

## CONCLUSION

Once every generation, without fail, there is an episode of hysteria about the barbarians. . . . In the capital the concern was that the barbarian tribes of the north and west might at last be uniting. Officers of the general staff were sent on tours of the frontier. Some of the garrisons were strengthened. Traders who requested them were given military escorts. And officials of the Third Bureau of the Civil Guard were seen for the first time on the frontier, guardians of the State, specialists in the obscurer motions of sedition, devotees of truth, doctors of interrogation.

*J. M. Coetzee, 1980*<sup>1</sup>

This book has been about confinement in counterinsurgency warfare. The incarceration of civilians and combatants in warfare most clearly illuminates the inner workings of asymmetric neo-imperial warfare and its incorporation of law, administration, and knowledge production. Counterinsurgency confinements are machines of many moving parts: law works with managerialism, culture with economics. The machine works because of the movement of ideas and of military bodies, because of weapons, and techniques of warfare. It depends on the making and remaking of conceptual categories: those we use to understand (e.g., liberalism, colonialism) and those the people we seek to understand use to explain (e.g., counterinsurgency, human terrain, intelligence, populations, civilians, detainees). And finally, there are the multiple movements of peoples in opposition to both the broader forms of warfare and the tactics employed therein; these oppositions can be armed and unarmed, in the metropolis and in the colony.

I have chosen to focus on confinement because in its breadth, encompassing large civilian populations, and in its negation of the most basic liberal right, the right to liberty, it elucidates the tensions within asymmetric warfare waged by powerful states that profess adherence to liberal rights. I have insisted not simply on the modernity of practices of confinement but also on their rootedness in liberal ideologies and practices. Although the forms of these specific techniques are modern (e.g., processes of categorization, managerial designs), the substance of them is decidedly liberal: law and legality are integral to the self-imagining of such wars; the will to bring about improvement is durable; and notions of autonomy, however despoiled and compromised, are at the center of proxy warfare.

A managerial system of categorization, quantification, and administration is the focus of the incarceration both of civilians and combatants and of counterinsurgency itself more broadly. Militaries are large-scale bureaucratic organizations, subject to the same managerial processes as corporations. Administration and procedure are viewed as standing in for ethics, and the “enterprise form” is generalized to all organizations, “to the conduct of government and to the conduct of individuals themselves.”<sup>2</sup> These managerial systems are particularly relevant to the large-scale confinement of civilians and to the mass processing of people suspected of being or of supporting combatants. Both explicitly and implicitly, these managerial procedures are considered safeguards for good behavior, removing the necessity of independent reflection on the ethical dilemmas that are fundamental to asymmetries of power.

The managerial approach also means that all things—even those that should not be calculable—are made subject to measurement and quantitative finessing. All things can be counted: acceptable levels of collateral damage, the degree of pain meted out in interrogations, the number of people detained, the extent of their access to food or water or medical care or to lawyers and the International Committee of the Red Cross (ICRC). This need for quantitative data, for statistics, for an understanding of how to measure death, incarceration, “useful” intelligence, and the like, means that even as the counterinsurgents decry the crude use of metrics (as in the time of Robert McNamara), they try to construct vast databases that capture not only tactical intelligence but also the everyday and the intimate. Everything from the kind and quantity of bread and cilantro people eat to the imprints of their fingers, irises, and DNA

are digitized and stored. These knowledge repositories are crucial to managerialism but also, in their quantification of suffering, to the task of defending such confinement in courts of law and public opinion.

In counterinsurgencies a proceduralist interpretation of the law prevails, in which the counterinsurgent power views law as an instrument of legitimation rather than as guidelines converging with ethical principles. Liberal proceduralism leads to the paramouncy of the judicial principle of intent in deciding accountability to such an extent that all wartime brutality can be effaced via claiming a lack of intent. What matters in the end is how virtuous our intent was, how precisely we targeted the guilty, what clean instruments of killing and confinement we used. Along with intent, the legal status of both persons and places of confinement also becomes significant if suspects are to be consigned to interstitial and indeterminate places of confinement.

This insistence on legality of action goes hand in hand with the will to improve that is inherent to liberal imperial invasions, occupations, and confinements. If our intent is to better the condition of living of the “lesser” people (by making a gift of our civilization, or development, or modernisation, or democracy), then what happens in the process matters little, even if what happens in the process is cruelty, torture, or indefinite confinement. A virtuous intent to improve is one of the strongest characteristics of liberal counterinsurgency and is what distinguishes it from its illiberal kin. One can see traces of this improving intent in Marshal Lyautey’s declaration that power was “not a matter of destroying [people], but of transforming them,” as well as in contemporary counterinsurgents’ search for security and order or good governance or democracy.<sup>3</sup> The neo-imperial Robert Kaplan has compared the old-fashioned White man’s burden to the work of “post-Cold War humanitarian interventionists” who take seriously their “righteous responsibility to advance the boundaries of free society and good government into zones of sheer chaos, a mission not unlike that of the post-Cold War humanitarian interventionists.”<sup>4</sup> Kaplan frankly brings to light the unspoken assumption of liberal counterinsurgency: the essential inequality of peoples—of “races”—which allows a more superior people to uplift an inferior, though improvable, people. Such will to improve could operate on a grand scale or in the more everyday processes of confinement, where prisoners have been subjected to reeducation or behavior modification.

This dovetailing of counterinsurgency with humanitarianism means that military aircrafts drop both bombs and humanitarian aid in the battlefield. The military builds roads, provides community services, and institutes social or economic “reforms” as part of a humanitarian agenda that is an incentive for civilian populations to acquiesce to the rule of the invaders. More often than not, law and humanitarian practices lubricate the operation and administration of confinement.<sup>5</sup> Human rights become as “an aspect of psy-ops.”<sup>6</sup>

Liberal counterinsurgencies ultimately require the autonomy of loyal clients. Thus, a central task becomes the training of local proxies who can perform those necessary tasks, both to reduce the costs of rule and to shift the responsibility for the acts of warfare to clients. “CIA experts” suggest that it was important in Afghanistan “to make the war Afghan versus Arab, not some Westerners versus Afghans.”<sup>7</sup> Proxies range a broad spectrum, from local collaborator and informants to those engaged in the practices of confinement, policing, and torture. But the use of proxies also applies to the macropolitics of paternalism and tutelary politics, a kind of “benevolent” indirect rule that consolidates the power of local elite, themselves reinvented as “traditional” rulers and arbiters of power. Where counterinsurgency by the imperial power fails, indirect forms of rule and the use of proxies become ever more urgent.

#### SPECTERS

A typical example, which can serve as a limiting case, is the relation involved in a State’s military oppression of a nation seeking to attain its national independence. The relation is not purely military, but politico-military. . . . The oppressed nation will therefore initially oppose the dominant military force with a force which is only “politico-military,” that is to say a form of political action which has the virtue of provoking repercussions of a military character in the sense:

1. That it has the capacity to destroy the war potential of the dominant nation from within;
2. That it compels the dominant military force to thin out and disperse itself over a large territory, thus nullifying a great part of its war potential.

*Antonio Gramsci, 1971*<sup>8</sup>

Aside from the ghosts of the people murdered, debilitated, and disappeared in confinement, three specters hover over this book: those of Carl Schmitt, Michel Foucault, and Antonio Gramsci. Schmitt appears here not because I agree with his diagnosis but because of his attentiveness, in *The Nomos of the Earth*, to the ways in which colonial spaces become spaces in which international law is made, in breach, and in which violence is permitted. Schmitt also appears here because the decisionism he advocated appeals to powerful liberal democracies in times of emergency—real or concocted—in geographies of invasion and colonization. Schmitt himself saw in this decisionism the real essence of politics, and his vision of fighting the terrorist, the outlaw, the partisan, through martial law is now familiar from not only the War on Terror but also the depredations of Israel in the Occupied Territories, and of France and Britain in their colonies. Schmitt defines martial law as the kind of legal process that creates a designated space “to permit the objective technical execution of a military operation, and in which anything can be done which the situation requires.”<sup>9</sup> Schmitt does not recognize that such freedom of operation is circumscribed by the struggles of the conquered peoples and their allies in the metropolis; this is one reason his dystopic vision of politics will always be incomplete and distorted.

Foucault appears throughout the book not only because of how he has altered our understanding of the simultaneous workings of different kinds of power—legal and sovereign, biopolitical, or security-centered—nor only because of his historically detailed and revelatory analysis of discipline in prisons. Foucault’s acute diagnosis of why the carceral form is reproduced again and again despite its failure is revealing and highly relevant here. Foucault explains the “reactivation of the penitentiary technique as the only means of overcoming their perpetual failure” by reminding us that penalty becomes a way of handling illegalities . . . of giving free rein to some, of putting pressure on others, of excluding a particular section, of making another useful, of neutralizing certain individuals and of profiting from others. In short, penalty does not simply “check” illegalities; it “differentiates” them, it provides them with a general “economy.”<sup>10</sup>

Because confinement in counterinsurgencies produces information and informants, allies and enemies, because it makes populations and mobilizes the

apparatus of security, and because it justifies disciplinary and legal measures, it is used as expansively as it is. Foucault also tells us that a politics of insurgency that shines a light on slaughter and makes imperial and colonial atrocities the business of the world's population can ultimately best be controlled through a gentler, more disciplinary form of power, not through mass slaughter.

Finally, Gramsci is here not only because he has written about the politics of military violence, or about law and bureaucracy, or about Taylorism, all of which have appeared in these pages. Rather, Gramsci's notions of coercion, consent, and authority are central to the entire project of soft or population-centric counterinsurgencies. On the one hand, confinement as the more humane alternative to mass slaughter is intended to blunt the edge of insurgency, to persuade the public of the virtue and reasonableness of the counterinsurgents. On the other hand, he has exquisitely delineated the crisis of authority in which the balance of coercion and consent is thrown off kilter and which invites—after attempts at imperial hegemony have failed—the military to resolve the crisis: “The military are the permanent reserves of order and conservation; they are a political force which comes into action ‘publicly’ when ‘legality’ is in danger.”<sup>11</sup> When the mask of consent has slipped, the US imperial forces engage in reinstating the hegemony. The genius of Gramsci is in his recognition that such moments of crisis emerge politically, are often resolved politically (via the military), and that their emergence is entirely because regimes of rule are challenged from within and without.

#### WHERE TO FROM HERE?

Did [the commandant] combine everything in himself, then?  
Was he soldier, judge, mechanic, chemist, and draughtsman?  
*Franz Kafka, 1919*<sup>12</sup>

The official mind itself can be described as the way in which the bureaucracy perceives its own history, the memory of past triumphs and past disasters. It possesses its own self-image and aspirations. It appraises present problems obliquely and subjectively. It is capable of translating economic interests into

strategic concepts. It is a force in itself. It can be a cause of imperialism.

*Wm. Roger Louis, 2006*<sup>13</sup>

As I write this conclusion, the epistemic community of US military thinkers is in some turmoil over the sustainability of the counterinsurgency vision put forward by General Petraeus and his fellow travelers. Some military thinkers question the viability of a “soft” counterinsurgency in circumstances where such developmental and “humane” war-fighting will not be effective. Others question the division between counterinsurgency and counterterrorism (in which the aim is simply to assassinate or otherwise neutralize combatant enemies and their civilian supporters). Such questions have long been resolved in places such as Israel, where assassination, “kinetic” action, and enemy-centric warfare are used enthusiastically, cocooned in a persistent assertion of legality and ethicality of all their acts. Two contributions by thoughtful students of counterinsurgency point the way to how such asymmetric wars may be fought in the future and how military visionaries think they should be understood and theorized. In a special issue of *Joint Forces Quarterly* titled “Conceptual and Operational Challenges of COIN,” one of the prime thinkers of counterinsurgency, David Kilcullen, and his academic coauthor, Sebastian Gorka, reflect on the methodology by which US counterinsurgency had chosen its progenitors and role models. They conclude that the most frequently cited cases, Malaya and Algeria, were insufficient and inadequate as ancestral role models. Gorka and Kilcullen insist on the need for “the Counterinsurgency data set” to be broadened to include revolutions (Russia, Hungarian, Iranian, Cuban), domestic resistance, and partisan warfare.<sup>14</sup> This widening is revealing. First and foremost, it shows the continuities between today’s counterinsurgencies, past (and in the case of Israel, present) colonial counterinsurgencies, and repressive states that aim to suppress revolutionary movements. In this, the article is not as innovative as it may seem. Its focus on the modes of suppression of popular revolt (whether offshore or at home) remind us of Rupert Smith’s “war among the peoples,” itself an echo of French military theoreticians of revolutionary wars and their delineation of “war in the social milieu.”<sup>15</sup> However, the article also brings to mind General Kitson’s vision of British counterinsurgency in Northern Ireland, which he saw as a modular practice

that could be transported to mainland Britain for suppression of domestic revolt. Such elision of spaces of counterinsurgency is increasingly apparent in the transposition of counterinsurgency and counterterror tactics into domestic and municipal policing in the cities of North America and Europe. The fungibility of asymmetric violence shows most starkly the interconnections between military adventures *there* and policing *here*, at home. Where this matters to confinement in counterinsurgencies is the further criminalization of a politics of insurgency and the expansion of an already-gargantuan prison system in countries that conduct counterinsurgencies to accommodate such rebellions.

The second contribution is by one of the more thoughtful theoreticians and practitioners of counterinsurgency, Andrew Exum. Exum's reflections on the failures of the United States in Afghanistan lead him to suggest two things: first that counterinsurgency in Afghanistan will ultimately fail because although military tactics and techniques have been effective, the absence of coherent strategic thinking and the incompetence and venality of the local clients have led to failure in the political arena. Second, he suggests a reassessment of "civilian strategy" and exertion of pressure by the United States on its local clients to improve their modes of rule.<sup>16</sup>

The implications here are twofold. We are expected to accept that tactics and strategy can be so easily separated, an argument that liberal counterinsurgents make ad nauseam. For a group of thinkers who borrow so much from Clausewitz, their denial that specific tactics are a reflection of particular policies and politics rings hollow. This separation also denies the very political effect of the techniques of war not only on the subject populations but also, in its feedback loop, on the sovereign imperial powers waging war. If a humane, or limited, or circumscribed war is easier and more palatable to wage, then the tactics cannot be so easily insulated from the decision making that shapes strategies. But more directly, the countries whose war-fighting machines I focus on here—the United States, Israel, Britain, and France—have in a sense long perfected the marriage of counterinsurgency warfare and technocratic administration. Although Britain and France had as adjuncts to their militaries and colonial police forces, separate and extensive colonial administration offices, the United States and Israel have administered their colonies, and the territories they have occupied, through their military apparatuses.<sup>17</sup> This effectively means that war making and governance have been married to each



other in these contexts. To claim somehow that politics has been absent in the counterinsurgency in Afghanistan is to deny the fundamentally political nature of military activity there.

But Exum also obliquely points to another inevitable result of waging asymmetric warfare in our time. Precisely because the United States does not (and does not want to) claim sovereignty over Afghanistan, its military activity there has to be severely limited to direct counterterror practices conducted with the ostensible approval and agreement of the local regime (an option Exum discusses only briefly and allusively) or alternatively channeled through the proxy regime with the head of Afghan government answering to a local US handler, to ensure that the proxy behaves correctly, that the United States can save on the costs of waging war in Afghanistan, and ultimately to ensure that US interests are met. In other words, indirect rule.

More significant than the writings of counterinsurgent theorists is the official policy of the United States. The January 2012 US Defense Strategic Guidance, announced with some fanfare by President Obama himself, shifted the focus of US military activity to preparation for conventional warfare against China and Iran, and explicitly indicated a shift from population-centric counterinsurgency to a counterterrorism policy of special operations and drone warfare. The document stated,

In the aftermath of the wars in Iraq and Afghanistan, the United States will emphasize non-military means and military-to-military cooperation to address instability and reduce the demand for significant US force commitments to stability operations. US forces will nevertheless be ready to conduct limited counterinsurgency and other stability operations if required, operating alongside coalition forces wherever possible. Accordingly, US forces will retain and continue to refine the lessons learned, expertise and specialized capabilities that have been developed over the past ten years of counterinsurgency and stability operations in Iraq and Afghanistan. *However, US forces will no longer be sized to conduct large-scale, prolonged stability operations* (italics in original).<sup>18</sup>

Although this shift means a turn away from developmental liberal warfare with its “large-scale” and “prolonged” deployment of troops, it certainly does not include a retreat from intervention. Rather, the document indicates a “recalibrated” focus on “a mix of direct action and security force assistance”

or a ratcheting of invisible or covert operations conducted without the hindrance of monitoring or accountability combined with a continued and more emphatic dependence on proxies.<sup>19</sup> Indeed, this emphasis on working “by, with, and through” the governments of countries in which the United States intervenes seems to appear with great frequency now in the writings of all counterinsurgents.

In a sense, this reclamation of indirect rule is where a great many supple counterinsurgencies come to rest. The Malayan counterinsurgency was considered an unadulterated success because the government that emerged at the end of the campaign was allied with Britain. The Philippine counterinsurgencies of the United States, both in the early and the mid-twentieth century, similarly left proxy regimes in place. Of course the tension inherent within indirect rule is that the proxy regime will never be as competent, well functioning, honest, trustworthy, or humane as their overlords desire. Having venal clients—who use unrestricted and unrestrained methods of interrogation, or of population control, or various forms of information gathering—can actually be a useful means of diffusing responsibility and of ensuring opacity as regards sensitive and controversial counterinsurgency actions. But the client has to be internationally presentable, and the client’s application of force has to act as a measure of suppression of revolt rather than as a catalyst for uprisings. Such a delicate balance is all too frequently impossible to achieve, but in the absence of a wholly acquiescent population, it is nevertheless the desideratum of long-distance counterinsurgency.

#### CODA

In a wrenching poem rich with the symbolism of Christianity and Islam, the communist Iraqi poet Sa’di Youssef evokes the horrors of Abu Ghraib:

We will go to God  
naked  
our shroud is our blood  
our camphor  
the teeth of dogs  
turned wolves

The closed cell suddenly swung open  
 for the female soldier to come  
 our swollen eyes could not make her out  
 perhaps because she comes from a mysterious world  
 she did not say a thing  
 she was dragging my brother's bloody body behind her  
 like a worn-out mat<sup>20</sup>

The poem is named “The Wretched of the Heavens,” and in its echo of Frantz Fanon’s *Wretched of the Earth*, it consciously draws a lineage of brutality from Algiers to Abu Ghraib. In that older book, Fanon wrote of the promise of revolt to “reintroduce mankind into the world, the whole of mankind.”<sup>21</sup> The promise also reverberates in Youssef’s poem, which ends—after all, after everything—with the possibility of redemption:

But we are on the way to you. We will remain on the way even if you let us down. We are your dead sons and have declared our resurrection. Tell your prophets to open the gates of cells and paradises! Tell them that we are coming! We have wiped our faces and hands with clean earth. The angels know us one by one.

