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RESEARCH ARTICLE

Counterinsurgency or irregular warfare? Historiography and the study of ‘small wars’

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This article argues that the history of irregular warfare provides a valuable analytical and critical perspective for the study of counterinsurgency campaigns and counterinsurgency doctrine. A focus on the history of irregular warfare highlights the close relationship between warfare in Europe and in the colonies. Moreover, it enables us to identify more exactly the intersection of multiple factors that lead to an escalation of violence in small wars. Finally, it also sheds light on the lack of strategic reflection on the use of irregular auxiliaries that is characteristic for many counterinsurgency campaigns.

Keywords: counterinsurgency; irregular warfare; law of armed conflict; Algerian War of Independence; ‘unlawful combatants’

Introduction

Since 2006 the counterinsurgency (COIN) debate has both dominated and polarized the field of war studies and strategic studies. The publication of [Field Manual 3–24 \(FM 3–24\)](#) in 2006, which presented an overwhelmingly positive perspective on both lessons from the history of COIN campaigns and on the feasibility of COIN in contemporary wars, was soon followed by a host of studies that criticized the ‘COINdinita’s’ misuses of history and their tendency to portray COIN as a silver bullet in Western stabilization operations in the twenty-first century. Douglas Porch’s *Counterinsurgency: Exposing the Myths of the New Way of War* has been the most comprehensive critique of the COINdinita narrative so far.¹

Porch argues that twenty-first century COINdinitas have been sold on the promises of a COIN narrative that nineteenth and twentieth century European colonial officers had developed mainly for political reasons. He explains that they effectively ‘invented’ COIN as a form of warfare that was radically different from regular warfare in Europe. The COIN narrative had the twin effect of shielding the expeditionary forces of European colonial powers from political

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oversight and interference and of providing a quasi-strategic rationale for military campaigns in the colonies. It rebranded the brutal methods of colonial warfare as a ‘population-centric’ and culturally enlightened approach to the use of military force. At the same time, it masked the dearth of strategic aims in colonial warfare with tactical and operational quick fixes.²

According to Porch, this had not only the obvious effect of an unrestrained use of violence in the colonies, but it also threatened to affect the colonial power domestically by virtue of what he calls the ‘boomerang effect’: ‘And the sacrifice of small wars is not only paid by populations abroad. War among the people is also prosecuted on the home front with equally fateful implications for state, citizenship, and society.’³ The Algerian War of Independence (1954–1962), during which Algerian migrants in mainland France were killed and tortured by the French police, is Porch’s prime example. But he also lists post-9/11 infringements on Western civil liberties as evidence for the existence of this boomerang effect.

Porch’s book and the broader critique of the COINdinstia narrative are a welcome and necessary corrective to a highly selective reading of the history of colonial warfare that is at the heart of FM 3–24 and the works of COIN apologists.⁴ Yet Porch himself presents a selective and polemic reading of the history of COIN warfare. More importantly, he does not go far enough with his critique of COIN. While he challenges the assumption that COIN is “‘an art by itself’”,⁵ Porch fails to locate COIN in the broader history of irregular warfare, thereby paradoxically reaffirming its claim to a special form of warfare.⁶ The result is twofold: first, Porch overemphasizes continuity and neglects aspects of change in the conduct of small wars in the colonies. Porch’s historiography of COIN is essentially a history of great men, even though they seemingly achieved only small refinements in the practice of COIN. Porch sees the French in the leading role: Thomas Bugeaud was the pioneer of COIN; Joseph Gallieni, Hubert Lyautey, and David Galula ‘perfected’ Bugeaud’s ideas. Other European colonial officers such as Charles Callwell and Paul von Lettow-Vorbeck played a role as well, but the French dominated the COINdinstia narrative until their defeat in Algeria. However, Porch argues that even though the COIN narrative underwent various refinements and adaptations between 1840 and the publication of FM 3–24 in 2006, its core premises, namely that COIN is about ‘selling’ unpopular and potentially highly brutal wars in the peripheries of the international system to Western domestic publics, changed very little. Second, by ignoring the broader history of irregular warfare within which COIN is located, Porch misses important dynamics and aspects of COIN warfare or, rather, fails to analyse them in a more comprehensive perspective.

This article will show how a critique of the COINdinstia narrative can benefit from analysing COIN in the framework of the broader perspective of irregular warfare. The next section outlines the added value of the irregular warfare perspective for the assessment of COIN warfare. Three issue areas are particularly relevant: first, the relationship between COIN and warfare in Europe; second, the motivating factors behind the escalation of violence in

COIN campaigns; and third, the role played by divide and rule politics and the recruitment of local loyalist security forces.

The third section of the article harnesses the irregular warfare perspective to a re-reading of Porch's most central case of COIN, the Algerian War of Independence. It highlights the way in which the irregular warfare perspective allows us to analyse processes of change as well as continuity in the practice of COIN warfare. Moreover, it enables us to explore the dynamics of the conflict and the specific ways in which the French counterinsurgents used violence within the framework of a struggle over political legitimacy. Finally, the irregular warfare perspective draws attention to the civil war aspects of the Algerian war and to the role that the recruitment of local irregular auxiliaries played in the dynamic of the war.

The article aims to show that the irregular warfare perspective offers a historically richer foundation for critiquing the COINdinstia narrative. It highlights the way in which particular perceptions of the legitimacy of insurgents have impacted on approaches to irregular warfare, both in Europe and in the peripheries of the international system. It will be argued that the constitutive dichotomy between the regular soldier and the irregular fighter has had a much stronger and longer-lasting impact on approaches to anti-irregular warfare in the twenty-first century than historical COIN practices and publications. Finally, the irregular warfare perspective can also help identify particularly misguided and counterproductive aspects and practices of anti-irregular warfare. It can provide benchmarks against which we can assess contemporary COIN prescriptions, hence allowing for a more nuanced and complex critique of twenty-first century COIN doctrine.

Changing the perspective: Irregular warfare, not COIN

There are number of ways in which the critical study of historical COIN campaigns could benefit from being integrated into the broader framework of the historiography of irregular warfare. The following section will discuss three aspects in particular: first, the relationship between COIN and warfare in Europe; second, the motivating factors behind the escalation of violence in COIN campaigns; and third, the role played by divide and rule politics and the recruitment of local loyalist auxiliaries.

The European roots of 'small wars'

Porch makes a number of assumptions regarding the relationship between colonial warfare and warfare in Europe, which he often equates with 'conventional war'.⁷ First, he portrays the distinction between 'small wars' in the colonies and war in Europe as artificial and socially constructed. He lambasts European imperialists for depicting colonial warfare as a category of conflict that is fundamentally different from warfare in Europe.⁸ According to Porch, racist attitudes led colonial officers and troops to suspend the customs and laws of war

in the colonies: 'small warriors claimed that the barbarous nature of their enemies exempted white men from the requirement to follow civilized standards of warfare in the empire.' However, Porch argues that this social construction, in conjunction with late nineteenth and early twentieth century attempts to codify the laws of war, led to the emergence of material differences between military practices in Europe and in the colonies. He specifically mentions the Hague Conferences of 1899 and 1907 as 'early attempts to create mechanisms to regulate international disputes, and to limit and control war through concepts such as distinction (between military and civilians), proportionality (in relation to the military advantage) and military necessity (targets must be of military value)'.⁹

This is a fundamental misreading of the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land.¹⁰ The convention mentions neither distinction nor proportionality. And while it does refer to 'military requirements', it does not stipulate that targets must be of military value, as Porch claims.¹¹ Distinction, proportionality, and the identification of targets as being primarily of a military nature were only introduced in the 1949 Geneva Conventions.

This is not a moot point. The idea of 'conventional war' that Porch has in mind was not one that European officers around 1900 would have recognized. More importantly, articles 1–3 of the Hague Convention also stipulate that not all combatants in a 'conventional' war automatically qualify for combatant privilege, and hence for prisoner-of-war status. Aside from members of the regular armed forces, militias and volunteer corps qualify provided they resemble regular armies as much as possible. Members of a spontaneous rising en masse also qualify under the condition that their territory has not yet been occupied, and only if they 'carry arms openly and if they respect the laws of war'.¹² Article 41 informs us that 'private persons', who continue fighting the invading forces once the latter had occupied their territory, would be liable to 'punishment' and had to pay 'compensation'.¹³ Even though article 50 of the Hague Convention indicates a desire to limit collective punishment, it cannot be read as a general prohibition of belligerent reprisals on enemy civilians, which was only introduced in the 1949 Geneva Conventions. Thus the Hague laws distinguished between 'regular', legitimate opponents on the one hand and 'irregular', illegitimate opponents and their alleged supporters on the other. While the former were subject to legal protections such as prisoner-of-war status, the latter had effectively no legal status. The only protections they could hope for were those emanating 'from the laws of humanity and the dictates of the public conscience', as mentioned in the Martens Clause.¹⁴

However, the 'public conscience', in particular when it belonged to the opponent, reliably failed as a source of leniency in nineteenth and early twentieth century warfare with respect to the treatment of irregular fighters, real or imagined, and their alleged supporters. The German treatment of French civilians during the Franco-Prussian War and of Belgian and French civilians during the first few months of the First World War is a case in point.¹⁵ And lest we think that

terrorizing civilians was an Imperial German speciality, we should remember that irregular fighters and their civilian supporters in the American Civil War did not fare much better.¹⁶

The upshot of this is, then, that Porch is right in assuming that the distinction between regular and irregular warfare is both socially constructed and interwoven with questions of military and political power. However, this distinction never solidified into manifestly different toolkits of anti-irregular warfare in Europe and in the colonies.¹⁷ From Porch's perspective, this could be explained with reference to the 'boomerang effect': he cites Hannah Arendt to argue that the German military used their colonial territories as experimentation grounds for modes of warfare that they later reimported into Europe.¹⁸ However, this argument overlooks the extent to which the idea that irregular fighters were an illegitimate or, in today's parlance, an 'unlawful' category of combatants was born in Europe. To be sure, it travelled back and forth between Europe and the colonies, but its intellectual origin was thoroughly European.

To a certain extent, Porch does recognize this. He critically discusses the alleged precedents set by the French Generals Lazare Hoche and Louis-Gabriel Suchet, who were involved in fighting French small wars in the Vendée (1793–1796) and in the Peninsular War (1807–1814).¹⁹ However, he misses the point that the concept of 'small war' has a history that dates back to the mid eighteenth century, and that its meaning changed profoundly with the nationalization of war precipitated by the French Revolution. Both this transformation and the older meaning of the concept of 'small war' had a profound impact on irregular warfare and on COIN more specifically.

The concept of 'small war', *petite guerre*, or *kleiner Krieg* first emerged in the second half of the eighteenth century in publications by soldier-scholars such as Turpin de Crissé, Hector de Grandmaison, Capitaine de Jeney, Roger Stevenson, Johann von Ewald, Andreas Emmerich, Georg Wilhelm von Valentini, Gerhard von Scharnhorst, Friedrich Leopold von Klipstein, and Carl von Decker.²⁰ However, at that time 'small war' was not equated with insurgencies against state power. Rather, 'small war' was an integral part of the tactical repertoire of military powers in Europe. In the second half of the eighteenth century, almost all European states created light infantry and light cavalry units that were designed to carry out tactical missions that contemporary regular armed forces struggled with, such as reconnaissance and raiding. The names of these units often reflected their ethnic origin: the Habsburg Empire relied on 'Pandours' and 'Croats' who stemmed from the border region with the Ottoman Empire, Russia used 'Cossacks', and Bavaria and Prussia 'Hussars'. The overall notion for these light infantry and cavalry detachments was *parties* in French or *Parttheyen* in German. Their members were called 'partisans'.²¹ Even though they included infamous figures such as Colonel Franz von der Trenck, 'partisans' were not yet seen as illegitimate fighters.²² Rather, they were perceived as useful auxiliary forces.

The 'watershed' moment, in Beatrice Heuser's words, in the historical development of the partisan arrived with the French Revolution and the *levée en*

masse of 1793.²³ The tactical meaning of *petite guerre* gave way to the notion of people's war or guerrilla warfare – two terms that were burdened with issues of political legitimacy. The denunciation of 'partisans' and guerrilla fighters was based on claims that their way of fighting was abhorrent, that they were fighting for the wrong motives, and that they had no right to take up arms. At first glance, this transformative process was paradoxical: after all, with the nationalization of war even regular warfare had to a certain extent evolved into 'people's war'. The rhetoric of the French Revolution depicted the Army of the French Revolution as the 'nation in arms' rushing to the defence of the fatherland. If the counter-revolutionary rebels in the Vendée and the guerrilla fighters in the Peninsular War, to name but two examples from the era of the French Revolutionary and Napoleonic Wars, were also claiming to fight on behalf of the 'people' (if not necessarily the 'nation') it was difficult to see why they were less legitimate than the 'nation in arms'. Yet, it was precisely this ambiguity with respect to the intellectual roots of both the nationalization of European armed forces (first in France, and then in most of Europe) and popular uprisings against the authority of the nation state (or the occupation forces of another state) that made the condemnation of rebels and guerrillas necessary.²⁴

This was the mindset with which nineteenth century European imperialists approached warfare in the colonies. Racism was a factor in depicting their colonial opponents as 'uncivilized', but the idea of the 'uncivilized' enemy had its roots in Europe. If certain ways of war and policing travelled back to Europe from the colonies, this was not so much due to a boomerang effect. Rather, it happened because the notion of irregular warfare and the idea of the illegitimacy of irregular fighters was a red thread that wove together warfare in Europe and in the colonies.

The 'intersectionality' of irregularity and race

A strong indicator that anti-irregular warfare in Europe and North America after the French Revolution was not approached with fundamentally different conceptions than war in the colonies is the fact that the military repertoire of anti-irregular warfare was very similar in both realms. Standard practices included executions, arrest and banishment, hostage taking, and collective punishment such as the destruction of property and livelihoods and the levying of fines. However, if tactical repertoires were quite similar in anti-irregular warfare in Europe and in the colonies, the degree of violence varied. Massacres were more common in the colonies than in European warfare. Moreover, the extermination of a specific population in its entirety had not been the explicit ambition of actors in European warfare before the Second World War and the Holocaust.²⁵

Yet, even if colonial warfare was more prone to an escalation of violence, it is questionable to what extent this was entirely due to racist attitudes among colonial officers, as Porch argues.²⁶ For one, racism is too vague and unspecific

to explain differences between diverse colonial campaigns. Some colonial campaigns had, at least at certain moments during the campaign, the explicit aim of exterminating specific populations, such as the French campaign to bring Saint Domingue back under French imperial rule in 1802–1803 and the German campaign against the Herero and Nama in 1904–1907.²⁷ However, many other campaigns did not envisage extermination. It would seem pertinent to take into account other contextual factors for the escalation of violence. To be fair to Porch, he does his best to contextualize individual small wars throughout his book and takes into consideration a host of domestic and international political circumstances. Yet, his claim that in COIN, tactical and operational quick fixes became a substitute for strategy leads him to brush aside extreme strategic aims as a possible explanation for the escalation of violence in certain colonial campaigns. Both French Saint Domingue and German South-West Africa were settler colonies that promised high economic revenues, Saint Domingue owing to its sugar and coffee plantations, German South-West Africa owing to its mining operations. Resistance to colonial rule endangered the economic potential of these colonies and the interests of the settlers. In these cases, extermination was a form of extreme social engineering with the strategic aim of making these colonies viable economically and politically. Porch is certainly correct in suspecting that Europe's colonial powers acquired some of their colonies 'in a fit of absence of mind', to use John Seeley's expression, but those were not typically the colonies that saw the worst escalation of violence.

The Boer War (1899–1902) is another interesting example that demonstrates the need to put the impact of racism on colonial warfare into a broader perspective. The Boer War was, of course, not a colonial war in the classical sense: it was not an uprising of native inhabitants against the colonial power. Rather, it was a confrontation between two white opponents of European origin – a 'gentlemen's war', in J.F.C. Fuller's retrospective assessment.²⁸ However, the Boers soon resorted to irregular tactics, to which the British reacted by resettling Boer families into camps. When compared to the camps in German South-West Africa, it is clear that the British war aims in the Boer War were far less extreme than the German objectives. The camps in South Africa were not designed as means of extermination, and the death rates – 22% compared to 45% in German South-West Africa – were due to neglect rather than design. No doubt, the issue of race played a role: it is hard to conceive of a lobbying campaign on the same scale and with the same repercussions as that conducted by Emily Hobhouse and the Fawcett Commission, had the inmates of the South African camps been black.²⁹ And yet racist stereotypes also cropped up in Britain's 'gentlemen's war' in South Africa, where the British commander General Herbert Kitchener famously denounced the Boers as 'uncivilized Afrikaner savages with a thin white veneer'.³⁰ British newspapers often harked back to the stereotype of the 'dirty' Boer, which seemed to indicate that even if the Boers were white, their European racial origin was concealed under layers of dirt accumulated through their 'uncivilized' habits and customs.³¹

Hence, racism did play a role in colonial warfare, but not in a simple or primordial fashion. The category of 'race' is a social construction that can be manipulated and tagged on to different groups of people. It becomes particularly virulent and powerful when it 'intersects'³² with other categories and mechanisms of exclusion such as the stigma of irregularity. Moreover, the intersection of race and irregularity is not unique to colonial warfare. It was also a prominent feature of Nazi occupation policy in Europe and the Soviet Union during the Second World War. 'Where there's a Jew there's a partisan, and where there's a partisan there's a Jew' was the motto that informed Nazi anti-partisan warfare.³³

Racism is not a sufficiently accurate explanation for the escalation of violence in both colonial warfare and in Nazi occupation policies. It is necessary to take into account the extent to which the attitude of the colonizers and occupiers in these cases was already structured by anti-irregular prejudice. There was hence no 'boomerang' that returned mysteriously to some European colonial powers but not to others, at least not in the sense of the emergence of a full-blown totalitarian regime.³⁴ Rather, there was a red thread of excluding irregular fighters from the universe of legitimate warfare that bound together European warfare and warfare in the colonies, which became particularly virulent when fused and interwoven with racist stereotypes about the opponent. However, we are only able to identify this red thread if we put both COIN warfare in the colonies and Nazi Germany's repressive occupation practices into the broader context of the history of irregular warfare.

Race politics and the eighteenth century origins of 'small war'

Porch, as well as the overwhelming majority of the COIN scholars, be they pro-COIN or COIN critical, tend to treat COIN predominantly as a two-sided confrontation between Western forces and an indigenous insurgency. However, recent scholarship has drawn attention to the extent to which wars in the colonies, and in particular the wars of decolonization, were civil wars as well as anti-imperial insurgencies. Both Martin Evans and Daniel Branch in their books on Algeria and Kenya respectively highlight that the civil war component was not simply running alongside the anti-colonial insurgency component. Rather, both components were deeply intertwined and bound together by the role played by loyalist auxiliaries fighting on behalf of the colonial power. Unsurprisingly, both Branch and Evans show that the civil war component had a profound impact on the dynamic of the confrontation between insurgents and counterinsurgents.³⁵

To be sure, Porch is certainly aware that almost all historical instances of COIN involved the recruitment of indigenous auxiliaries. He argues that this reliance on indigenous auxiliaries had its roots in the COINdinitas' obsession with native cultures and in a 'romanticized, Orientalized Western vision of a timeless indigenous society'.³⁶ Porch is of course well aware of the intellectual underpinnings of recruitment of loyalist auxiliaries: the 'martial races' discourse, or *la politique des races* in French.³⁷ For Porch, *la politique des races* is another

example of how in COIN military practices became politicized and politics became militarized in the framework of a fusion between the tactical and the political levels of war, which fatally excluded questions of strategy. Culture, in this context, became a substitute for strategy.³⁸ It comes as no surprise, then, that Porch concludes that loyalist indigenous rulers proved to be inefficient and backward and that local auxiliary fighters were either ‘useless’, as in the case of T.E. Lawrence’s Arab guerrilla army, or impossible to control, such as the Sunni fighters recruited in Iraq after 2006 in the framework of the ‘Sons of Iraq’ scheme.³⁹

Porch certainly has a point when observing that Western recruitment of native auxiliaries was often conducted in a fairly short-sighted and astrategic way. He is also correct in pointing out that the failure of Western officers and strategic thinkers to engage in a debate over the strategic value of native auxiliaries is puzzling, given the ubiquity with which local auxiliaries were – and continue to be – used. The ‘martial races’ discourse was no substitute for such a debate. Yet, the sources of this failure were not limited to Western imperialists’ preoccupation with race and culture. Rather, they too are better understood in the framework of the history of irregular warfare.

As outlined above, the political and military significance of irregular fighters changed dramatically during the French Revolutionary and Napoleonic Wars. While irregular fighters in the eighteenth century had been understood as a tactical complement to regular state armies, the nationalization of war transformed them into illegitimate fighters. However, the eighteenth century origin of the concept of irregular warfare was never fully eclipsed by the post-revolutionary transformation of irregular fighters. Western states continued to rely on the support of irregular auxiliaries, not only in the colonies, where local auxiliaries were the indispensable backbone of imperialism itself, but also in Europe. Wellington’s reliance on Spanish guerrillas in the Peninsular War, the Confederacy’s attempt at legitimizing partisan rangers during the American Civil War and the Allies’ support for armed resistance groups in Nazi occupied Europe are all cases in point. Of course, Porch is correct in pointing out that this practice has continued and even increased in twenty-first century armed conflicts such as in Afghanistan, Iraq, and Libya.⁴⁰

The denunciation of irregular fighters as illegitimate combatants largely resulted in a suppression of debates on the tactical and strategic uses of irregular fighters in auxiliary roles. This is a problem that continues to beset Western reliance on irregular auxiliaries in twenty-first century wars, as recent experiences in Afghanistan, Iraq, Libya, and even Syria highlight. The ‘martial races’ discourse that emerged in the second half of the nineteenth century fit this framework perfectly, as it did in fact substitute biology and culture for strategy. Moreover, it reflected the attempt to fuse the irregular as an auxiliary fighter with the irregular as an illegitimate fighter. The ‘martial races’ discourse was Orientalist, in that it ascribed both inferior and superior qualities to local auxiliaries in the colonies. They were regarded as ‘savage’, ‘uncivilized’, and ‘undisciplined’. At the same

time, their negative attributes were perceived as an asset: their 'simplicity of mind' and 'backwardness' was said to render them both fearless in combat and loyal towards their colonial masters.⁴¹ Yet, the 'martial races' discourse did not precipitate this Orientalist perspective. Rather, it was an epiphenomenon of the underlying ambiguities of the conception of the irregular fighter.

Despite the dominant trend towards a marginalization of the eighteenth century roots of the concept of the irregular fighter, the first half of the twentieth century saw more or less conscious attempts to harness these eighteenth century origins to contemporary strategic problems. In this context, Porch's dismissal of T.E. Lawrence as an 'unfortunate charlatan' is too rash.⁴² Regardless of one's take on the success of the Arab Revolt (1916–1918), Lawrence deserves credit for being one of the first military thinkers who consciously harked back to the eighteenth century roots of irregular warfare theorizing. Lawrence's hero is Maurice de Saxe, who in his *Reveries on the Art of War* emphasized the value of light infantry and cavalry skirmishers, thereby laying the groundwork for the more systematic treatises on irregular warfare that followed.⁴³ However, in contrast to the eighteenth century treatises on irregular warfare, which focused overwhelmingly on the irregular auxiliary as a tactical complement to the regular armed forces, Lawrence stood this relationship between irregular and regular warfare on its head and emphasized the strategic relevance of irregular warfare:

The precious element of our forces were the Bedouin irregulars, and not the regulars whose role would only be to occupy places to which the irregulars had already given access. Our cards were speed and time, not hitting power, and these gave us strategical rather than tactical strength. Range is more to strategy than force. The invention of bully-beef has modified land-war more profoundly than the invention of gunpowder.⁴⁴

Lawrence ascribed the strategic potential of irregular warfare to two features: the superior combat motivation of irregular fighters and the support of the population. According to Lawrence, the fact that the irregulars had not been subject to regular, European-style discipline and training was their biggest asset: 'we could not hope for any *esprit de corps* to reinforce our motives . . . we could not knit man to man, for our tribesmen were in arms willingly, by conviction . . . Our only contract was honour.'⁴⁵ While this is still somewhat in line with eighteenth century thinking on irregular warfare, Lawrence goes on to break that mould by placing the Arab Revolt in the context of 'people's war': 'Rebellions can be made by 2 per cent. active in a striking force and 98 per cent. passively sympathetic.'⁴⁶

Lawrence's boundless optimism regarding the strategic potential of people's war laid the groundwork for the spirit of 'military utopia' that would feature prominently in later works by people's war apologists such as Mao Zedong and Ho Chi Minh. His writings also reflect that he was not quite as 'tolerably read' in 'military theory' as he himself thought, otherwise he would not have dismissed Clausewitz as the apologist of decisive battle who had nothing to say about irregular warfare.⁴⁷ Yet Lawrence and his Arab Revolt, even if its success was

contested, had a large impact on the Allies' approach to the support of irregular armed resistance groups in the Second World War, both in Europe and in Asia.⁴⁸ Moreover, Lawrence cannot be blamed for his failure to remedy the total lack of strategic debate over the use of military auxiliaries in one stroke. He was definitely not the 'Clausewitz of irregular warfare'; however, he was one of the first to raise questions over the strategic role of irregular auxiliaries. The fact that his writings remained marginal was only partly due to their lack of depth. It reflected the post-French Revolution history of irregular warfare, in which irregular auxiliaries, although still widely used, remained under-theorized as a result of the dominant image of the irregular as the illegitimate fighter.

Algeria from the perspective of irregular warfare

The War of Algerian Independence (1954–1962) is of central importance to Porch. The experience of Algeria pushed French COIN officer-scholarship to a new level, which culminated with the publication of David Galula's *Counter-insurgency Warfare: Theory and Practice*.⁴⁹ Galula's writings, in turn, had a large impact on US COIN doctrine. Moreover, the war in Algeria is for Porch the perfect illustration of the hazards of civil–military fusion that is typical for COIN. The attempted putsch against President de Gaulle in April 1961 highlighted the danger that a 'small war' in a colony can potentially unravel the domestic politics of the colonial power.

In his treatment of Algerian War of Independence, Porch emphasizes continuity in French COIN thinking and practices over discontinuity. He draws a rather straight line from Bugeaud via Gallieni and Lyautey to Lacheroy and Galula.⁵⁰ He does, of course, acknowledge the changing political circumstances of French counterinsurgency after the Second World War, citing both the impact of France's military defeat during the Second World War and the changing character of insurgencies post-1945 as decisive factors.⁵¹ However, Porch does not sufficiently take into account the fact that the perception of irregular warfare, both in moral as well as in legal terms, had changed after the Second World War. If Bugeaud had gained notoriety for his use of the *razzia* in the 'pacification' of Algeria in the 1840s, the most emblematic tool of repression used by the French during the Algerian War of Independence was torture. For Porch, both practices illustrate the predominance of a 'total war' mindset among French colonial officers. However, the central relevance of torture, as will be shown below, is better understood within the framework of the shifting moral and legal perception of irregular warfare rather than in the context of a continuity of a French COIN tradition relying on ruthless violence.

Moreover, Porch largely ignores an aspect of the Algerian War of Independence that is highly significant in COIN campaigns in the twenty-first century: the recruitment of local auxiliaries and its impact on the conflict dynamic in Algeria. The irregular warfare framework also sheds more light on this issue than the COIN-critical approach that Porch embraces.

The following section shows how we can profit from applying an irregular warfare perspective to the paradigmatic of the Algerian War of Independence. Rather than offering a comprehensive history of the war, it focuses on the issue of torture and on the recruitment of local auxiliaries in order to highlight the analytical value added by this perspective.

Irregular warfare after the Second World War: From fighting an ‘uncivilized opponent’ to quelling a ‘domestic emergency’

As outlined above, the denunciation of the irregular fighter as an illegitimate combatant originated during the French Revolutionary and Napoleonic Wars. However, the concept of the irregular fighter changed over time. While the beginnings of the formal codification of the law of armed conflict in the framework of the 1863 Lieber Code and the 1907 Hague Convention reinforced the marginalization of irregular fighters as illegitimate combatants, the Second World War led at least to a partial reassessment of the role of irregular fighters. Partly inspired by Lawrence’s mythologized Arab Revolt and by the need to devise a Continental strategy after 1940, Britain attempted to capitalize on Continental resistance groups in its efforts to contain Nazi Germany’s continuing conquest of Europe. While this approach initially had some radical under- and overtones, with the entry of the United States into the war and the changing situation on the eastern front, this early radicalism gave way to what was effectively a revival of the eighteenth century understanding of irregular fighters as auxiliaries to regular armed forces. A conventional defeat of Nazi Germany had become possible. Resistance groups were advised to lay low and to strike only in conjunction with the Allied armed forces.⁵²

However, the experience of the Second World War not only illustrated that the eighteenth century meaning of the irregular fighter as the auxiliary of regular armed forces had survived, even though it had been largely forgotten between 1815 and 1916. Rather, one of the inescapable lessons of the Second World War was that irregular fighters could be morally vindicated. Hence the dominant narrative of irregular fighters as ‘brigands’, ‘criminals’, and ‘savages’ that had dominated nineteenth and early twentieth century warfare, both in Europe and in the colonies, displayed some cracks after the Second World War. If armed resistance against fascism was morally vindicated, it was much harder to argue that armed resistance against colonial oppression was not. This was precisely the line of argument put forward by the newly independent states gathered at the 1955 Bandung conference.⁵³

Yet, the moral reappraisal of irregular fighters did not lead to a legal reinterpretation of their status and protections. Without doubt, the experience of atrocities committed by the Nazi German and Imperial Japanese occupation forces during the Second World War had highlighted the need to adopt new international legislation. However, the approach taken in the 1949 Geneva Conventions focused on the plight of civilians in occupied territory rather than

tackling the vexed question of the treatment of irregular fighters directly. Ironically, the French delegation to the Geneva Conference, which included many former members of the *résistance*, initially lobbied for the adoption of a more lenient legal framework towards irregular fighters. However, not only were they overruled by the UK and the US delegations, France's political leadership also quickly realized that such provisions could have a damaging impact on their political authority and military room for manoeuvre in the colonies. In the end, the only meaningful legal change with respect to irregular fighters in the framework of the Geneva Conventions was common article 3.⁵⁴ It stipulates a number of minimum protections such as the prohibition of executions without trial and the prohibition of torture that apply 'in the case of armed conflict not of an international character'.⁵⁵

This was the legal framework that applied at the outbreak of the war in Algeria. It was crucial for the development of the French approach to the war. Clearly, France did not intend to apply the Geneva Conventions, as this would have meant acknowledging that this was a war of an international character, which would have effectively granted Algeria the status of an independent state. Conversely, this was precisely the reason why the ALN insisted on prisoner-of-war status for their captured fighters. Neither was recognizing the violence in Algeria as an 'armed conflict not of an international character' a viable option, since this would have meant that France was fighting a civil war on its own territory and, more importantly, that common article 3 applied. The solution was to declare the war in Algeria a 'domestic emergency', governed by emergency laws and operationally conducted as 'police operations'.⁵⁶

This legal construction lay at the heart of the most notorious aspects of the conduct of the French forces in Algeria, most notably what Porch calls 'civil–military fusion', but also torture. According to Raphaëlle Branche, 'These special powers [the emergency legislation] constituted the legal framework for the entire war which, in the end, was almost exclusively in the hands of the executive branch of government. This also led to giving significant weight to the military and to their interpretation of reality.'⁵⁷ Branche concludes that 'The refusal to recognize the Algerian guerrilla fighters as prisoners of war was one of the most obvious signs of collusion between military interpretations and political interests.'⁵⁸

For the detainees in question, it had disastrous consequences. They were neither prisoners of war nor criminals. They had effectively no legal status or protections. This was the context in which torture became endemic. Porch interprets the widespread practice of torture in Algeria as an indication of a 'total war' mindset among French counterinsurgents, one that he had in an earlier publication already identified as characteristic for Bugeaud's 'pacification' of Algeria in the 1840s:⁵⁹

Small wars were also considered to be unlimited ones, especially for officers of the *5e* (sic) *bureau* who believed that they were waging a *guerre totale* against a communist-orchestrated insurgency, in which it was difficult to distinguish friend

from foe. For this reason, torture, a tactic used in Indochina, quickly appeared in Algeria as 'an unlimited weapon deployed in a total war to dominate the population'.⁶⁰

It is questionable to what extent the concept of 'total war' is useful in this respect. Total war can mean many things, ranging from total war aims and total mobilization to the use of unrestrained violence towards civilians. Porch needs it in this context in order to emphasize the continuity of French COIN from Bugeaud to Lacheroy and Galula. However, apart from the fact that both Bugeaud's *razzias* and the use of torture by French counterinsurgents in the Algerian War of Independence were brutal COIN tactics the strategic value of which remained dubious, there seem to be more differences in the tactics used in Algeria in the 1840s and Algeria in the 1950s than Porch would have us believe. Bugeaud's *razzias* were guided by the idea that against 'uncivilized' opponents, one had to use 'uncivilized' methods of war. It mattered little that he had taken his inspiration for these methods from the Peninsular War, because, as outlined above, the notion of the 'uncivilized' irregular fighter had not been confined to the colonies.⁶¹

However, the French signature tactic of repression in the Algerian War of Independence was torture. By highlighting the tactical and doctrinal continuities of French COIN, Porch misses the point that torture only acquired its meaning in Algeria in the particular context of the post-Second World War legal and moral environment regarding irregular fighters. The significance of torture was not only tactical, in that the French counterinsurgents were desperate to acquire intelligence in an increasingly confusing armed conflict, it was not merely strategic, in that it aimed at keeping the entire Algerian population 'off-balance',⁶² it was supremely political: it was the epitome of France's denial of prisoner-of-war status, and thereby political legitimacy to the ALN fighters. In short, torture was the symbol of France's continued claim to colonial authority over Algeria.

French COIN and the recruitment of local auxiliaries in Algeria

Porch represents the Algerian War of Independence essentially as a dyadic conflict between Algerian nationalists on the one hand and French imperialists on the other, thereby neglecting the role of locally recruited auxiliary forces such as the *mokhaznis* (militiamen) and the *harkis* (auxiliary forces). By 1960 these two forces combined reached a number of almost 80,000 and thus outnumbered the ALN fighters.⁶³ The scale of their recruitment reflected that they by no means played a marginal role. More importantly, the fate of the *harkis* after the end of the war and the withdrawal of French forces from Algeria reflects the pitfalls of relying on local auxiliary forces and provides lessons that are highly timely for Western military interventions in the twenty-first century. In Algeria as in many contemporary armed conflicts, reliance on large numbers of local auxiliaries was a reaction to manpower shortages as well as a need for local intelligence.

Its potential long-term consequences, in particular for the local auxiliaries themselves, were not taken into account. The COIN perspective suggests that this was largely due to the astrategic and ultimately racist nature of the discourse of *la politique des races*. The irregular warfare perspective offers a more comprehensive contextualization by drawing attention to the dual nature of irregular fighters as auxiliaries to the regular armed forces on the one hand and as illegitimate combatants on the other.

The recruitment of local auxiliaries had a long tradition in Algeria. It had started with the recruitment of 500 *zouaves* directly after the French invasion of Algeria in 1830. In 1856 France created three Algerian infantry regiments, the *tirailleurs algériens*. They were not only deployed in Algeria, but also in Europe and other colonial theatres. In 1912 the French government imposed conscription on the Muslim population in Algeria. Now fully regularized and integrated into the French army, 170,000 Algerian troops fought in the First World War, 250,000 in the Second World War. In 1962, there were still 60,000 Algerian Muslim soldiers in the French army.⁶⁴ In addition to the army, Algerian Muslims had been recruited into the local administration and the police.

After the ALN revolt broke out in November 1954, the French colonial administration started recruiting additional local auxiliaries: the *mokhaznis* and the *harkis*. The *mokhaznis* were militias who had a local self-defence role. Their number reached 19,000 at the height of the war in Algeria. The *harkis* were recruited as designated COIN forces, valued not only for the additional manpower they provided but also for their insider intelligence, as many of the *harkis* were ex-FLN prisoners. Their number peaked at 60,000 in the framework of the Challe offensive of 1958–1960.⁶⁵

Initially, the recruitment of *harkis* followed a pattern that was integral to *la politique des races*. The first *harkis* units were raised in 1954 under the auspices of the French ethnologist Jean Servier in the Aurès region, who exploited traditional conflicts among the local Berber tribes.⁶⁶ However, the mass mobilization of *harkis*, in particular in the framework of the Challe offensive, was enabled by the civil war component of the Algerian War of Independence. The ALN not only targeted French settlers, administrators, and security forces, but also pro-French Muslims and potential political competitors. Revenge as well as the promise to be able to protect one's own family and local community against ALN violence was thus an important motivation for those who joined the *harkis*.⁶⁷

The years 1958 to 1960 were crucial for the fate of the *harkis*. On the one hand, their number almost tripled during this period from 26,000 to 60,000, as General Challe envisaged them as an integral part of his military offensive against the ALN. On the other hand, after his return to power in 1958, de Gaulle had quickly moved away from the objective of keeping Algeria under French colonial authority by all means. On 16 September 1959, he announced that the Algerian people should be given the chance to vote on the future of Algeria, with

immediate secession being a realistic option, even though this was not de Gaulle's preferred outcome.⁶⁸ It was clear that the fate of the *harkis* in such a scenario would be dire. Many of the French officers serving in Algeria had witnessed in Indochina 1950–1954 what happened to the native loyalists after the departure of the French troops. In fact, concern over the *harkis*' and other Algerian loyalists' future was at the heart of the radicalization of parts of the French officer corps, which ultimately led to the attempted putsch of 1961.⁶⁹

The summer of 1962, following the ceasefire between the French forces and the ALN and the second referendum on Algerian independence, saw a mass exodus of French settlers from Algeria to mainland France. The *pieds-noirs* as well as the Algerian Muslim loyalists, among them the *harkis*, correctly feared a wave of mass reprisals after the FLN effectively took over political authority in Algeria. An estimated 30,000–40,000 Algerian Muslim loyalists were killed in the wake of Algerian independence. Many *harkis* tried to flee to France; however, de Gaulle was adamant that they were not to be relocated. 'According to de Gaulle's cold calculus the *harkis* had to be sacrificed because unlike the settlers, they belonged to a separate culture and religion.'⁷⁰ This perspective fits perfectly with *la politique des races*, as it reflects both an opportunistic and potentially exploitative approach to the local population as well as a latent racism in the treatment of local auxiliaries. What it ignores, however, is that Algerian Muslim members of the regular armed forces were given the opportunity to leave Algeria and to continue to serve in the French army. To this day, the French army still includes one *tirailleurs* regiment, the origins of which were the Algerian *tirailleurs* transferring to France in 1962.

The perspective of COIN and *la politique des races* cannot explain the different approach taken to the *harkis* and the *tirailleurs*. If only racism had been at the heart of de Gaulle's position on the *harkis* problem, it should have equally applied to the *tirailleurs*. However, despite their identical cultural and religious origins, the *tirailleurs* obviously enjoyed a superior standing in de Gaulle's eyes. This indicates that however useful and loyal local irregular auxiliaries are, their reputation will always be tainted by the ambivalent nature of the irregular fighter as both an auxiliary to the regular armed forces and as an illegitimate combatant.

Conclusion

This article has demonstrated that the history of irregular warfare offers an analytical perspective that provides valuable insights on COIN warfare. The perspective of irregular warfare draws attention to the close relationship between anti-irregular warfare in Europe and in the colonies. It highlights the way in which the intersection of anti-irregular prejudice with other mechanisms of exclusion, most importantly racism, can result in an escalation of violence that is typical for some COIN campaigns. Moreover, the perspective of irregular warfare enables us to analyse the recruitment of irregular auxiliaries in COIN campaigns in the context of the ambiguity of the concept of the irregular

fighter, which includes both the irregular as the auxiliary and the irregular as the illegitimate combatant.

The perspective of irregular warfare is not a static one; rather it enables us to analyse discontinuity in Western approaches to anti-irregular warfare. The example of the Algerian War of Independence has illustrated the importance of locating specific COIN campaigns not only within their broader historical context, but also more specifically in the historical context of the development of the concept of irregular warfare. This development mainly manifests itself at the levels of intellectual and, in particular, legal history. The law of armed conflict is often dismissed as being inapplicable to irregular warfare. However, the history of the concept of irregular warfare is deeply intertwined with the history of the law of armed conflict. As the example of the Algerian War of Independence has shown, it was precisely France's attempt to exclude its actions from the remit of the law of armed conflict that gave the war and the tactics used a specific meaning.

The irregular warfare perspective does not intend to distract from the critique of COIN campaigns and COIN doctrine. On the contrary, it offers a more nuanced approach to such a critique. It highlights the pitfalls of an approach that is based on the idea that irregular fighters should be excluded from legal protections and that their communities should be subject to collective punishment. It also draws attention to the risk that the vilification of irregular fighters can effectively suppress a debate over the recruitment of and reliance on irregular auxiliaries.

Porch ascribes this spirit of the vilification of irregular fighters to FM 3–24 in its entirety. He quotes the manual's description of insurgents as "elusive, unethical and indiscriminate foes" organized in an insurgency "characterized by violence, immorality, distrust and deceit".⁷¹ However, large parts of FM 3–24 reflect a different approach to irregular fighters. Chapter 7 places an explicit emphasis on the restriction of the use of kinetic force. Chapter 10 includes a section on the importance of reintegrating insurgents into local communities and into the political process. Chapter 13 provides a comprehensive overview of the applicable law in COIN campaigns. Interestingly, this chapter indicates that not only the law in its codified form serves as a source of restraint in war, but also the US armed forces' 'honor'.⁷² This is a theme that echoes the explicit opposition to the Bush administration's post-9/11 depiction of irregular fighters as 'unlawful combatants' that prevailed among large parts of the US armed forces. A 2003 statement of US Air Force Deputy Judge Advocate General Jack L. Rives reflects this opposition:

The cultural and self-image of the U.S. Armed Forces suffered during the Vietnam conflict and at other times due to perceived law of armed conflict violations. . . . Approving exceptional techniques. . . , even though lawful, may create uncertainty among interrogators regarding the appropriate limits of interrogations, and may adversely affect the cultural self-image of the U.S. Armed Forces.⁷³

In other words, while the designation of irregular fighters as 'unlawful combatants' embraces an exclusionary approach to irregular fighters that fuels

the escalation of violence in ‘small wars’, large parts of FM 3–24 are written in a very different spirit. Porch is correct in pointing out that FM 3–24 misuses history to support its main claims and that it is overly optimistic about the feasibility and success of COIN campaigns. And of course there is also the danger that FM 3–24 could be instrumentalized as a mere sales pitch aimed at Western domestic publics and intended to convince them of the enlightened and civilized nature of Western military interventions in the twenty-first century. However, as a doctrine, FM 3–24 markedly departs from many of the exclusionary approaches that have characterized the history of the concept irregular warfare from the French Revolution to the twentieth century.

Notes

1. Porch, *Counterinsurgency*.
2. Ibid., 28–9.
3. Ibid., 340.
4. For more examples following the COINdinsta narrative, see Nagl, *Learning to Eat Soup with a Knife*; Kilcullen, *Accidental Guerrilla*. For the critique of the COINdinsta narrative, see also Gentile, *Wrong Turn*.
5. Quoting Callwell, Porch, *Counterinsurgency*, 327.
6. Cf. Paul Rich, ‘US Military Power’.
7. Ibid., 26.
8. Ibid., 43ff.
9. Ibid., 26ff.
10. In Roberts and Guelff, *Documents*, 69ff.
11. Ibid., 69.
12. Ibid., 73.
13. Ibid., 80.
14. Ibid., 70.
15. On the Franco-Prussian War, see Stoneman, ‘The Bavarian Army’; on the First World War, see Horne and Kramer, *German Atrocities, 1914*.
16. Mountcastle, *Punitive War*.
17. For a more in depth discussion, see Scheipers, *Unlawful Combatants*, ch. 5.
18. Porch, *Counterinsurgency*, 25.
19. Ibid., 3ff.
20. Heuser, ‘Small Wars’, 141–2.
21. Ibid., 144.
22. Von der Trenck gained notoriety for a number of massacres that he and his Pandour regiment committed during the War of Austrian Succession (1740–1748) while fighting on behalf of the heiress to the throne Maria Theresa. Rink, ‘The Partisan’s Metamorphosis’.
23. Heuser, ‘Small Wars’.
24. This is a heavily condensed version of an argument laid out in greater detail in Scheipers, *Unlawful Combatants*, ch. 2.
25. Ibid., chs 3 and 5.
26. Porch, *Counterinsurgency*, 26.
27. Dubois, *Avengers of the New World*, 291ff.; Hull, *Absolute Destruction*, 7ff.
28. Quoted in Judd and Surridge, *Boer War*, 228.
29. In fact, the Fawcett Commission did not even visit the ‘black’ camps in South Africa; Smith and Stucki, ‘The Colonial Development of Concentration Camps’, 429.

30. Quoted in Pakenham, *Boer War*, 500.
31. Simon Popple, 'From "Brother Boer" to "Dirty Boer"'
32. The notion of 'intersectionality' was first coined in the framework of feminist scholarship. It draws attention to the conjunction of different categories and dynamics of exclusion, for instance, sex and race. Crenshaw, 'Demarginalizing the Intersection of Race and Sex'.
33. Quoted in Shepherd, *War in the Wild East*, 89.
34. Cf. Porch, *Counterinsurgency*, 340.
35. Branch, *Defeating Mau Mau, Creating Kenya*; Evans, *Algeria*.
36. Porch, *Counterinsurgency*, 58.
37. *Ibid.*, 37, 53.
38. *Ibid.*, 30.
39. *Ibid.*, 60, 91, 328.
40. Scheipers, *Unlawful Combatants*, ch. 7.
41. Porter, *Military Orientalism*, 42.
42. Porch, *Counterinsurgency*, 86; cf. Rich, 'US Military Power'.
43. de Saxe, *Reveries*; cf. Ward, 'The American Militias', 169.
44. Lawrence, 'Evolution of a Revolt'.
45. *Ibid.*
46. *Ibid.*
47. *Ibid.*
48. Scheipers, *Unlawful Combatants*, ch. 4.
49. Galula, *Counterinsurgency Warfare*.
50. Finch, *A Progressive Occupation?*, 40ff.
51. Porch, *Counterinsurgency*, 153ff.
52. See Scheipers, *Unlawful Combatants*, ch. 4.
53. Evans, *Algeria*, 139. Porch alludes to this point, *Counterinsurgency*, 154.
54. Best, *War and Law*, 174.
55. Common article 3, in Roberts and Guelff, *Documents*, e.g. 198.
56. Branche, 'The French in Algeria', 175.
57. *Ibid.*
58. *Ibid.*
59. Porch, 'Bugeaud, Gallieni, Lyautey', 377.
60. Porch, *Counterinsurgency*, 181, quoting Raphaëlle Branche.
61. Finch, *A Progressive Occupation?*, 41.
62. Branche, 'The French in Algeria', 178.
63. Evans, *Algeria*, 250.
64. Evans, 'The Harkis', 120. The fact that many future FLN leaders fought for France during the Second World War should give contemporary strategists pause for thought.
65. *Ibid.*, 122.
66. *Ibid.*, 121.
67. *Ibid.*, 124.
68. *Ibid.*, 261ff.
69. Zervoudakis, 'From Indochina to Algeria', 55.
70. Evans, 'The Harkis', 127.
71. Porch, *Counterinsurgency*, 2.
72. *Field Manual FM 3-24*.
73. Jack L. Rives, Deputy Judge Advocate General, Department of the Air Force, 'Memorandum for SAF/GC', 6 February 2003, in Greenberg, *The Torture Debate in America*, 380.

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