War in the Gray: Exploring the Concept of Dirty War

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This study explores the meaning of “dirty war,” a term that has been in increasing usage in popular and academic discussion. It endeavors to detach the phrase from its normative connotations, and using a strategic methodology along with supporting case studies, seeks to arrive at a theoretical exposition of the dirty war concept. The investigation attempts to provide a working definition that helps make sense of the term, and develops some notions of what dirty war might constitute in contradistinction to its antonym, clean war. It is argued that dirty war represents a form of strategic practice occurring in the gray area between the criminal justice and war models of counterinsurgency, and possesses its own distinctive escalatory path. Finally, the analysis returns to the ethical and normative features implicit in the term, pointing to the outstanding dilemmas that continue to permeate the study of war.

War is more than a true chameleon that slightly adapts its characteristics to the given case.¹

—Carl von Clausewitz

It was a lot grayer and darker. Darker even than people can imagine.²

—Kevin Fulton (British informer inside the IRA)

Discussions of contemporary conflict have sometimes characterized particular forms of warfare as “dirty war.” Most notably, the label has proved popular in journalistic discourse and is invariably used to denote some of the more protracted, shadowy, and morally repugnant elements of warfare.³ Insofar as one can determine its origins, “dirty war” derives from the French phrase, la sale guerre,⁴ which was used originally to refer to France’s vicious struggle with the Viet Minh in Indochina from 1945 to 1954,⁵ although it was later used, and became widely synonymous with, the widespread use of torture and atrocity in the Algerian conflict between 1954 and 1962 in which over a million people were thought to have perished.⁶ From the early 1960s the Spanish term guerra sucia also came to be used to describe state repression in Latin America.⁷ Most notably, it was in Argentina,
again following the use of torture and disappearance of large numbers of civilians in the
1970s, that “dirty war” entered common usage, and was employed to describe the general
pattern of repression of internal dissent, often at the hands of military dictatorships across
the rest of the Latin-American continent in the same time period. More recently, the term
has been used to symbolize conflicts where strategies such as genocide and rape have been
deployed against the civilian population.

The prevalence of the term in recent literature raises important questions; namely, what
is dirty war and is it definable? The mainstream bodies of work on warfare, military history,
and strategic theory, both in academic scholarship and elsewhere, thus far provide few clues.
More specialized studies on particular conflicts do occasionally intimate potential answers
but rarely provide any systematic evaluation or elucidation. For example, a 2001 Human
Rights Watch report argued in the context of the war in Chechnya that: “While combat
between federal forces and Chechen rebels has for the most part ceased, ’disappearance’,
torture and the summary execution of detainees continues, marking the transition from
classical internal armed conflict into classical ’dirty war’, where human rights violations
and not the conquest or defense of territory are the hallmarks.” This statement assumes
that the idea of dirty war is an obvious and established given, easily discernible from other
types of conflict, but no further explanation is provided as to why this may be so. Such
assertions and others like them provide hints and possible lines of inquiry, but no more.

Journalists and other writers, along with nongovernmental human rights groups, are, of
course, in the business of publicizing themselves or their causes. They are not necessarily
under an intellectual obligation to spell out their key terms and underlying assumptions.
First and foremost, such tasks exist in the scholarly realm. Defining what dirty war may
be is, then, appropriate for academic investigation. Therefore, one can ask whether the
concept of dirty war has coherent form? Can the term be imbued with its own distinctive
attributes that indicate a specific modus operandi? If so, is it a useful analytical separation
that can help identify particular situations that enhance our understanding of war related
phenomena? To encapsulate the intellectual problem at its most basic level: Does dirty war
have any meaning beyond a rhetorical flourish to popularize books written about certain
theaters of conflict? It is these sorts of questions that this analysis seeks to address.

To begin with, it should be assumed that journalists and writers who deploy the phrase
dirty war in their book titles do so for a reason other than merely as a marketing ploy to grab
attention. The term is used intentionally perhaps to signify something that is considered, if
only intuitively, as particularly extreme or distasteful. Although writers may not explicitly
identify what this notion of dirty war entails, implicitly they must have some sort of
framework in mind that caused them to see such a term as relevant for their purposes.
The principal endeavor embodied in this investigation is thus to bring dirty war out of
the shadows of half-hidden meanings, un-stated beliefs and implicit assumptions and to
attempt to discern its essence as a strategic practice.

The findings presented here intend to offer a preliminary understanding as to what,
if anything, dirty war means as a concept. Others may choose to refine or refute the
interpretations set down here. As such, the article is attempting primarily a conceptualization
in this instance. This is reflected in the choice of case studies used to underpin this conceptual
exploration. The authors have chosen to focus primarily on the Latin-American examples
as these offer the widest range of strategies that have been labeled at some point or another
as dirty war. Moreover, extensive research has been done in this area and in large part
information pertaining to these conflicts resides in open source documents. That is not
to say that these are the only instances of dirty war. Indeed, other examples such as the
conflicts in Chechnya, Zimbabwe, Spain, and Northern Ireland and Iraq under Saddam
Hussein may fit the mold but as this is only an early foray into the area the article shall be dealing primarily with the available open source evidence that currently exists. Other case studies could be considered as legitimate areas of research in the future.

Therefore, this analysis is intended as the first cut at this topic and the initial exploration reveals that dirty war is the logical expression of certain forms of intelligence-related activities, which occur in conditions where a political actor seeks to deal with threats, real or imagined, that are believed to represent an extreme threat to established authority. These threats are usually perceived to arise from within the state, but they may also exist as threats that are external in nature or else have international connections and implications. In either instance, the danger is often constituted under the rubric of a “terrorist” threat. The key target group—and thus victims—in dirty war appears to be a specific section of the civil populace, and their targeting is enabled when a political authority disregards any notion of practical or lawful defense against the power of that authority. In practice, the authority in question is usually a government, which suspends or ignores the human rights and legal protections of its citizens, although as the article shall intimate, the methods of dirty war do not, ipso facto, denote state sponsorship; indeed other non-state actors may equally be capable of waging dirty war.

It is suggested that the value of the study is twofold. First, it argues that given the increasing evidence in patterns of warfare over the past two decades, which indicate that civilians have become increasingly instrumentalized in armed conflict,\textsuperscript{11} that if the causes and conduct of so-called dirty wars is understood more clearly then one may be able to better appreciate the likely conditions in which it—or forms of it—may arise. Thereby national governments, international institutions, and nongovernmental bodies may be more prepared and equipped to deal with its consequences, or more preferably still, to prevent its occurrence altogether. Second, this study is rooted in the simple premise that analysts of whatever persuasion should always be careful to define, understand and explain the terms they use rather than allowing phrases to be used casually as slogans that contain implicit meanings.

**Dirty War as a Strategic Practice**

This assessment aims at conceptual rigor. But in trying to tie down what dirty war may mean one is presented with an immediate difficulty. The term “dirty war” implies moral judgement. When one encounters this phrase the message conveyed is that dirty war is symptomatic of behavior that falls below standards of decency or may exist beyond the pale of ethical conduct entirely. How can anyone impartially quantify decency and ethical standards? Like popular understandings of the word terrorism, the idea is infused with value-laden connotations. Practitioners of dirty war are, like the practitioners of terrorism, unlikely to employ the expression to describe what they do. Furthermore, the morally ascriptive qualities inherent in the term allow it to be used by antagonists as a weapon of condemnation. Analysts inevitably face being caught in the vice of a category mistake. Attempts to discern the linguistic meaning of dirty war may well incur the opprobrium of those who believe that objective explanation is impossible. This, one might surmise, will defeat the quest to theorize dispassionately upon it.

One should not, however, be so pessimistic or timid, for such intellectual problems are exactly what academic effort exists to try to resolve, or at least hypothesize about in as detached manner as possible. To work one’s way out of this potential conundrum one can initiate an investigation into dirty war by considering briefly, not the first, but the second part of the dirty war equation, namely, the term “war,” as this provides the essential clue as to
how one can proceed to find out whether the expression contains inherent meaning. War is a
goal oriented enterprise. To use the standard Clausewitzian dictum, “war is a continuation of
political intercourse, carried on with other means.” War is, thereby, a rationally purposive
enterprise, where the deed of violence itself is “an act of force to compel the enemy to do
our will.” War is thus intimately bound up in the idea of strategy as one possible set of
means to attain designated objectives. Clearly, then, if war is a political act it must follow
that “dirty war” is an active force designed to achieve given ends. In this respect, any notion
of dirty war is, in its theoretical essence, likely to be no different from all war.

Dirty war, then, occurs usually in a particular state context. Dirty war rhetoric has
often manifested itself in the discourse on “failed,” “quasi” or “weak states.” Andrew
Goldsmith in his article cites Barry Buzan who argues that weak states have

[a high level of concern with domestically generated threats to their security . . . [they] have failed to create a domestic or political consensus of sufficient
strength to eliminate the large scale use of force as a continuing element in the
domestic political life of a nation.]

As shall be elucidated later, the consistent use of large-scale force seems commensurate
with the manifestations of dirty war in Latin America. But dirty war does not always fit in
with other elements of the weak/failed states discourse. Robert Rotberg argued that state
failure is caused when “governments lose legitimacy in the eyes of a growing plurality
of their citizens.” However, practitioners of dirty war do not necessarily lack support
and legitimacy from wide sections of the populace. Dirty warriors frequently possess,
or can sometimes even increase, popular support for their actions precisely because they
employ methods that might be deemed illegitimate. In fact, the highly targeted nature of
the phenomenon suggests that it fits more easily into classic understandings of intra-state
war than say sub-state failure.

Does all this imply that dirty war is really just a subset of civil war? Christopher
Cramer, in his work Civil War Is Not a Stupid Thing, outlines the critical features that
constitute a civil war but he admits that they “exclude state led massacres where there is
no organised or effective state opposition.” It is known, for example, that some examples
of dirty war activities, such as those perpetrated by Saddam Hussein’s Ba’thist regime in
Iraq, which witnessed outright massacres of opposition groups as well the imposition of a
secret police state, do not exhibit those attributes that denote civil war.

Therefore categories of state failure and civil war do not necessarily shed much light
on an understanding of the behaviors that constitute “dirty war.” It is for these reasons that
one then has to return to this instrumental understanding of the concept of war borrowed
from the purview of inter-state war, in order to make analytical progress.

All this may seem obvious, even tautological, but by seeing dirty war in instrumental
(rather than judgemental) terms as a strategy to gain certain ends one can de-couple, at least
for a while, the moral element implied in dirty war from the separate attempt to reflect on
its presumed utility in the eyes of those who employ its methodology. Although emotive,
anthropological, and personal testimonies about so-called dirty wars are illuminating, the
strategic approach is instructive because it provides insight into the motivations of the
actors involved. It lays to one side the viewer’s moral position on such situations, and
seeks to establish what means are deployed to achieve particular goals and the role that
violence plays for each actor. It seeks not to apportion blame or condemn, but to analyze
within a framework that places the conscious choices of actors above any singular focus
on military/paramilitary tactics while, at the same time, avoiding journalistic hyperbole.
This article will not abandon ethical considerations altogether but seek to re-attach them at the end of this analysis having first considered the functional efficacy of such methods. Above all, by examining what the term may entail as a description of a strategic activity one can begin to move forward in uncovering what the phenomenon may objectively constitute precisely because in purely descriptive terms “dirty war” implies a literary antonym: clean war.

Dirty War versus Clean War

Few, if any, military analysts have ever used the term “clean war.” Even fewer, one would imagine, would seriously claim that there is likely to be anything approaching an antiseptic war where there are no casualties, no harm, and no destruction of consequence. Nevertheless, the very idea of dirty war as a terminological reference suggests that it exists in contradiction to more accepted forms of waging war. What can be said to comprise these accepted understandings? One may, perhaps, point to four crucial elements that can briefly be mentioned.

- War is openly constituted. It is known who the main protagonists are. This understanding is exemplified in a formal declaration of war that sets out the reasons for one’s dispute and makes clear that the party concerned exists in a state of conflict with a designated enemy. Invariably, the adversary, or adversaries, will likewise also declare hostilities. Not only does “clean” war open hostilities with a declaration, but crucially, it will also be closed by a formal declaration (through victory or surrender). This is an important element in an understanding of “acceptable” war as it constitutes a restraint because it clearly establishes the parameters: one knows what the war is about, who is doing the fighting, and when it ends.

- Following from an open declaration of war, understandings of accepted modes of war are governed by the expectation that once war has begun its conduct will be bound by certain rules, laws, and conventions that will, again, act as constraints. These rules and conventions may proscribe forms of behavior—such as torture or assassination—that might be deemed illegal under domestic law and are consciously designed to limit the actions of a political authority. Even in the absence of formally constituted restraints in domestic law, the general expectation is that combatants will follow the norms or rules of international behavior, such as those laid down in the Geneva Conventions that outline the limitations on protagonists, most notably in relation to the treatment of prisoners.

- Again, following logically from the idea that rules and conventions should be respected, is the understanding that a clear distinction exists between combatants and civilians and that a conscious effort should be made to avoid non-combatant casualties. It is known, of course, that especially in conditions of total war, as in World War II, that such distinctions can become blurred, or break down completely. But even in such situations, both then and since, the sense persists that it is intuitively wrong to deliberately target civilians and to which moral reprehension, if not outright legal sanction attaches if such boundaries are crossed.

- Finally in the informal scheme of “clean war” is the generalized notion that war takes place between states because of the assumption that states possess the legitimate monopoly of violence. The premise here is that the domestic condition is a settled one, where the internal affairs of states are not subject to violent dispute, and thus war takes place externally, beyond the state.
To this brief survey one might add other ideas, perhaps like the notions of just cause and proportionality in war, which are embodied in the corpus of just war thinking (although these aspects are intimated in the points enunciated above). The point, though, is that these four precepts, it may be contended, roughly sum up popular conceptions as to what is conventionally understood as the acceptable preconditions of war: “clean war.” So, if one takes these precepts, and reverses them, one should start to discern a template for comprehending dirty war.

- In conditions of dirty war one might expect there to be no formal declaration or announcement of hostilities. Acts of violence are initiated without any forewarning. The goals of one or other of the protagonists may not necessarily be clear or openly stated. The aims may be deliberately vague or left to be inferred by the rest of the population. Likewise, the end of the conflict will not necessarily be known, and, again, possibly with intent to keep the other side in a perpetual state of crisis and uncertainty with the possibility that violence may be invoked whenever deemed necessary or expedient. Dirty wars may truly be conflicts without end.

- Dirty wars are unlikely to be subject to recognized laws and conventions. They are likely to be characterized by a seeming absence of rule-bound arrangements. Certainly, the rule of law is likely to be absent. More probably, rule by law will represent the norm, comprising dictates, fiats, edicts, curfews, and other authoritarian methods to impose restrictions on one side while freeing up one’s own forces to do more less what they like. In essence, one might term this as constructing a “facade of legality,” using the legitimacy invested in the state to erect a structure that casts a shadow or veil behind which dirty war methods can be instituted.

- The distinction between combatants and non-combatants will not be observed. More simply, the whole point of dirty war may well be that the civilian populace, or a discernible section of it, is explicitly targeted. This is often associated with the idea of “increasing the franchise of violence,” by which the state politicizes those arms that legitimately possess the franchise of violence such as the police and army. It also explains the growth of pseudo-instruments that are permitted to exercise the franchise like youth militias, paramilitaries, and veterans groups. These groups are often subcontracted the jobs that are too “dirty” for the legitimate possessors of violence.

- Dirty war is likely to manifest itself within states rather than between states. Although a sovereign authority may be able to free itself from legal restraints and moral obligations internally, it cannot necessarily do so externally. If it steps outside sovereign boundaries it will subject itself to international conventions. Other states in the international system may undertake to enforce those norms, accepted standards, and conventions of behavior.

Potentially, these antonyms of clean war provide the means to identify dirty war. If the Algerian and Argentine experiences are taken as the benchmarks one can see a direct correspondence with most, if not all, of these elements. In both cases, these conflicts were characterized by a crisis within the state, where one or more sides’ aims and methods were, if only at the outset, somewhat indistinct, and in which civilians were targeted in conditions of the absence of rules and restraints. Indeed, it might be inferred from this brief typology that one can define the essence of dirty war as when a political authority goes to war against a section of its own population. It could even be posited that this is a concise definition of dirty war. At this stage, the article explores in more detail other themes that interact with dirty war before constructing a more stable definition.
Dirty War and Language

It was mentioned earlier that the term dirty war is a linguistic trap, full of latent subtextual meaning, waiting to spring itself upon the unwary. Therefore, this section deals briefly with some outstanding problems of language and dirty war. Certainly, discourse analysis has already facilitated part of this discussion. Gilles Deleuze, in his analysis of the French linguistic theorist, Michel Foucault, stated that “one phrase denies the existence of others . . . each phrase remains pregnant with what is left unsaid.”31 If one accepts this statement it might be argued that it is this very interpretation of language that allows one to define dirty war in opposition to its antonym.

Crucially, however, the word “dirty” remains un-dealt with in this analysis so far. Is it enough to say it has overriding negative moral connotations? Should one contextualize it in the discourse of cleanliness that pervades political language? Philosophers of language and discourse, notably Foucault himself,32 have commented on the pervasiveness of sociomedical discourse in modern discussions of politics.33

Dirty in medical discourse is associated with notions of disease, unhygienic conditions, poor health, and impoverishment; an understanding that can be easily transferred to warfare. Marguerite Feliztlow, in her discussion of the language of dirty war in Argentina, points to this discourse, citing the comments of Rear Admiral Guzetti who stated: “The social body of the country is contaminated by an illness that in corroding its entrails produces antibodies.”34 One observation one might make, therefore, is that dirty wars are frequently characterized by sociomedical language that stipulates the necessity of cleansing the body politic of political impurities.

Language is not just important when talking about dirty war; its use in dirty war is extremely significant. Felitzlow’s discourse analysis points to the “redefinition of war and peace” in the Argentine example.35 Echoing the point that dirty wars are sometimes wars without end, she cites General Jorge Videla, the leader of the military government that took power in Argentina, who insisted “the process [of national reorganization] is not subject to a time frame, but rather the realization of objectives” and General Orsis Villegas who reinterpreted Clausewitz’s dictum that peace is “the continuation of war by other means.”36

Arguably, then, the ruling parties’ own perception of the war they are fighting, and the language with which they choose to describe the conflict, can be regarded as a fundamental defining a feature of this type of conflict as much as the strategies they utilize. More work needs to be done on the use of discourse in this form of conflict in order to establish whether this is a consistent feature in all dirty war type conflicts.

Overall, though, in the same way that civil wars are construed as anarchic because they are beyond many people’s comprehension, so it is too with dirty wars. The concept of dirty war remains undefined, under-conceptualized, and under-explored so far because we do not yet appear to possess the linguistic tools to fully understand its implications. The very fact they are called “dirty” has, one might suggest, put people off analyzing them.

The Role of Concealment

What one can establish from the working hypothesis of dirty war outlined thus far is a clear connection between war and politics, and indeed between politics and terror, from which other assumptions might follow. For example, it might be contended that the logical extreme of the notion of dirty war as a war against a section of one’s population would be a propensity toward forms of holocaust as in World War II where the aim of the Nazis was to physically eliminate a designated part of the population. Below the extreme example of the
Holocaust may reside other forms of genocidal intent that might equally be construed as dirty war, bound up with explicit intentions of creating terror for political ends, which may involve massacres and extermination, as seen in Rwanda in 1994 when Hutu tribal militias of the Interhamwe killed an estimated one million members of the minority Tutsi tribe along with moderate Hutus. Other forms of waging war against a section of the populace to engender terror might be intended to achieve population displacement, ethnic cleansing, or the consolidation of political control over territory and resources. Again, whether dirty war can manifest itself in genocidal behavior is an area that will require further exploration.

Certainly, one can see such gruesome processes at work in a number of later twentieth century/early twenty-first-century conflicts, including: Bosnia in the Former Republic of Yugoslavia, the civil war in Algeria, the Chechen war in the Russian Commonwealth, the conflict in the Darfur region of Sudan. In any moral sense few would dispute that these types of conflicts would qualify easily for the appendage of dirty war given their evident viciousness and brutality. Yet if one is to conceptualize the idea of dirty war thoroughly, there must be more than simply acts of systematic brutality directed against a section of the population. After all, cruelty and brutality are, arguably, inherent in all forms of warfare. Therefore, to distil an understanding of dirty war simply to the idea of waging war against one element of the populace might suggest that virtually all warfare could be interpreted as dirty war, which would render meaningless the attempt to discern any truly distinctive characteristics from the term.

What one might observe as a distinguishing feature of dirty war as opposed to the mere brutality of war, is that the attempt to wage dirty warfare implies a modus operandi that is underhand. That is, that the campaign of brutality is in some respects deliberately undertaken surreptitiously. One might contend that some of the most horrific episodes of genocide and ethnic cleansing in the twentieth century, from the Holocaust to the Balkans, were openly organized and constituted. The perpetrators of atrocities may have tried to deny the scale of what was going on, but even if the rationale for genocide went unacknowledged, the goals, methods, and consequences could be clearly discerned. Major acts of genocide are hard to conceal, and for those who bothered to look, the evidence was always there. One of the key points in dirty war, it may be argued, is that the evidence is not always there in abundance. A defining element of dirty war is its coverttness. It is a concealed war. It is kept from public view, both domestically and internationally. Dirty war is characterized by a strong sense of secrecy: secret round-ups, secret arrests; secret detention centers; secret prisons; secret trials; secret executions; and the secret disposal of the evidence. In this respect one can again discern how the use of language by political leaders facilitates the concealment and contributes to the façade of legitimacy that aims, as Felitzlow noted, to create “a shroud of mystery around governments’ true actions and intentions.”

It is the attempts at concealment that should be seen as one of the fundamentals of dirty war. The Argentine dirty war, for instance, was called the “quiet war.” Few people truly knew the scale of what was going on. The military government maintained tight control of the media with heavy sentences for anyone who sought to either expose the activities of the junta or publicize the cause of the antigovernment guerrillas. Indeed, journalists who stepped out of line were themselves liable to be a target for assassination and their organizations closed down. Everyday life continued as normal for most people. If people did know or come to suspect what was going on they would themselves have every incentive to keep quiet, either because they feared becoming a target, or else because they approved of the methods to restore order. The objective is to ensure that people were, “consciously forgetful yet fearfully curious, unseeing yet voyeuristic” who “know there are secrets so terrible they must be kept secret, even while making it obviously known that...
secrets exist—a situation that the state hopes will create precisely the climate of fear and paralysis in the citizenry they desire.”39

Therefore, one might contend that the knowledge of “terrible secrets” leads to the normalization of extremely violent actions. The opposition does not really know what is going on because of the increasing number of actors perpetuating the violence, and the increasing tolerance on the part of the state, and indeed, some sections of the population, for this violence.40 Indeed, to of degrees of state direction of the dirty war process one does not necessarily mean direct operational control of events. Part of the charm of dirty war strategies is that it can “put individuals beyond the protection of the law” and the element of deniability can increase in inverse proportion to operational knowledge.41 In this regard governments can connive with pro-state paramilitaries to undertake dirty war activities on its behalf while, officially at least, not being in full operational control of these groups, which both reinforces the element of concealment and permits a degree of deniability for the state itself. This was certainly the case, for example, with the Alianza Anticomunista Argentina (AAA), a right-wing death squad responsible for many dozens of political assassinations in Argentina in the mid-1970s and which had extensive, if informal links, to the Ministry of Social Welfare under José López Rega.

It is important to state, however, that the notion of concealment is not incompatible with fear generation. In dirty war it appears that pockets of fear are cultivated. Only the immediate family of the disappeared may know the circumstances of the individual’s abduction, yet the concealment of this act from the broader population does not in any way mitigate the fear felt by those associated with the disappeared. What needs more exploration is the way in which dirty war evolves as the pockets of fear spread. Does fear become endemic, establishing a context in which a “final solution” can be enacted? Preliminary understandings would suggest otherwise because this is also when concealment may no longer be sustainable. In the Argentine case when families affected by fear joined together to form the Mothers of the Plaza del Mayo to campaign for those who had been “disappeared” by the regime they successfully managed to get the “dirty war” out into the open and onto the international agenda.42

Dirty War as an Extreme Form of Countersubversion

Going by the Argentine case, the explicit connection between the communication of fear and terror through concealed actions for the purposes of eliminating a threat to state security intimates that dirty war may be viewed a little more precisely as an extreme form of countersubversion. The objective of eradicating an internal threat will rely not only dissuading people from joining antigovernment forces through the fear of arrest or assassination. It also entails the gathering of information on those deemed to be a threat in order to disrupt and destroy the insurgent infrastructure in being. Dirty war, one can therefore surmise, also connotes a clear link between intelligence gathering in the counterinsurgent role. How does this understanding help one comprehend more the nature of the dirty war phenomenon?

In classical counterinsurgent (COIN) understandings, there are considered to be two general categories of COIN practice. The first category is broadly conceived as the “criminal justice model” of counterinsurgency.43 The idea holds that any COIN effort must be conducted within the rule of law. The law will govern what can and cannot be done in the name of any countersubversion campaign, as indeed in any public order issue. This does not mean that harsh measures cannot be enacted to deal with a serious threat, but that those laws should be commensurate with the level of the threat; that they should be
applied fairly, that basic civil rights will be preserved, due process will be observed, and that humanitarian treatment will be extended to anyone detained under the law.

The fundamental idea the criminal justice model seeks to uphold above all else is that of proportionality, and thus usually denotes the prohibition of arbitrary detentions, torture, and ill-treatment of those taken into custody, and the maintenance of the right to a fair trial and appeal. Just as importantly, it also means those who conduct a counterinsurgency campaign are themselves subject to the rule of law. Their actions will be bound by procedures and restraints, and if the authorities over-step their powers, they are also answerable, and punishable, under the law. Under the criminal justice model the insurgency itself is viewed as a criminal conspiracy that should be dealt with, if at all possible, by the normal operation of the judicial machinery. Operationally, then, the model emphasizes that the principal methods of any countersubversion effort should be police-led actions.44

The underlying assumption of the criminal justice approach rests on the belief that state authority gains its legitimacy from upholding basic standards of moral and humanitarian behavior, which sustains a civilized society. Adherence to these standards, it is maintained, differentiates the state from anyone who seeks to challenge the authority of the state by methods that violate these standards, notably through violence.45 Should the state itself engage in practices that transgress these standards then a crucial moral difference between established authority and the challenger is dissolved, leading to the loss of legitimacy and the right to rule. “The primary objective of any counter-terrorist strategy” according to Paul Wilkinson, “must be the protection and maintenance of a liberal democracy. It cannot be sufficiently stressed that this aim overrides in importance even the objective of eliminating terrorism and political violence.”46

Unsurprisingly, in all these respects, the criminal justice model represents the theoretical ideal of counterinsurgency as it would appear to a liberal-democratic polity. In the criminal justice understanding, there is a clear imperative to avoid any slide into what may be regarded as dirty war actions. This, however, stands in contrast to the contending model of counterinsurgency: the war model. Here, where any challenge to authority exists, it should be regarded as a mortal threat unless or until it is extinguished in its entirety. Thus conditions of war are seen to prevail. In such circumstances, one usually does not observe the normal operation of the criminal and judicial process, but witnesses a more concerted military response, often led by the armed forces themselves. The role of the law in the war model is not necessarily absent, but it is usually put solely at the service of the existing authority in such a way as to remove the element of proportionality that acts as a restraint on the forces that seek to deal with the insurgent threat.

In other words, with the war model, one does not have the rule of law, but rule by law, which might witness the introduction of emergency measures that curb civil liberties, lead to detentions without trial and the imposition of a panoply of repressive legislation, and that may be extended into other spheres of civil society, leading to restrictions on media freedoms, the rights of assembly, and so on. In extreme cases one could conceive that the war model might break down into the complete absence of law, or that the forces of the state become a law unto themselves. But one should be careful to note that in practice rarely is there a decline into lawless anarchy. Invariably one side, the stronger side (usually the state) will try to manipulate the legal codes to provide the theoretical basis in law to justify their actions with a cloak of legitimacy.

Even where there is a complete abrogation of civil law, the war model may entail the application of war conventions that lead not to the absence of law but the invocation of legal codes like martial law, curfews, courts martial, the shooting of looters, all of which may follow accepted war conventions as laid out in areas like the Geneva protocols. Therefore,
to reiterate, the war model does not of itself denote the absence of rules and conventions. It signifies simply that the rules are different from those of the criminal justice model. The war model simply operates to a different set of rule-bound imperatives, which, when combined with the institutionalization of secret suppression, can constitute the basis of dirty war by freeing one side from the normal, conventional legal restraints. In the words of one author referring to the Argentine experience: “Its clandestine nature guaranteed the security forces the freedom of action necessary for the annihilation of subversion.”

It seems reasonably obvious that the war model is likely to lend itself more readily to any slide into dirty war given that in its most extreme form the war model is designed to remove the element of proportionality from any counterinsurgency campaign, and weigh the legal and instrumental framework massively in favor of the established authority. That said, there are a number of qualifications to observe. In the first instance, it can be noted that the war model does not, of itself, automatically denote the presence of dirty war. The adoption of a war model of counterinsurgency may also incorporate many facets of “clean war”—acceptable conduct in war—as previously discussed (openly constituted hostilities, humane treatment for detainees, etc.), and does not, ipso facto, result in a secret campaign of repression, a clandestine bureaucracy, and the use of torture to gain intelligence. Thus, dirty war cannot be seen as synonymous with counterterrorism, because as evidence from counterinsurgency campaigns from Malaya to Northern Ireland attest, even those who may prosecute a war against subversion using elements of the war model are often conscious of the potential consequences of any lack of restraint and would tend to view any move toward a dirty war solution as morally, legally, and intuitively unacceptable.

Finally, it should be noted that although the criminal justice model may seem the most morally satisfactory method to wage a counterinsurgency campaign and the theoretical ideal to aim for, in practice, even in liberal-democratic societies this is rarely the case. The very fact that a counterinsurgency campaign is instituted often signifies a failure of traditional criminal justice methods to deal with an evolving crisis. There are a number of examples of liberal societies having to resort to a combination of each model. One can point to the British counterterrorist effort in Northern Ireland that evolved into a police-led campaign conducted explicitly within the confines of the criminal law (the criminal justice model), but with the active support of the British Army at all levels (the war model). A further example would be the Canadian experience of countersubversion against the Front de Libération du Québec (FLQ) in October 1970, when martial law was, in effect, pronounced over Montréal with the army sent out onto the streets, which gave the police the chance to root out the FLQ network.

Therefore, one must be careful to see the relationship between the notion of dirty war and counterinsurgency in its full complexity. Because the choice for any counterinsurgent is never, or rarely, a straight choice between the adoption of the criminal justice model or the war model, but often a combination of the two, the concept of dirty war can be revealed as something more complex, and even subtle, in both its understanding and practice. Dirty war can take place when certain forms of counterinsurgent practice amalgamate elements of both the criminal justice approach (the skewing of the legal mechanisms massively in favor of one side) and the war model (permitting the forces of the state, including the armed forces, to act with impunity). An interesting example here would be the lack of professionalism in the use of intelligence material. For example, during the Argentinean dirty war many individuals were detained as a result of “address book” intelligence simply because their name appeared in the address book of an individual taken into detention. This lack of discrimination in intelligence operations, facilitated by a façade of legality, could represent the beginning of a dirty war campaign. And the particular form of counterinsurgent practice
that lends itself most easily to dirty war methods is the role of intelligence gathering in the countersubversion mode. Given that the gathering of human intelligence is likely to be the crucial factor in any counterinsurgency effort, in conditions where the military and other arms of the state can act covertly beyond the constraints of the law, secret detentions, institutionalized torture, and atrocity can become the norm, in which case dirty war is clearly present.

One can see these facets coming to fore in most of the Latin-American countersubversion campaigns in the 1970s, although in many respects these campaigns followed, and in some cases were directly influenced by French counterterrorist policy, as practiced in the Algerian War, especially during the so-called Battle of Algiers between 1956 and 1957. Here, the French Army ruthlessly suppressed the Front de Libération Nationale (FLN) urban guerrilla campaign in the city. The methods adopted by the French included the widespread use of torture and maltreatment of detainees. The strategy was aimed primarily at gathering sufficient intelligence on the FLN networks in Algiers. This involved the development of an often sophisticated clandestine bureaucracy that meshed with the overt bureaucratic structures in order to obscure administrative responsibility without recourse to any legal oversight or restraint. Those who participated in the French campaign in Algiers often justified their actions in purely functional terms as a means to gather the necessary information to prevent further FLN bombings and shootings, although undoubtedly the gruesome fate and disappearances that befell many detainees served an equally useful political message to discourage others from supporting the FLN nationalists. In the Latin-American experience, most notably in Argentina, the phenomenon of “disappearances” was used explicitly instill fear among the populace. According to Pion-Berlin and López, the campaign of state terror was a “premeditated, patterned, and instrumental form of government violence” in that it was “planned, inflicted regularly, and intended to induce fear through ‘coercive and life threatening action’.” According to one Argentine military officer, the armed forces were “looking for a ‘final solution’” so that “there will be fear for several generations”. This fear was employed directly as an instrument of political control. For Pion-Berlin and López, “the military was interested in breaking the collective spirits of individuals to create a compliant and atomized society.”

One of the key findings, then, is that there may be a propensity to dirty war when intelligence operations occur in extreme conditions of war or civil emergency in the absence of adequate rule-bound arrangements that constrain the actions of one side. In essence, dirty war arises when war, politics, and intelligence become indistinguishable from each other, perhaps even acting as direct arms of the executive that might happen in cases where the armed forces are in charge of government, and where the instruments of the state are fundamentally unaccountable to the law or to any form of restraint.

The Escalation Dynamic in Dirty War

With this central understanding established it is possible to discover a number of further characteristics of dirty war. As the article has noted, one of the key indicators of dirty war is the intention to disregard any notion of proportionality, and this leads to a very particular escalation dynamic. Conventionally accepted notions of escalation, as enunciated by those like Clausewitz, hold that war will have a natural tendency to escalate to the point where each side will operate at its theoretical maximum, both in terms of resources and will. War in reality means that this theoretical maximum will never be reached, but the motivation for escalation will be ever-present, and the common assumption follows that escalation will be
essentially connected with the mobilization of additional resources to defeat a given threat. Yet in so-called dirty wars, although the Clausewitzian dictum fundamentally still holds, this understanding is likely to be somewhat different. In particular, escalation takes place not with the stronger side necessarily applying more resources, but in expanding the range of targets to be persecuted.

This can be observed in the Argentine and wider Latin-American experience in the 1970s whereby the definition of subversion was constantly widened to capture an ever larger section of the populace. In Argentina the war against subversion was broadened beyond combating armed movements such as the Montoneros and Ejército Revolucionario del Pueblo to embrace what was perceived to be their general support base, their sympathizers, and then their potential sympathizers. By the mid-1970s leftist members of the Perónist movement and trade unionists became targets for the regime’s persecution, but this was later expanded to include, in Marchak’s words, “students, left-leaning intellectuals and artists, trade union leaders, journalists, liberal lawyers, and various others deemed to be enemies of the state.”

It was estimated that during years of military rule in Argentina, that up to 40 percent of the disappearances were of those who could be classified as upper/upper middle-class. Overall, it was a dynamic encapsulated in the statement by the Argentine General Ibérico Saint-Jean: “First we kill all the subversives; then we will kill their collaborators; then... their sympathizers; then... those who remain indifferent; and finally we will kill the timid.”

The escalation dynamic toward the continuous redefining of the target group not only reduces avenues of legitimate political dissent, but clearly demonstrates both the emphasis on targeting a specific section of the civil populace and the ultimate tendency toward forms of genocidal behavior. The lack of proportionality, which is characteristic of dirty war, is implicit in this redefining of the threat. In Argentina’s case this was observable in the ideology of the armed forces, which staged a well-planned coup d’etat in March 1976. The military government came to power with a detailed plan to deal with the subversion, called the Proceso de Reorganización Nacional (Process of National Reorganization).

The military’s intervention came against the background of violence, political chaos, and vicious internecine feuding within the Perónist regime that had been growing ever since Juan Perón had been restored to power in 1970. Upon his death in 1974 he was succeeded as president by his wife, Isabel, a time during which the violence of the left-wing guerrillas and right-wing death squads rose substantially. The coup was initially welcomed by many sections of the population as a means to restore stability after the disaster of the Perónist years, which according to Buchanan, “is what allowed the succeeding military regime to reduce the very concept of the state to its most basic primitive, and coercive level in an effort to reassert its superordinate national authority.”

The idea of reducing the state to its core element appears to be a crucial dimension in dirty war: defining the essence of the perfect citizen helped to define the individuals who should be persecuted. Embodied in the Argentine military’s Proceso was the idea of eliminating all threats to a specific way of life. The armed forces claimed exclusive right to determine this threat, and therefore, arrogated to itself the right to define who should be persecuted. The tendency to determine the threat within the dirty language of sociomedical discourse was indicated earlier. Donald Hodges makes the point that the Argentine military perceived the “subversion” in terms of a “social disease” that had to be wiped out. The threat was cast in terms of anything that might be seen as a danger to Christian civilization and embedded in a deep sense of Catholic traditionalism in Argentine life. In this conception the Marxist-inspired guerrillas were not seen as part of the nation, and therefore had to be extinguished as an alien and impure bacillus infecting the national
body. Consequently, the leader of the military government, General Jorge Videla, could declare that “Argentine citizens are not victims of the repression. The repression is against a minority that we do not consider Argentine.” In these conditions, the authorities could deploy the notion of subversion sufficiently arbitrarily to encompass “any concealed or open, insidious or violent action that attempts to change or destroy a people’s moral criteria and way of life, for the purpose of seizing power or imposing from a position of power a new way of life based on a different ordering of human values.”

Such broad categorizations of the threat could encompass more or less anything that the military took exception to. Thus the military authorities could purge any section of society or institution of the state. This included the cleansing of armed forces, for in order to prosecute a dirty war the agencies that are to execute such a policy must be ideologically and physically committed. This was certainly true within the Argentine military, but was a notable feature in other Latin-American countries, most notably in Chile where it was estimated that up to 15000 moderate army officers were censured, excluded from promotion, harassed, or dismissed from service after the military coup of 1973. Through such means, the authorities could justify any brutal and repressive actions, which included the systematic use of physical torture, kidnapping, assassination, detention without trial, secret imprisonment, and disappearances. As Pion-Berlin and López note, having absorbed “a set of doctrines, and being prone to exaggerate the extent and depth of the security threats facing them, authoritarian regimes may provoke long periods of unrestrained, disproportionate and unnecessary state terror.” And given that the threat could be defined and escalated in this manner it could be reasoned by those like General Videla that “since the entire country is besieged by acts of violence, the army command has the inalienable right to exercise its legitimate defence.”

The Dilemma of Dirty Hands: The Ethics of Dirty War

Videla’s explicit link between what he and his cohorts perceived to be conditions of civil emergency and the right to invoke measures in “legitimate defence” raises the complex problem of the moral dimensions of dirty war. As can be discerned, the potential questions related to the ethics and efficacy of dirty war are vast, difficult, and ultimately irresolvable. Analysts of war, strategy, security, and international relations are often more comfortable in studying activities that fall within the ambit of “clean war” where the moral issues of acceptable behavior in armed conflict are more settled. In contrast, dirty war touches on profound questions that are by their nature difficult to confront and therefore easily ignored. On the surface, the notion of dirty war presents something that is seemingly very obviously abhorrent and therefore to be automatically condemned where it is believed to arise. But closer analysis suggests that the issue is not quite as categorical precisely because it raises insoluble dilemmas, such as: What is it permissible to do when faced with an extreme threat, however defined? What can you do—what options are there—if you are faced with a situation where normal police and judicial systems are unable to cope with an extreme situation? What do you do if you are confronted with the condition of the “ticking time bomb terrorist”? Would it be always unacceptable to engage in dirty war if the alternative is to result in a great number of potentially preventable deaths?

Such questions go to the heart of deep philosophical problems about the appropriate balance between human rights, legal rights, and the duty of the state to uphold public safety, an issue of increasing relevance in the current era. Furthermore, one might perceive another intellectual conundrum. Embedded in the notion of dirty war as popularly understood, and indeed given voice in this analysis, is the assumption that it is practiced primarily by states.
But is this necessarily so? Are not non-state actors equally adept at dirty war? Might it not even be argued that a state may feel impelled to utilize dirty war methods precisely because it is faced with very similar tactics being employed against it by violent non-state actors? After all, the techniques of what is commonly perceive as non-state terrorism involves many, if not all, of the characteristics associated with dirty war (assassination, torture, kidnapping, and even disappearances).  

The moral ambiguity surrounding dirty war was given expression in Argentina in the notion of the “theory of the two demons” (“Teoría de los dos demonios”), which holds that the violence and terror unleashed by the state was on a par with, or in some fashion equivalent to, the violent subversion of left-wing revolutionary groups, in the sense that the former would not have happened without the other. The term has become a contested concept with those on the Argentine left arguing that the theory seeks to excuse the dirty war, whereas those on the right assert it to partially vindicate the actions of the military government in the period. How one evaluates the ethical calculation is, of course, highly controversial. There is no doubt that the Argentine state conducted a vicious, underhand war that could scarcely be described as lawful in any meaningful sense. The scale of the atrocities was clearly disproportionate on one side with the repressive instruments of the state apparatus intended to crack down on dissidents often with indiscriminate brutality. Echoing the odious remarks of those like General Saint-Jean, General Carlos Menéndez declared: “We are going to have to kill 50000 people, 25000 subversives, 20000 sympathizers and we will make 5000 mistakes.”

Given the expansive definition of subversion used by the military in Argentina it is impossible to separate those who might have been genuine subversive revolutionaries from innocents unwittingly caught up in the mayhem and guilty of nothing more than falling into a category of suspected sympathizer groups. The final toll of victims in Argentina’s dirty war has been estimated to be as high as 30000 people, many of whom were “disappeared,” often in the most frighteningly callous manner, such as being drugged and pushed out of aircraft over the ocean. The appalling nature of the state’s behavior, though, should not obscure the fact that from the late 1960s left-wing guerrilla groups deliberately, and with considerable violence, set out to undermine Argentine society and engineer a confrontation with the authorities. In their campaigns they were equally capable of viciousness and brutality. For example, in 1974 the ERP and Montoneros were responsible for over 267 killings and over 2300 bomb attacks. These groups, according to Pierre Faillant de Villemarest, “had thrown away their legal mask in order to go totally over to civil war.”

Indeed, the Comisión Nacional sobre la Desaparición de Personas (CONADEP) (National Commission on the Disappearance of Persons) set up after the end of military rule in Argentina after 1982, stated that:

In the years that preceded the coup d’etat of 1976 there were acts of terrorism which no civilized community could justify. Citing these deeds… the army, a gigantic power with total impunity allowed under an absolute state started an infernal witch-hunt in which not only the terrorists but also thousands and thousands of innocent persons paid with their lives.

CONADEP’s recognition of the cause and effect of the dirty war and implicit acknowledgment of the “theory of the two demons” raises the fundamental question about how far any authority can act on the grounds of political urgency. It is a concern that has deep philosophical roots, but was encapsulated by Michael Walzer’s understanding of the issue as the problem of “dirty hands.” Arguably, the essence of political life always involves
compromising some principles of justice and moral action in favor of the perceived public good. Max Weber declared that anyone “who lets himself in for politics . . . contracts with diabolical powers and for his action it is not true that good can follow only from good and evil only from evil, but that often the opposite is true. Anyone who fails to see this is, indeed, a political infant.”82 The separation of morality in the private realm from the public sphere goes to the center of the dirty hands problem as it implies that different ethical imperatives apply in the public arena. Whereas an individual can adhere to absolute moral standards to guide their private life a politician in the public realm has many other considerations to take into account because their actions will always entail opportunity costs that will likely have severe effects on other areas of public life.

In consequence, political and moral thinking in the public sphere lends itself to utilitarian understandings where considerations of the wider public good will take precedence over individual conscience and morality. Indeed, those like Walzer sensed that a politician could only be moral if he was prepared to acknowledge that he may need to dirty his hands for the greater good: “If he were a moral man and nothing else, his hands would not be dirty: if he were a politician and nothing else, he would pretend they were clean.”83 This appreciation of the two-edged nature of morality in political life has a long philosophical lineage that can be seen in the writings of those like Niccolò Machiavelli who argued that the statesman by necessity must be able “not to be good”84 when the situation requires. The point is that the dirty hands dilemma is not intended as an all embracing rationale to indulge in barbarity for its own sake, but that it possesses a moral imperative to protect the majority of people from harm. However, as can be clearly discerned, the potential to legitimize a slide into dirty war itself is always going to be extant in such justifications as is evident in Machiavelli’s further assertion that whenever the state is imperilled “no attention should be paid either to justice or injustice, kindness or cruelty.”85

Even for those of an impeccable liberal disposition who would immediately recoil from any thought of the state exerting repressive force majeure against its citizens cannot escape the Hobbesian idea that for a democracy, civil rights and a liberal polity to flourish requires a settled condition within the state. In other words, people will always desire security before freedom, for it is only through the provision of public safety that any kind of free society can exist.86 Therefore, how does one separate the moral principle in political life to do good in order to protect the bulk of the population from threats, either internal or external, from the cynical manipulation of those threats and the disproportionate barbarity that so often characterizes dirty war? In certain respects, many in liberal societies can, and probably would, accept the utilitarian analysis where it may be necessary to repress, or sometimes to even physically torture individuals in order to prevent possible atrocities. As Jean Bethke Elshtain has claimed: “Far greater moral guilt falls on a person in authority who permits the deaths of hundreds of innocents rather than choosing to torture one guilty or complicit person.”87

Ultimately, it may be contended that where there is a prima facie case of the “ticking time bomb terrorist,” the moral imperatives are relatively clear cut. But how can one deal with a situation where, in the name of a particular threat, the target group is expanded and escalated to include not just the persecution of individuals, but entire groups of people?88 Wherein lies the dividing line between the desire to protect the population under conditions of political exigency from the slippery slope into dirty war and even genocide? Like all deep philosophical questions of this nature one cannot but inevitably enter an arena of profound ambiguity where perhaps the only meaningful “dividing” line is that where a mature debate exists within a society about where “the line” should be drawn between moral political imperatives and political negligence. In the end, perhaps this is the only distinction that
can be made between civilized and humane political systems from those that may have a propensity to slide into dirty war.

Conclusion

This analysis has sought to introduce the concept of dirty war as an idea that exists within strategic practice and attempted to address the question as to how it might be identified. It has indicated that dirty war tends to occur when certain forms of intelligence-led activity take place in conditions where there is a lack of adequate accountability and constraints under the rule of law. In this regard, it must be acknowledged that forms of dirty war practice may not always be deliberate but might arise more by accident rather than design as intelligence agencies, even in democratic societies, may take advantage of a lack of bureaucratic and legal oversight to exploit the latitude they have, which may lead institutions to push the boundaries that in some instances may transgress the law.  

Therefore, shades of dirty war may be apparent in all manner of conflicts, and may even be inherent in intelligence led countersubversion/antiterrorist operations that lay emphasis on the preemption and interdiction of threats in the conspiracy phase, that is, before any subversive group embarks on a campaign of violence. Almost inevitably, then, intelligence operations in the countersubversion role connotes a war fought in the shadows, out of public view, involving all kinds of potentially nefarious and distasteful activity such as the use of informers, secret detentions, “hard” interrogations, surveillance, and aggressive actions to “take out” subversive terror threats before they can do their worst. Thus, one can invariably see shades of dirty war conduct in any number of examples of counterinsurgency/counterterrorist campaigns. One can certainly see it, for example, in the British effort against the Irish Republican Army (IRA) in Northern Ireland, where from the late 1980s informers were often used to infiltrate the organization and their intelligence used to intentionally steer IRA active service units into counter-ambushes where they were trapped and killed by Special Air Service units.  

Elsewhere, one can see strains of dirty war appearing in conditions where a counterterrorist policy clearly got out of hand, as, for example, when elements of the Spanish state, an elective democracy, became involved in the illegal establishment of unofficial counterterrorist squads that operated under the name of GAL (Grupos Antiterroristas de Liberación) in order to assassinate members of the Basque separatist group ETA.

If one can see forms of dirty war modus operandi in these sorts of campaigns waged by democratic states, and where in the Spanish case, a dirty war campaign in some respects arises because the intelligence and rogue elements in the government exceed their legal authority, there are other cases, such as those that occurred in Algeria in the 1950s, Argentina, and the rest of Latin America in the 1970s, where “dirty war” is, or becomes, institutionalized as a matter of routine and which can lead to the development of a sophisticated clandestine bureaucracy that is able to do more or less what it likes beyond the scope of any scrutiny or sanction because it is part of an officially engineered policy.

Overall, can dirty war be defined with precision? From the present discussion, one would suggest that dirty war can be defined as a systematic campaign of violence directed against a portion of the civil populace where the perpetrators aim to conceal both the extent of the violence and the true extent of their involvement for the primary purpose of creating fear for political purposes. It can be included in the preliminary findings, therefore, that in dirty war the state (or other actor) identifies its core citizen, it then persecutes those who do not conform to this core by targeting a section of its people. The boundaries that define this section expand as the war continues. In prosecuting the conflict the state, or another
political authority, disposes with notions of proportionality and misuses intelligence. At all
times it aims at concealment of these activities which occur within an environment where
both morality and legality are blurred through the use of language and the distortion of
judicial processes.

In summary, this article has suggested that dirty war appears to be intimately bound
up with ideas of intelligence in the countersubversion role. Yet, as argued, dirty war cannot
simply be reduced to the operation of the war model of counterinsurgency. Instead, one can
perceive that there are gray areas between the war model and the criminal justice model;
and that sometimes the moral and practical choice between the two is not always clear
cut. Above all, perhaps, because of this blurring of morality, law, and language one can
see clearly that there are no easy moral answers to the ethical dilemmas surrounding the
impulse toward dirty war. Because there are so many shades of gray in this murky area of
war and strategic practice one should therefore treat the subject as worthy of further study
and debate. For it is in these difficult, complex, and morally ambiguous gray areas that dirty
war arises.

Notes

1. Carl von Clausewitz, On War (trans. and ed. Michael Howard and Peter Paret) (Princeton,
2. Quoted in Mathew Teague, “Double Blind: The Untold Story of How British Intelligence
Infiltrated and Undermined the IRA,” Atlantic Monthly, April 2006, p. 53.
3. See James F. Dunnigan and Austin Bay, A Quick and Dirty Guide to War: Briefings on
Present and Potential Wars (New York: William and Morrow, 1996); D. R. Kohut, O. Vilella, B.
p. 293.
7. See Gregorio Sesler, El Guatemalazo (La Primero Guerra Sucia) (Buenos Aires: Ediciones
Iguazú, 1961).
8. Iain Guest, Behind the Disappearances: Argentina’s Dirty War Against Human Rights and
the United Nations (Philadelphia: University of Pennsylvania Press, 1990); Mark Osiel, Mass Atrocity,
Ordinary Evil, and Hannah Arendt: Criminal Consciousness in Argentina’s Dirty War (New Haven:
Yale University Press, 2001).
9. John Martinkus, A Dirty Little War (New York: Random House, 2001); Anna Politkovskaya,
A Dirty War: A Russian Reporter in Chechnya (trans. John Crowfoot) (London: Harvill, 2001);
Carolyn Nordstrom, “The Dirty War: Civilian Experience of Conflict in Mozambique and Sri Lanka,”
10. Human Rights Watch, The Dirty War in Chechnya: Forced Disappearances, Torture and
11. The instrumentalization of civilians in armed conflict has been indicated by the rise in
the notion of “Human Security.” Two crucial developments in international relations mark this rise:
First, the emphasis on human security as a “universal concern . . . no other aspect of human security
is so vital as their security from physical violence,” quoted in UNDP Report Human Development
p. 24. Second, the re-conceptualization of the right to intervene—the key report that expressed this
was written in response to the mass human rights abuses of the 1990s, an acknowledgement that
the civilian had become an intrinsic part of conflict. See Gareth Evans and Mohamed Sahnoun, *Responsibility to Protect: Report on the International Commission on Intervention and State Sovereignty* (International Development Research Centre: Ottawa, 2002). More information can be found at http://www.iciss.ca/report-en.asp and a distilled version of the ideas central to the report can be found in *Foreign Affairs* (November/December 2002), article entitled “The Responsibility to Protect” by the same authors. For a detailed history of how the UN structure has dealt with the issue of civilians in armed conflict see http://ochaonline.un.org/webpage.asp?Page=779.


13. Ibid., p. 75 (emphasis in original).


20. Any assumption of potentially consequence free warfare—at least for one side—is a modern idea (associated with the “new wars” movement), in large part because of the advent of weapons that have the potential to cut the human agent out completely. This new humanism is contradicted by the existence of Just War Theory. For a discussion of these ideas see Christopher Coker, *Humane Warfare: The New Ethics of Post-Modern Warfare* (London: Routledge, 2003).


30. This does not preclude the possibility of non-authoritarian regimes from fighting forms of dirty war. Shades of dirty war behavior have been perceptible in liberal democracies such as Spain, Italy, and Northern Ireland where antiterrorist laws were used to reinforce the capacity of the state to pursue insurgents, sometimes resulting in the security forces acting above the law. For instance, dirty war rhetoric has been much used over the years in some literature on the Northern Ireland conflict, although some of this has tended to border on the conspiratorial. See for example, Frank Doherty, *The Stalker Affair* (Cork: Mercier, 1986); Paul Larkin, *A Very British Jihad* (Belfast: Beyond the Pale, 2004); Martin Ingram and Greg Harkin, *Stakeknife* (Dublin: O’Brien, 2003); Raymond Murray, *SAS Operations in Ireland* (Dublin: Mercier, 1990).


35. Ibid., p. 32.

36. Ibid.


40. It could be further argued in this context that genocide is one of the endgames of dirty war, where it comes out of the shadows and into the open.


46. Ibid., pp. 125–126.


49. The essence of the so-called British approach to COIN, as derived from the Malayan Emergency, for instance, is premised on the idea of proportionality and the rule of law. See Robert Thompson, *Defeating Communist Insurgency: Lessons from Malaya and Vietnam* (London: Chatto and Windus, 1966).


54. According to Claude Ranfaing: “It was necessary to use it [torture], without hate, without perversity. It was not just a game, neither was there any pleasure; it was simply to obtain a result that enabled people’s lives to be saved.” Quoted in Patrick Rotman, L’Ennemi Intime (Paris: Seuil, 2002), p. 199.


58. Clausewitz, On War, pp. 75–78.

59. Marchak, God’s Assassins, p. 112.

60. Frederick H. Gareau, State Terrorism and the United States: From Counterinsurgency to the War on Terrorism (Atlanta: Clarity Press, 2004), p. 97.


64. The main right wing death squad, the Alianza Anticomunista Argentina (AAA) was estimated to have killed up to 50 people a week in 1975. See Jennifer Holmes, “Political Violence and Regime Change in Argentina: 1965–1976,” Terrorism and Political Violence 24(6) (2001), p. 145.


67. Osiel, “Constructing Subversion,” p. 128. In this respect members of Argentina’s Jewish community were also designated targets, and it was estimated that as much as 10 percent of the victims in the dirty war were Jewish. See Gareau, State Terrorism, p. 97.


70. In Chile it was also alleged that the military regime would deliberately set the army tests in order to “bloody” its forces. In one incident in October 1973 it is claimed that the army was sent to deal with supposedly violent unrest in the Northern mining regions. Some officers saw no disturbances and left the region alone but were later censured for excessive leniency. Later, helicopter-borne troops were sent to the Northern towns to round up suspects and execute them. It is claimed that such incidents were as much to scare the army into compliance with the policies of the regime as it was to create terror in the population or indeed deal with any real subversive threat. BBC World, Correspondent (“Caravan of Death”), broadcast 10 July 2001.
72. Ibid., p. 70.
76. Ibid., p. 157.
77. Gillespie, Soldiers of Peron, p. 250.
89. The campaign of elements of the Italian secret services against the Red Brigades in the 1970s and early 1980s, it may be argued, fall into this category. See Philip Willan, Puppetmasters: The Political Use of Terrorism in Italy (San Jose: Authors Choice Press, 2002).
91. See Paddy Woodworth, Dirty War, Clean Hands: ETA, the GAL and Spanish Democracy (Cork: Cork University Press, 2001).