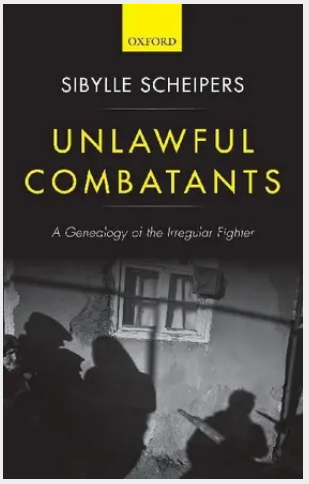
Scheipers

Unlawful Combatants

A Genealogy of the Irregular Fighter



Unlawful Combatants brings the study of irregular warfare back into the centre of war studies. The experience of recent and current wars in Afghanistan, Iraq, Libya, and Syria showed that the status and the treatment of irregular fighters is one of the most central and intricate practical problems of contemporary warfare. Yet, the current literature in strategic studies and international relations more broadly does not problematize the dichotomy between the regular and the irregular. Rather, it tends to take it for granted and even reproduces it by depicting irregular warfare as a deviation from the norm of conventional, inter-state warfare. In this context, irregular warfare is often referred to as the 'new wars' and is associated with the erosion of statehood and sovereignty more generally. This obscures the fact that irregulars such as rebels, guerrillas, insurgents and terrorist groups have a far more ambiguous relationship to the state than the dichotomy between the state and 'non-state' actors implies. They often originate from states, are supported by states and/or aspire to statehood themselves. The ambiguous relationship between irregular fighters and the state is the focus of the book. It explores how the category of the irregular fighter evolved as the conceptual opposite of the regular armed forces, and how this emergence was tied to the evolution of the nation state and its conscripted mass armies at the end of the eighteenth century. It traces the development of the dichotomy of the irregular and the regular, which found its foremost expression in the modern law of armed conflict, into the twenty-first century and provides a critique of the concept of the 'unlawful combatant' as it emerged in the framework of the 'war on terror'. This book is a project of Changing Character of War programme at the University of Oxford.

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