

INTRODUCTION

In this autumn of anger, even a liberal can find his thoughts turning to . . . torture. OK, not cattle prods or rubber hoses, at least not here in the United States, but *something* to jump-start the stalled investigation of the greatest crime in American history. Couldn't we at least subject them to psychological torture, like tapes of dying rabbits or high-decibel rap? (The military has done that in Panama and elsewhere.) How about truth serum, administered with a mandatory IV? Or deportation to Saudi Arabia, land of beheadings? (As the frustrated FBI has been threatening.) Some people still argue that we needn't rethink any of our old assumptions about law enforcement, but they're hopelessly "Sept. 10"—living in a country that no longer exists. . . . Even now, Israeli law leaves a little room for "moderate physical pressure" in what are called "ticking time bomb" cases.

*Jonathan Alter, 2001*¹

Moazzam Begg, a British citizen of South Asian origin, a devout Muslim, and a charity worker whose specialty was Muslim war zones, was arrested in Islamabad in February 2002 by Pakistani intelligence and handed over to the US military; he then made his way through a number of Afghan prisons, including Bagram Air Force Base, to the Guantánamo Bay detention center. In his harrowing account of his carceral passage through semisecret US prisons, Moazzam Begg conveys something of the horror and banality of the process:

I soon began to see that there nothing was consistent—except inconsistency. Nothing that was true in Bagram would necessarily be true in Guantánamo. Rules,

procedures, were different. . . . The soldier sitting guarding me meticulously recorded in the logbook every move I made. When the soldiers came on duty, they picked up the book and began noting every detail: each time I ate, slept, used the latrine, went for recreation and showered, read the Quran, had a medical visit, had an interrogatory visit or made any requests or complaints—which I seldom did.²

The interrogatory visits were numerous and, given Begg's relative unimportance in militant circles, essentially useless. Nevertheless, he was visited by interrogators from the CIA, the FBI, the US military, and MI5 of Britain, and many others, "perpetually asking me the same questions, and giving me no answers. . . . Sometimes they pleaded that they were trying to save lives, and other times they threatened to harm mine."³

Abu Samer's account of his arrest, interrogation, and prolonged detention by Israel also includes endless days of interrogations. Abu Samer, a construction worker who worked for Fatah in southern Lebanon, was arrested in June 1982, shortly after the Israeli invasion of Lebanon. He was held along with thousands of others at the Safa Factory for four days, exposed to the sun and the heat, and questioned daily. Thereafter he was removed to Atlit Prison inside Israel, where he was interrogated frequently: "During the interrogations, the Israeli officer asked me if I was responsible for acts of terror. I told him, 'No, I am a civilian.' He told me, 'You are lying.'" Abu Samer was accused of having committed acts of terror in Germany, of having been a Fatah officer, and of having conducted operations against Israel—none of which was true. Nevertheless, Abu Samer was held for six months and then transferred to the Al-Ansar prison camp in southern Lebanon. There he was not interrogated again, although he saw others being taken in for interrogations; he was released a year later, during a prisoner exchange.⁴

Another instance of confinement is less obvious, as it has none of the trappings of formal detention. Saleh Za'atra, a resident of al-'Eizariya, near Jerusalem recounts:

On 6 April 2005, we were surprised when the Israeli bulldozers, Israeli army forces and Beit El teams, came and told us that our building is very close to the Separation Wall and that they have a decision requiring its demolition. I had not received any written documents in this regard. Immediately, the workers who came with the army entered our home and took the furniture out. After that the Israeli bulldozers

demolished the whole building, and all the families who were living in the building are now living in tents.⁵

The Wall, an ostensible security measure, circumscribes enclaves within the West Bank, and all of Gaza. In its aims to disrupt daily lives, choke the economy, and provide physical barriers to movement and concrete loci for monitoring and surveilling the population, it has been hugely successful. Although metaphorically Gazans have named their lot an imprisonment in an enormous open-air jail, the confinement is more real than metaphoric.

All three stories recount incarceration in the course of a liberal counterinsurgency, even as the specific forms, procedures, rules, regulations, laws, and discourses governing them are substantially different. This book is a political sociology of these forms of wartime confinement. The central contention of this book is that over the course of the twentieth century, large-scale political mobilization both in colonies and in metropolises, along with struggles to bring fairness to legal regimes that regulate warfare—in other words, liberalism in war—have led to the rise of confinement and incarceration as central tactics of counterinsurgency warfare. As direct coercion and wartime violence can accrue insupportable costs—politically, economically, and morally—new forms of control in the battlefield have had to be devised. The theoreticians of these mechanisms of containment, of confinement instead of slaughter, envisioned and advertised their tactics as more humane, as more liberal, and ultimately as techniques for socially engineering the people and places they conquered. The unmentioned axis around which much counterinsurgency revolves is that of “race” or its euphemisms “culture” and “civilization.” Paradoxically, the very “humanization” of asymmetric warfare and the application of liberal precepts to its conduct have legitimated war making as political intervention.

LIBERAL WARS AND ASYMMETRIC CONFLICT

Domination over hundreds of millions of people in the colonies by the European nations was sustained only through constant, incessant, interminable wars, which we Europeans do not regard as wars at all, since all too often they resembled

not wars, but brutal massacres, the wholesale slaughter of unarmed peoples.

*Lenin, 1917*⁶

Much has been written about warfare in a liberal age, including Michael Howard's seminal work *War and the Liberal Conscience*, in which he relates an elegant account of how liberal distaste for warfare has paradoxically made warfare sometimes more likely, efficient, and lethal. More recent accounts have pointed to the ways in which liberal warfare has been constituted by law and later by "micro-practices of liberal governance."⁷ This book is about the most significant set of micropractices exercised in liberal warfare against colonial (or neo-imperial) subjects in places of confinement.

These micropractices are not wholly disciplinary, as they are persistently a space in which sovereign power is exercised. At a strategic level, to deny that liberal counterinsurgencies still serve the basic geopolitical interests of major powers is to disavow the fundamental calculus of power that still lies at the root of that violent culmination of politics, war. In the course of the twentieth century, liberal asymmetric warfare has sometimes been waged in response to revolts—where former colonies sought independence through armed struggle—and sometimes as offensive measures or to maintain regimes of occupation, as in Israel in Lebanon and Palestine and the United States in its War on Terror.

What distinguishes warfare by powers that claim adherence to liberal principles is the invocation of law and legality as structuring the conduct of war, an absolute dependence on a set of clearly defined procedures and administrative processes as means of ensuring regulatory and ethical compliance, and finally a discourse of humanitarian intent. Where these liberal wars take place in the context of colonialism, decolonization, or neo-imperial warfare, a series of other characteristics emerge with some force. The most significant is a reliance on local clients, who not only reduce the costs of rule and warfare but also provide plausible deniability. Humanitarian discourse is supplemented with a language that insists on the urgency of a civilizing, or democratizing, or modernizing, or improving mandate. The tactics used in such counterinsurgencies continually slip between exemplary or performative forms of violence meant to intimidate and more "humane" and developmental warfare intended to persuade. Racialization of the enemy is crucial to liberal counterinsurgen-

cies, in that ultimately a racial hierarchy resolves the tensions between illiberal methods and liberal discourse, between bloody hands and honeyed tongues, between weapons of war and emancipatory hyperbole.

What I want to do in this book is to critically engage with the assertions of today's counterinsurgent theorists and practitioners, foremost among them David Petraeus, David Kilcullen, and John Nagl, that counterinsurgency is about "securing" and "protecting" the population. I shall be interrogating what security and protection have come to mean in practice. In these eminently liberal soldier-scholars' theories of warfare, the liberal imperative of security of circulation (of movement, trade, and ideas) is predicated on the security of the population "and, consequently, of those who govern it."⁸ The story I tell in this book explains how liberal counterinsurgencies depend on law and administration for their continuation. This means that, even as the theoreticians and practitioners of counterinsurgency speak of Clausewitz's truism that war is the continuation of politics, in practice, counterinsurgency refuses politics, or at least transforms political conflicts and contestations, revolts and insurgencies, into technical problems to be solved. This inability to recognize the politics that defines and structures revolt means that counterinsurgency simply becomes another way to better fight a war. Yet in simply tinkering with the tactics, counterinsurgency produces its own defeat again and again, with no memory of prior losses, thus repeating the same fundamental mistakes. When a defensive George Bush distinguished between "honest critics" who "question *the way* the war is handled" and irresponsible and partisan critics who challenge the very basis of such wars, he exposed precisely this central dilemma at the heart of liberal counterinsurgencies.

THE ROLE OF DETENTION

To win the war on terror, we must be able to detain, question, and, when appropriate, prosecute terrorists captured here in America, and on the battlefields around the world.

*The White House, 2006*⁹

I have chosen to focus on detention and confinement as central tactics of population-centric counterinsurgency precisely because confinement lays bare

the contradictions of liberal asymmetric warfare in the “Third World.” The freedom of movement is an avowedly fundamental tenet of liberal rights. The extent to which liberal counterinsurgencies foreclose, limit, or entirely eradicate the freedom of movement for noncombatants crucially brings into question the tensions balanced within doctrine and the practice of such warfare. The degree of adherence of liberal powers to a set of legal—and more important, ethical—codes of practice in the detention of combatants also reveals the gaps between what is avowed and what is done.

Time in the Shadows begins with the current carceral practices used by the two major liberal counterinsurgencies of our day, the Israeli asymmetric warfare in Palestine and that of the United States in the War on Terror. The book uses a genealogical historical method to analyze the origins and development of these forms of confinement. Four categories of incarceration have taken center stage in the ongoing counterinsurgency wars in Iraq, Afghanistan, and Palestine: detention camps for combatants that are managed in industrial fashion, utilizing disciplinary forms of coercion, where extraordinary violence can occur (e.g., Abu Ghraib; Bagram Air Force Base; the Ansar camps in Lebanon, Negev, and Gaza); extraterritorial detention, which legal defenders, the Red Cross, and the press can reach only in episodic, severely circumscribed, and incomplete ways (e.g., Guantánamo Bay); invisible or proxy detention (e.g., the CIA’s black sites, client states’ prisons used in extraordinary rendition, prisons operated by the Israeli military’s client militia in southern Lebanon); and mass confinement of civilians via enclavization of their towns and villages (e.g., Gaza for much of its time under occupation, but especially since the withdrawal of settlers from the Strip; Falluja, where after the two military assaults in 2004, the United States wrapped the whole city in barbed wire and required universal fingerprinting and iris scans of all civilians for entry and exit into the city).

These categories of coercion reflect the practices on the ground, but they also trace the varieties of power that Foucault maps in his account of the emergence and transformations of power in *Security, Territory, Population*. These forms of power are predicated on law and territory (here, extraterritorial prisons); forms of disciplinary power (here, prisoner-of-war camps); and forms of power instantiated through the security apparatuses that depend on population aggregation, statistics, demographics, and the “making” of broad

population categories (here, mass incarceration of noncombatants). *Time in the Shadows* tells the stories of how this world of shadows is created. It explores the micropractices of coercion by which these forms of incarceration bring insurgent populations under control, and it explores the contrasts and connections between that far twilight realm in which sovereign violence occurs without concealment and the domestic liberal order in which the same violence is concealed in broad daylight.

Time in the Shadows argues that these illiberal practices that are so pivotal to the doctrines and functioning of counterinsurgency warfare are not exceptional occurrences in which liberal regimes “lose their way,” but rather they are vital components not only in the short-term processes of warfare but more significantly in the longer-term production of the liberal order when a state expands its reach beyond its own borders. This productive aspect is a form of social engineering, which whether deliberately or as a side effect of war-fighting, remakes the worlds invaded, occupied, and controlled. As I have already written, Clausewitz has famously declared that war is continuation of politics by other means. And this is certainly true, as in the transformation of the ways in which politics has affected military action—its scope, limits, extent, and intensity. But surprisingly still, politics can also be shaped by the tactics on the field. What I want to argue is that the tactics of war—whether mass slaughter or carceral techniques—are also the condition of possibility of a politics in the metropolis. If policy makers think that war can be waged more humanely, they may choose to wage war more often.

The paradox, of course, is that the carceral regime of counterinsurgency was crafted precisely because mass slaughter as a routine colonial technique of warfare was challenged by anticolonial domestic constituencies, humanitarian monitoring and legislation, and the resistance of the colonized themselves. Many of these challengers appropriated and invoked the liberal norms that were also used by colonial and imperial powers as their justification for action in the colonies. The effect of this multisited mobilization, however, was attenuated by the expediency and efficiency of coercive methods and was filtered through a hierarchical system of racialization. In this hierarchy, for example, the white Boers were considered more worthy of humanitarian considerations than the “native” Africans who had fought alongside or were detained with them.

WHY OVERSEAS COUNTERINSURGENCIES BY DEMOCRACIES?

Just as worrying and influential to the formation of a comprehensive modern COIN [counterinsurgency] doctrine is the fact that almost all of the better known examples of counterinsurgency are limited to cases where a colonial or postimperial government was fighting on the territory of its dependent (ex)colonies.

*Sebastian Gorka and David Kilcullen, 2011*¹⁰

A 2011 issue of *Joint Forces Quarterly*, a military journal published by the National Defense University (NDU), revisits counterinsurgency in light of the diminished US operations in Iraq and a rethinking of US military activities in Afghanistan and Pakistan. It is a useful issue, as it examines problems of law and private military companies, and it includes Israeli reflections on and suggestions for US counterinsurgency. The journal also contains a significant semischolarly piece by Sebastian Gorka, a professor at NDU, and David Kilcullen, one of the foremost theoreticians of counterinsurgency in the twenty-first century. Although elsewhere in this book I examine some of the claims made in their article, here I want to cite what the authors have to say about the canonical texts of US counterinsurgency today. The authors point to the experiences of British and French militaries in Malaya, Algeria, the Philippines, Vietnam, Burma, Nicaragua, and Northern Ireland as the most analyzed small wars of the past.¹¹ They claim that “the Counterinsurgency data set” needs to be broadened to include revolutions (Russia, Hungarian, Iranian, Cuban) and domestic resistance and partisan warfare, such as those that took place during the Second World War in Europe. I shall reflect more on the implications of this recommendation in the conclusion. Here, however, I want to use their study to support my choice of cases to be selected here.

I have based my sites of research on the locations claimed by today’s counterinsurgents—and especially the *Counterinsurgency Field Manual*—as precedents. As such, the cases to which I return most frequently are those of Malaya and Algeria. Vietnam and Northern Ireland similarly bolster my arguments. I have briefly pointed to the Burmese adventures of Major General Orde Wingate, which is presumably what the authors mean above, but Wingate is crucially significant for my argument because of his exploits in Palestine.

Further, I have included wars such as the Boer War and counterinsurgencies in Kenya, Cyprus, Aden, Madagascar, and Indochina, which are sometimes, though not often, cited by today's counterinsurgents as forebears. My intent is to show the peculiar ways in which today's US and Israeli counterinsurgencies bear the marks of their progenitors.

In choosing these cases, I have purposely limited the scope of the counterinsurgent forces to those countries that have espoused liberal reasons as the bases of their counterinsurgency actions. Although Soviet gulags and fascist concentration and extermination camps have been the subject of penetrating comparative analysis (one of the most theoretically informed and intellectually influential examples is Hannah Arendt's *The Origins of Totalitarianism*), the regularity with which liberal regimes have employed mass forms of imprisonment beyond their borders and during asymmetric warfare has been left relatively underexplored (the seminal works of Caroline Elkins and David Anderson on the Kenyan emergency are notable exceptions; the US War on Terror has also produced a vast body of literature, which primarily views these confinements through a human rights lens). What accounts for the sparseness of comparative scholarship in this area is perhaps inherent to the topic of study itself. The placement of these prisons beyond the borders of the democratic state and the tension between liberal discourses of freedom of circulation and illiberal confinement exacerbate their relative invisibility and disconnect them from the liberal orders which establish them.

Time in the Shadows draws on materials from more than a dozen archives, including those of the International Committee of the Red Cross; the US and UK National Archives; the Imperial War Museum archives; the French military archives at Vincennes; and specialist archives in London, Oxford, New York, the District of Columbia, and the Hoover Institution. It also draws on millions of pages of records released by Wikileaks or under the US Freedom of Information Act, as well as extensive interviews with former prisoners (especially those held in Guantánamo, Bagram, Abu Ghraib, and Israeli prisons in Palestine and Lebanon) and with their interrogators, guards, and attorneys, and hundreds of memoirs written by prisoners, policy makers, and soldiers over the long twentieth century.

In all, the book analyzes the ways in which liberal counterinsurgencies are situated in much broader global trends that structure transnational elite politics

and ideologies of rule. It argues that the more tactics of war are represented and remade as more “humane,” population-centric, and developmental, the greater the risk of such wars becoming acceptable. *Time in the Shadows* ultimately contends that these liberal forms of asymmetric warfare—saturated as they are with legal processes, administrative procedures, and an intent to co-opt and pacify intransigent populations—are also in the last instance innovations in indirect forms of rule, where coercion is not so much displaced by as dressed in the garb of hegemony.