: is there a

specific rebel leader whose death or capture is necessary? Is there a critical location whose symbolic value is essential to destroy?

International Acquiescence: The international community has a great deal of influence, and militaries that employ unrestrained violence ignore international opinion at their peril. The French in Algeria and the Israelis in Lebanon (1982) have paid a price for international condemnation of unrestrained violence. Even Israel's disproportionate use of force against Hezbollah targets in Lebanon (2006), following clear warnings to civilians that they needed to vacate the area, have been a target of criticism. The communication aspect of unrestrained violence is vital, to prove to the international community that the non-state adversary has crossed the threshold and become an incarnation of evil, whose extermination is justified. Winning this battle is an essential prerequisite to the successful use of unrestrained violence.

Employing unrestrained violence against a non-state adversary is inherently problematic. In nearly all cases, a legally constrained operation will be preferable because of its inherent compliance with the rule of law and its ability to transition to a stable post-crisis environment. However, in those cases where legally sanctioned means are inadequate and the non-state adversary has de-legitimized itself through public atrocity, states may find it necessary to accept temporary lawlessness to destroy a malignant non-state actor.

Conclusions

States will continue to confront non-state adversaries on the battlefield, and will need to consider the normative constraints that apply to conflict against non-state adversaries. When challenged by criminal and separatist adversaries whose actions conform to contemporary norms of state behavior, states will need to work within that normative framework and apply military and diplomatic resources in accordance with international law. When non-state adversaries de-

legitimize themselves by committing atrocities, states can secure tacit international approval for temporary lawlessness and employ unrestrained violence to eliminate unusually horrific non-state adversaries.

Endnotes

¹ Colin Gray, *Another Bloody Century: Future Warfare* (London: Phoenix, 2005): 168.

² The presence or absence of state sponsorship is a key factor in determining the outcome of an insurgency. The withdrawal of state sponsorship generally dooms the insurgent (or the counterinsurgent) to defeat. See Ben Connable and Martin C. Libicki. *How Insurgencies End*, (Santa Monica, CA: RAND Corporation, 2010).

³ Carl von Clausewitz, *On War*, ed. Michael Howard and Peter Paret, trans. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1984), 75-87. Clausewitz notes that “War is thus an act of force to compel our enemy to do our will,” and in a later section “The political object is the goal, war is the means of reaching it, and means can never be considered in isolation from their purpose.” Contemporary military and political leaders alike are notable for their ability to disregard this prescription in favor of a strict delineation of military and political spheres.

⁴ Mao Tse-Tung, “On Protracted War”, in *Selected Works of Mao Tse-tung* (Peking: Foreign Languages Press), 1967, 136-145.

⁵ The British East India Company may be the best-known instance of a non-state actor wielding military power to intimidate states, but it did not exist in isolation. The Netherlands, Denmark, France, Portugal, Sweden, and Austria all chartered “East India Companies” to trade with the states of the Indian subcontinent. The companies possessed state backing and state authority, flew flags with the state’s emblem, and passed profits back to the sponsor states. It is no wonder that they would be armed for both their own protection against competitors and pirates, and to persuade reluctant trading partners to consent to terms of business.

⁶ Ryan Bishop and John W. P. Phillips, “The Urban Problematic,” *Theory Culture Society* 30, no. 7-8, (2013): 221-241.

⁷ Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985).

⁸ Max Weber, “Politics as a Vocation,” in H.H. Gerth and C. Wright Mills *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946), 77-128.

⁹ Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).

¹⁰ Ibid, 200. The pattern of French intervention in sub-Saharan Africa is particularly instructive given the present French military operations in Cote d’Ivoire and Central African Republic.

¹¹ The term “failed state” came into vogue in policy circles during the 1990s as the stability of the Cold War era evaporated and conflicts in Somalia, Yugoslavia, and the Lakes Region of central Africa attracted attention in Western capitals. For a discussion of the definitional ambiguity of the term, see Stewart Patrick, ““Failed” States and Global Security: Empirical Questions and Policy Dilemmas,” *International Studies Review* 9, no. 4, (Winter, 2007): 644-662.

¹² Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (New York: Vintage Books, 1990), 223-260.

¹³ George Friedman, “Iraq and Syria Follow Lebanon’s Precedent,” *Real Clear World*, August 26, 2014, http://www.realclearworld.com/articles/2014/08/26/iraq_and_syria_follow_lebanons_precedent-2.html.

¹⁴ Jeffrey Herbst, “Let Them Fail: State Failure in Theory and Practice,” in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (Princeton: Princeton University Press, 2003), 302.

¹⁵ Nicholas Barry and Ernest Metzger, *An Introduction to Roman Law* (Oxford: Clarendon Press, 2008).

¹⁶ William A. Schabas, “Theoretical and International Framework: Punishment of Non-State Actors in Non-International Armed Conflict,” *Fordham International Law Journal*, (April, 2003): 909.

¹⁷ The extension of international law to include pirates has been particularly problematic in recent years, with states facing the prospect of placing Somali pirates on trial. Two hundred years ago, pirates were subject to summary judgment with their mutilated bodies displayed as a deterrent to would-be pirates. See Roach, J. Ashley. “Countering Piracy off Somalia: International Law and International Institutions.” *The American Journal of International Law* 104, no. 3 (July 2010): 397-416.

¹⁸ The exact origins of the Sicilian Mafia are a matter of ongoing historical debate. Traditional narratives emphasize the role of rural honor and the Sicilian character, while more recent analysis points to the early Mafia as regulators in the Sicilian real estate sector and citrus markets. For the traditional narrative, see John Dickie, *Cosa Nostra: A History of the Sicilian Mafia* (New York: Palgrave Macmillan, 2004), 13-17. The analysis of real estate regulation is found in Oriana Bandiera, “Land Reform, the Market for Protection, and the Origins of the Sicilian Mafia: Theory and Evidence.” *Journal of Law, Economics, and Organization* 19, iss. 1 (2003): 218-244. On the role of citrus markets, see Arcangelo Dimico, Alessia Isopi and Ola Olsson, *Origins of the Sicilian Mafia: The Market for Lemons*. CREDIT Research Paper, Univeristy of Nottingham, January 2012.

¹⁹ Ashley S. Deeks, ““Unwilling or Unable”: Toward a Normative Framework for Extraterritorial Self-Defense,” *Virginia Journal of International Law* 53, (2011-2012): 490-492.

²⁰ Renee De Nevers, “Imposing International Norms: Great Powers and Norm Enforcement,” *International Studies Review* 9, no. 1 (Spring 2007): 74-77. Charles W. Kegley, Jr. and Gregory A.

Raymond, "Normative Constraints on the Use of Force Short of War," *Journal of Peace Research* 23, no. 3 (Sep., 1986): 222-225.

²¹ Martha Finnemore, *National Interests in International Society*, (Ithaca: Cornell University Press, 1996): 29. Also Robert Axelrod, "An Evolutionary Approach to Norms," *The American Political Science Review* 80, no. 4 (Dec., 1986): 1095-1100.

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²³ Thomas Jefferson, *Declaration of independence*, Encyclopedia Britannica, 1952.

²⁴ John Locke, *A Letter Concerning Toleration*. Williams Pepple trans., 1689. Downloaded from <http://www.constitution.org/jl/tolerati.htm>.

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²⁵ Hedley Bull, "The State's Positive Role in World Affairs." *Daedalus* (1979): 117.

²⁶ Kevin Buckley, "Pacification's Deadly Price," *Newsweek*, June 19, 1972. Downloaded from <http://msuweb.montclair.edu/~furrgr/Vietnam/buckley.html>.
See also Ruth Blakely, *State Terrorism and Neoliberalism: The North in the South*, (New York: Taylor & Francis, 2009), 50.

²⁷ A detailed examination of Mau Mau and its suppression is beyond the scope of this study. The British use of violence against the Mau Mau is described in Huw Bennett, *Fighting the Mau Mau: The British Army and Counterinsurgency in the Kenya Emergency* (Cambridge, Cambridge University Press, 2013), 194-229. The propensity of British settlers and soldiers for unrestrained violence is examined in Robert B. Edgerton, *Mau Mau: An African Crucible*, (London: I. B. Tauris, 1990), 142-173. An overview of Britain's use of terror against the Kenyan population is found in Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya*, (New York: Henry Holt, 2005). For a detailed examination of Sri Lanka's victory over the LTTE, see Ahmed S. Hashim, *When Counterinsurgency Wins: Sri Lanka's Defeat of the Tamil Tigers*, (Philadelphia: University of Pennsylvania Press, 2013). His examination of the role of the government's political will to destroy the LTTE and incur civilian casualties is found on pages 180-183.

²⁸ Dov Lynch, "'The enemy is at the gate': Russia after Beslan," *International Affairs* 81, No. 1 (2005): 141.

²⁹ MEMRI, "Arab and Muslim Reactions to the Terrorist Attack in Beslan, Russia", Jihad and Terrorism Studies Project, MEMRI, September 8, 2004. Available online at <http://www.memri.org/report/en/0/0/0/0/0/0/1213.htm>

³⁰ For records of Russian human rights abuses in Chechnya, see Human Rights Watch. *Worse Than a War: "Disappearances in Chechnya- a Crime Against Humanity*. New York: Human Rights Watch, March 2005. Also Human Rights Watch. *Widespread torture in the Chechen Republic: HRW Briefing for the 37th Session, United Nations Committee against Torture*. New York: Human Rights Watch, November 13, 2006. For the international reaction to Russian human rights abuses, see Svante E. Cornell, "International Reactions to Massive Human Rights Violations: The Case of Chechnya," *Europe-Asia Studies* 51, No. 1 (Jan., 1999) 85-100.

³¹ The criticisms are levied in the Goldstone Reports. See United Nations. "Human Rights in Palestine and Other Occupied Arab Territories," New York: Human Rights Council, 25 September 2009.

³² For a discussion of leadership accountability, see Yaron London, "The Dahiya Strategy", Yediot Aharonot, October 6, 2008. Available on ynetnews.com/articles/0,7340,L-3605863,00.html. Also see Gabi Siboni, "Disproportionate Force: Israel's Concept of Response in Light of the Second Lebanon War," *INSS Insight*, No. 74, October 2, 2008, Tel Aviv: Institute for National Strategic Studies. For accusations that Israel deliberately employed disproportionate force in the Gaza War, see the United Nations report "Human Rights in Palestine and Other Occupied Arab Territories," 25 September 2009.

³³ Thomas Asbridge, *The First Crusade: A New History, The Roots of Conflict Between Christianity and Islam* (New York: Oxford University Press, 2004). Asbridge's account of Dorylaeum on p. 136 derives from the chronicles of Fulcher of Chartres and Albert of Aachen. Asbridge assesses the siege of Antioch on page 210 and that of Jerusalem on pages 315-318.

³⁴ Asbridge, *The First Crusade*, pp. 84-89.

³⁵ Frank McLynn, *Richard and John: Kings at War* (New York: Da Capo Press, 2007).

³⁶ James Reston, Jr. *Warriors of God: Richard the Lionheart and Saladin in the Third Crusade* (New York: Anchor Books, 2002) 200-201. Also McLynn, *Richard and John*, 180.

³⁷ Reston, *Warriors of God*, pp. 328-333.

³⁸ Ian Mortimer, *The Perfect King: The Life of Edward III, Father of the English Nation* (London: Vintage Books 2006), 400.

³⁹ Mortimer, *The Perfect King*, 253. Also Jonathan Sumption, *The Hundred Years War I: Trial by Battle* (Philadelphia: University of Pennsylvania Press, 1990) 582.

⁴⁰ Ian Mortimer, *1415: Henry V's Year of Glory* (London: The Bodley Head), 2009, 446-453. Also Juliet Barker, *Agincourt: Henry V and the Battle that Made England* (New York, Boston: Little, Brown and Company, 2005) 289-295.

⁴¹ Jonathan Sumption, *The Hundred Years War II: Trial by Fire* (Philadelphia: University of Pennsylvania Press, 1999) 333-335.

⁴² Jonathan Sumption, *The Hundred Years War III: Divided Houses* (Philadelphia: University of Pennsylvania Press, 2009) 427-430.

⁴³ Hew Strachan, *European Armies and the Conduct of War* (London: Unwin Hyman, 1983) 8-37. See also Dennis Showalter, *The Wars of Frederick the Great* (New York: Longman, 1996) 1-14. Also see Showalter, *Frederick the Great: A Military History* (London: Frontline, 2012) 2-37. Strachan's tally of the Duke of Marlborough's sieges relative to his open battles is an intriguing statistic, although it should be noted that the Duke's final open battle at Malplaquet was the bloodiest of his career and an aversion to similar casualties may have influenced him to prefer siegecraft. Sieges of this era were generally more convention-bound and peaceable surrender following honorable resistance emerged as the normal conclusion, rather than bloody assault followed by still-bloodier sack.

⁴⁴ Russell Weigley, *The Age of Battles: The Quest for Decisive Warfare from Breitenfeld to Waterloo*, (Bloomington: Indiana University Press, 1992) 206. There is a tactical advantage to holding one's volley until the closest range possible to maximize its effects, so chivalry may not be the sole motive in play.

⁴⁵ Marston, 36-37.

⁴⁶ Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766*, (New York: Vintage Books, 2000), 252-253.

⁴⁷ Anderson, *Crucible of War*, 22-66.

⁴⁸ Walter Borneman, *The French and Indian War: Deciding the Fate of North America*, (New York: Harper Collins, 2006) 88-94. Also Ian K. Steele, *Betrayals: Fort William Henry and the Massacre* (Oxford: Oxford University Press, 1992). See also Anderson, 197-200. Steele includes an account of the French Governor Vaudreuil expressing distaste for the ritual cannibalism of a captive near Montreal.

⁴⁹ Borneman, *The French and Indian War*, 114-117. The comments are drawn from the diary of then-Brigadier General James Wolfe.

⁵⁰ Anderson, *Crucible of War*, 548.

⁵¹ Borneman, *The French and Indian War*, 162-163. British negotiations with the Iroquois recognized their dominant position among the native tribes of the frontier. For his discussion of Rogers' Rangers and the St. Francis raid, see Borneman, *The French and Indian War*, 226-234.

⁵² J. W. Fortescue, *A History of the British Army*, vol. 2, *First Part- To the Close of the Seven Years' War* (London: Macmillan and Company, Limited, 1899), 146-148.

⁵³ Fortescue, 147.

⁵⁴ John Prebble, *Culloden*, (London: Pimlico, 2002), 192.

⁵⁵ Fortescue, 148.

⁵⁶ The use of “Culloden” on the colors of Barrel’s regiment, which broke the Highland charge at Drumossie Moor, is described in Peter Young and John Adair, *Hastings to Culloden: Battles of Britain*, (London: Sutton, 1996), 271. Young and Adair also note the appearance of *HMS Culloden* (a 74-gun ship of the line) at the Nile, though they omit that since that ship’s breakup for salvage in 1813 no ship of the Royal Navy has borne the name “Culloden”. For the absence of “Culloden” on contemporary British regimental colors, see Prebble, 335.

⁵⁷ David Gates, *The Spanish Ulcer: A History of the Peninsular War* (New York: Da Capo Press), 1986, 56. Also David Chandler, *The Campaigns of Napoleon: The Mind and Method of History’s Greatest Soldier* (New York: Scribner, 1966) 642-643.

⁵⁸ Michael Glover, *The Peninsular War, 1807-1814: A Concise Military History* (New York: Penguin, 1974).

⁵⁹ Charles Esdaile, *Fighting Napoleon: Guerrillas, Bandits, and Adventurers in Spain, 1808-1814* (New Haven: Yale University Press, 2004). Also John Lawrence Tone, *The Fatal Knot: The Guerrilla War in Navarre and Defeat of Napoleon in Spain* (Chapel Hill: University of North Carolina Press, 1994).

⁶⁰ Charles Esdaile, *The Peninsular War: A New History* (New York: Palgrave Macmillan, 2003) 93.

⁶¹ Tone, *The Fatal Knot*, 176-177.

⁶² G. J. A. O’Toole, *The Spanish War: An American Epic, 1898*, (New York: W. W. Norton, 1984) 328.

⁶³ O’Toole, *The Spanish War*, 338. The author quotes Spanish Rear Admiral Pascual Cervera on his treatment by the Americans.

⁶⁴ Ivan Musicant, *Empire by Default: The Spanish-American War and the Dawn of the American Century* (New York: Henry Holt and Company, 1998) 230.

⁶⁵ Musicant, *Empire by Default*, 220.

⁶⁶ O’Toole, *The Spanish War*, 340-343, also 367-371. In Cuba, General Shafter and his deputies regarded the Cubans as lazy, ungrateful, and cowardly. At Manila, General Merritt explicitly refused to communicate with General Aguinaldo. While this may reflect the divergence between regular and irregular forces as well as the gulf caused American racial prejudice, it is worth noting that Americans had romanticized the Cuban insurgents prior to the war and were initially well-disposed toward them.

⁶⁷ Brian McAllister Linn, *The Philippine War: 1899-1902* (Lawrence, KS: University of Kansas Press, 2000) 9.

⁶⁸ Linn, *The Philippine War*, 95 and 103.

⁶⁹ Linn, *The Philippine War*, 145-148.

⁷⁰ Linn, *The Philippine War*, 214.

⁷¹ Brian McAllister Linn, *The U.S. Army and Counterinsurgency in the Philippine War, 1899-1902*, (Chapel Hill: University of North Carolina Press, 1989) 26-27.

⁷² The First Chechen War (December 1994-August 1996) signaled the nadir of Russian military power after the fall of the Soviet Union. The poor quality of Russian forces was evident in their lack of coordination, inadequate training, and ill-considered employment of forces in the Battle of Grozny. At the same time, the fierceness of the Chechen resistance and their innovative urban tactics under former Soviet Air Force Major General Dzhokhar Dudayev should not be discounted. For a more complete assessment of the conflict, see Anatol Lieven, *Chechnya: Tombstone of Russian Power*, (New Haven: Yale University Press, 1998).

⁷³ The attacks in Budennovsk and Kizlyar targeted hospitals, and involved over a thousand hostages. Despite domestic outrage, the financial burden of the war and the high casualties suffered by Russian forces led Yeltsin to accept a humiliating peace. See John Russell, *Chechnya: Russia's "War on Terror,"* (New York: Routledge, 2007) 72-74.

⁷⁴ The apparent success of Chechen terrorist operations in 1995 and 1996 bolstered the standing of the most radical Chechen factions led by Shamil Basayev and supported by foreign jihadists. The killing of six Red Cross workers in 1996, the kidnap and murder of four British telecoms workers in 1998, and the kidnap and murder of deputy interior minister Gennady Shpigun in March 1999 all pointed to the freedom of action shared by the most radical elements of Chechen society. See James Hughes, *Chechnya: From Nationalism to Jihad*, (Philadelphia: University of Pennsylvania Press, 2007) 95-96. Also Russell, 74-75.

⁷⁵ Shamil Basayev and Al Qaeda veteran Ibn-al-Khattab elected to invade Dagestan to broaden the Islamist struggle in the North Caucasus. Russian aircraft, army units, and Dagestani police and militia were able to repel the attack, which confirmed the Russian security establishment's assumptions about the nature of the Chechen regime. See Hughes, 105-107.

⁷⁶ The bombings in Moscow, Volgograd, and Buinaksk took place in September 1999, shortly after the abortive Chechen invasion of Dagestan. While the Russian public broadly accepted the government's attribution of the attacks to Chechen separatists, no Chechens claimed responsibility for the attacks. The discovery that Russian security forces were placing explosives in a Ryazan apartment block as part of a "training exercise" reinforced a conspiracy theory that elements of the Federal Security Bureau may have deliberately bombed the apartments to solidify public opinion in favor of a renewed war in Chechnya. See Hughes, 110. For details on the conspiracy theory, see Russell, 89-90.

⁷⁷ See Hughes, 112. The quote is attributed to Marat Baglai, at the time a serving judge on the Constitutional Court who would become Chief Judge in 2005. Hughes quotes an article published in *Izvestia* on October 1, 1999.

⁷⁸ Kramer, 214. See also Domitilla Sagramoso, "Violence and Conflict in the Russian North Caucasus," *International Affairs* 83, No. 4, Jul. 2007, 693-700. For the evidence of massacres at Alkhan Yurt and Aldi, see Hughes, 120.

⁷⁹ Joshua Lyall, "Does Indiscriminate Violence Incite Insurgent Attacks? Evidence from Chechnya," *The Journal of Conflict Resolution* 53, No. 3, Jun. 2009, 331-362.

⁸⁰ For the relative effectiveness of Chechen forces compared to Russian troops, see Joshua Lyall, "Are Coethnics More Effective Counterinsurgents? Evidence from the Second Chechen War," *The American Political Science Review* 104, No. 1, Feb. 2010, 1-20. For the "Chechenization" of the conflict under Ahmed Kadyrov and his later son, Ramzan, see Hughes, 118-120 and 124.

⁸¹ Russian security forces have been criticized for their response to hostage situations. At the Dubrovka Theater, security forces flooded the building with an unidentified gas prior to their assault, with many of the hostages suffering and dying as a result of the gas. At Beslan, lack of coordination among Russian security forces may have been responsible for elements of the death toll. For a detailed critique of Russian security forces' response to hostage crisis situations, see John B. Dunlop, *The 2002 Dubrovka and 2004 Beslan Hostage Crises: A Critique of Russian Counter-Terrorism*, (Stuttgart: Ibidem 2006).

⁸² Mark Kramer, "Guerrilla Warfare, Counterinsurgency, and Terrorism in the North Caucasus: The Military Dimension of the Russian-Chechen Conflict," *Europe-Asia Studies* 57, No. 2, Mar 2005, 247-249.

⁸³ Svante E Cornell, "International Reactions to Massive Human Rights Violations: The Case of Chechnya," *Europe-Asia Studies* 51, No. 1, Jan. 1999, 97.

⁸⁴ Amir Taheri, "Exhibition Killing," *The Wall Street Journal*, September 30, 2004.

⁸⁵ Neil DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," *Asian Survey* 49, No. 6, Nov/Dec 2009, 1022.

⁸⁶ Nira Wickramasinghe, "Sri Lanka in 2008: Waging War for Peace" *Asian Survey* 49, No. 1, Jan/Feb 2009, 59-61.

⁸⁷ Jayadeva Uyangoda, "Sri Lanka in 2009: From Civil War to Political Uncertainties," *Asian Survey* 50, No. 1, Jan/Feb 2010, 105.

⁸⁸ Bruce Matthews, "The Limits of International Engagement in Human Rights Situations: The Case of Sri Lanka," *Pacific Affairs* 82, No. 4, Winter 2009/2010, 577-578.

⁸⁹ DeVotta, 1046.

⁹⁰ Hashim, 180-184.

⁹¹ Jeffrey Dixon and Meredith Reid Sarkees, *A Guide to Intra-State Wars: An Examination of Civil, Regional, and Intercommunal Wars, 1816-2007* (Washington DC: CQ Press, 2010).

⁹² See Reed M. Wood, and Mark Gibney, "The Political Terror Scale (PTS): A Re-Introduction and Comparison to CIRI," *Human Rights Quarterly* 32, no. 2 (May 2010), 368.

⁹³ Dixon and Sarkees establish seven outcome codes: state victory, non-state victory, stalemate, transformation to another conflict, compromise, subsiding, and ongoing. This analysis excludes ongoing conflicts, re-codes subsiding as a state victory, and re-codes compromises in favor of either the state or the non-state depending on the compromise. There are no transforming conflicts in this data set.

⁹⁴ T. E. Lawrence, "The Twenty-Seven Articles." *The Arab Bulletin*, August 20, 1917. This is the source of the famous comment "Do not try to do too much with your own hands. Better the Arabs do it tolerably than that you do it perfectly. It is their war, and you are to help them, not to win it for them. Actually, also, under the very odd conditions of Arabia, your practical work will not be as good as, perhaps, you think it is."

⁹⁵ The Israeli Defense Force conducted something similar to this at the Palestinian refugee camps of Sabra and Shatila in September of 1982, during Operation Grapes of Wrath. Israeli Defense Minister Ariel Sharon directed Israeli forces to isolate the camps, and Sharon invited the Lebanese Phalangist militia of the Kataeb Party to enter, knowing that as Maronite Christians the Phalangists blamed Palestinians for the assassination of Lebanese President Bashir Gemayel. The ensuing slaughter (16-18 September) resulted in between 500 and 3500 deaths, caused Sharon to resign as Defense Minister, and is a touchstone both for radical jihadists and Western critics of Israel. For the Israeli report on the massacre, see Yizhak Kahan et al, *Report of the Commission of Inquiry into the Events at the Refugee Camps in Beirut- 8 February 1983* (Jerusalem: Ministry of Foreign Affairs, 1983).

⁹⁶ For a discussion of the peace terms in Sri Lanka, see Charles Haviland, "Sri Lanka Tamil Party Drops Statehood Demand." *BBC News*, March 13, 2010. For a study on the problems of post-conflict reconciliation, see Kristine Hoglund, and Camilla Orjuela. "Winning the Peace: Conflict Prevention After a Victor's Peace in Sri Lanka." *Contemporary Social Science* 6, Issue 1, 2011, 19-37.

Appendix A: Wars Between States and Non-State Adversaries, 1989-2012

War ⁹⁷	State(s) ¹	Non-State ¹	Start ¹	End ¹	State Violence ⁹⁸	State Power ⁹⁹	Outcome ¹⁰⁰
First Aceh	Indonesia	GAM	1989	1991	3.50	3.00	State
Eighth Colombia	Colombia	FARC & Drug Lords	1989	2012	5.00	3.00	State
First Cambodian Civil War	Cambodia	Khmer Rouge & KPNFL	1989	1991	3.50	3.00	State
Second Mujahideen Uprising	Islamic State of AFG	Mujahadin	1989	2001	4.42	1.00	Non-State
Bougainville Secession	Papua New Guinea	BRA	1989	1992	3.63	1.00	Non-State
Romania	Romania	Anti-Ceausescu Rebels	1989	1989	4.00	3.00	Non-State
Second Liberia	Nigeria	NPFL & ULIMO	1989	1990	3.00	3.00	Non-State
Kashmir Insurgents	India	Kashmiri Guerillas	1990	2005	4.13	4.00	State
Guinea-Bissau Military	Guinea, Guinea-Bissau, Senegal	Mané Junta	1990	1990	2.50	1.75	Non-State
Third DRC (Simba) Rebellion	Congo	Gbenye followers	1991	1992	3.75	3.00	State
Shiite and Kurdish	Iraq	Shiites & Kurds	1991	1991	5.00	3.00	State
First Sierra Leone	Sierra Leone	RUF	1991	1996	4.17	2.00	State
First PKK in Iraq	Turkey	PKK in Iraq	1991	1992	4.00	4.00	Stalemate
Second Turkish Kurds	Turkey	Kurds, PKK	1991	1999	4.22	4.00	Stalemate
Croatian Independence	Yugoslavia/Serbia	Croatia	1991	1992	4.25	2.00	Non-State
Georgia	Georgia	Reform	1991	1992	1.50	2.00	Non-State
Dniestrian Independence	Moldova	Dniestria	1991	1992	3.50	2.00	Non-State
Algerian Islamic Front	Algeria	Islamic Front	1992	1999	4.81	3.00	State
Bosnian-Serb Rebellion	Bosnia, Croatia, USA	Bosnian Serbs	1992	1994	3.30	5.00	State
Angolan War of the Cities	Angola	UNITA	1992	1994	4.83	2.00	Stalemate
Cote d'Ivoire Military	Cote d'Ivoire, France	MPCI, MPIGO, MJP	1992	1995	3.38	3.50	Non-State
Waziristan	Pakistan, USA	Waziri tribes	1992	1995	2.50	3.00	Non-State
Second Cambodia Civil	Cambodia	Khmer Rouge	1993	1997	3.70	3.00	State
Abkhazia Revolt	Georgia	Abkhazia	1993	1994	3.75	2.00	Non-State

War⁹⁷	State(s)¹	Non-State¹	Start¹	End¹	State Violence⁹⁸	State Power⁹⁹	Outcome¹⁰⁰
Second Burundi	Burundi	Tutsi army	1993	1998	5.00	1.00	Non-State
Polish Ukrainians	Poland	UPA	1994	1995	1.00	5.00	State
South Yemeni Secessionist	Yemen	South Yemen	1994	1994	4.00	3.00	State
Second Rwanda	Rwanda	Patriotic Front	1994	1994	5.00	1.00	Non-State
First Chechnya	Russia	Chechnya	1994	1996	4.33	5.00	Non-State
Croatia-Krajina War	Croatia	Krajina Serbs	1995	1995	5.00	4.00	State
Third Liberia	Liberia	NPFL	1996	1996	5.00	2.00	State
Sixth Iraqi Kurds	Iraq	PUK	1996	1996	5.00	3.00	Stalemate
Third Rwanda	Rwanda	Hutu rebels	1997	1998	5.00	4.00	State
Second PKK in Iraq	Turkey	PKK in Iraq	1997	1997	4.00	4.00	Stalemate
Fourth Chad (Togoimi Revolt)	Chad	MDD & MDJT	1998	2000	3.83	3.00	State
Third Angolan	Angola	UNITA	1998	2002	4.50	3.00	State
Second Congo (Brazzaville)	Congo (Brazzaville)	Ninjas and Cocoye militias	1998	1999	4.75	3.00	State
Kosovo Independence	Yugoslavia	KLA	1998	1999	4.75	3.00	Non-State*
Dominican Republic	Dominican Republic	Leftists	1999	2000	2.25	3.00	State
Second Aceh	Indonesia	GAM	1999	2002	3.00	3.00	State
Oromo Liberation	Ethiopia	Oromo Lib. Front	1999	1999	4.50	3.00	State
Second Chechen	Russia	Chechnya	1999	2003	4.00	5.00	State
Al Aqsa Intifada	Israel	Palestinians	2000	2003	4.50	4.00	State
Guinean	Guinea	RDFG	2000	2001	3.75	3.00	Stalemate
Second Philippine-Moro	Philippines	MILF	2000	2001	3.75	3.00	Non-State
Third Burundi	Burundi	FNL & FROLINA Army for the Liberation of	2001	2003	4.67	2.00	State
Fourth Rwanda	Rwanda	Rwanda	2001	2001	4.50	4.00	State
First Nepal Maoist Insurgency	Nepal	CPN	2001	2003	4.17	2.00	Stalemate
First Guatemala	Guatemala	Leftists	2002	2004	2.25	5.00	State
Fourth Liberian	Liberia	LURD & MODEL	2002	2003	4.50	1.00	Non-State

War ⁹⁷	State(s) ¹	Non-State ¹	Start ¹	End ¹	State Violence ⁹⁸	State Power ⁹⁹	Outcome ¹⁰⁰
Third Philippine-Moro	Philippines	MILF & ASG	2003	2003	4.00	3.00	State
Darfur	Sudan	SLA & JEM	2003	2006	5.00	2.00	State
Third Aceh	Indonesia	GAM	2003	2003	4.50	3.00	State
Second Nepal Maoists	Nepal	CPN	2003	2006	3.38	2.00	Non-State
First Yemeni Cleric	Yemen	Zaidi Muslims	2004	2005	4.00	3.00	State
Philippine Joint Offensive	Philippines	MILF & NPA	2005	2006	4.00	3.00	State
Fifth Chad	Chad	FUDC	2005	2006	3.50	3.00	State
Second Sri Lanka Tamil	Sri Lanka	LTTE	2006	2009	5.00	4.00	State
Second Yemeni Cleric	Yemen	Zaidi Muslims	2007	2007	4.00	2.00	Stalemate

⁹⁷ Jeffrey Dixon and Meredith Reed Sarkees, *A Guide to Intra-State Wars: An Examination of Civil, Regional, and Intercommunal Wars, 1816-2007* (Washington, DC: CQ Press, 2010).

⁹⁸ Reed M. Wood and Mark Gibney, "The Political Terror Scale (PTS): A Re-Introduction and Comparison to CIRI," *Human Rights Quarterly* 32, no. 2 (May 2010), 367-400.

⁹⁹ State power is assigned an integer value from 1 to 5, with 1 representing a state at parity with its adversary and 5 representing a world power. Coalitions of multiple states receive a value equal to the mean of the combined power of the coalition partners. This does not correct for the composition of forces, as it represents the available state power rather than the power actually committed to the fight.

¹⁰⁰ Dixon and Sarkees, modified. Compromises between states and non-state adversaries are re-coded as state victories when the state achieves the preponderance of its goals. Where non-state actors achieve autonomy or substantial concessions, the compromise is coded as a non-state victory. Subsiding conflicts are re-coded as state victories, as the non-state adversary has not achieved its objectives.

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