PREFACE

Though it was an illegal practice under the Taliban, photographs continued to be taken in secret studios across Afghanistan during their rule. With the country's invasion by coalition forces following the 9/11 attacks, many of these studios and their rolls of negatives came to light, courtesy of an enterprising German photojournalist who published the previously illicit images of ordinary Afghans and even Taliban fighters posing against elaborate backdrops.[1] Dressed in street clothes and equipped with guns of various sorts, men and boys are depicted in such photographs standing or sitting before Swiss chalets and other pastoral settings, both European and Asian, with bunches of plastic flowers making up the rest of the décor. One such image appears on the cover of this book. However criminal they might have been, these portraits are not in the least idiosyncratic, illustrating despite their display of firearms a set of standard poses and generic backgrounds familiar across wide swathes of South and Central Asia. Indeed the Alpine scenes so popular among the Taliban's subjects are sold in glossy and outsize formats on the streets of African and Asian cities, their originals having been filmed as settings for many a Bollywood romp.

So common are these pastoral scenes that they form a significant part of militant imagery as well, especially on video and websites commemorating suicide bombers and other martyrs, whose portraits are frequently set amidst verdant landscapes and surrounded by flowers.[2] Such depictions no doubt invoke traditional Muslim visions of paradise, but they are also examples of kitsch as a global form that belongs to no par-

ticular religion. There is an intimate relationship between the Taliban fighter photographed before a Swiss chalet and pictures, popular since the nineteenth century, of Jesus knocking at the door of a similar building. Interesting about all these images is the fact that none of their subjects belong to the settings in which they seem to have strayed. Whether it is Jesus in a German village, Indian film stars on a Swiss mountainside or a Saudi martyr in a landscape with waterfalls, these figures are all set apart from their surroundings. While it might appear at first glance as if this merely reinforces the fantasmatic nature of such backdrops, a closer look reveals that exactly the opposite is true: it is everyday reality that these terrorists, martyrs and men about town seem detached from, with their clothes, guns and demeanour alienated from quotidian use in studied poses.[3]

For the most part such armed figures manage to avoid the action-hero mannerisms popularized by Hollywood, also departing the latter's ideals of masculinity by their limpid expressions and sometimes androgynously painted or retouched faces. This is the ideal not only of the Afghan men photographed in clandestine studios, but also of Al-Qaeda's martyrs, who are meant to be more beautiful in death than they ever were in life. If smiling lads point pistols at each other in these photographs, or militants appear on videotape firing semi-automatic weapons, this does little to alter the curious repose that marks such images. Many of the Taliban photographs, for instance, portray gunmen clasping hands or looking into the camera with hands over their hearts in poses of humble welcome. Yet this departure from Hollywood stereotypes by no means indicates the presence of some alternative aesthetic in the wilder reaches of the Hindu Kush, since such local histories of the Muslim imagination have become globalized in the form of kitsch, which now provides a powerful medium for the transmission of militant as well as pacific ideals. Of course not all of these ideals take the form of kitsch, though each moves horizontally, connecting people separated by history, geography and language through media in the way that fashion

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1   Thomas Dworzak, *Taliban* (London: Trolley, 2003).

2   For a collection of these images see "The Islamic imagery project: visual motifs in jihadi Internet propaganda", Combating Terrorism Center, Department of Social Sciences, United States Military Academy at West Point, March 2006 (http://www.ctc.usma.edu).

3   For discussions of the history and significance of this aesthetic, see Arjun Appadurai, "The colonial backdrop", *Afterimage*, vol. 24, issue 5, March/April 1997, pp. 4-7, and Christopher Pinney, *Camera Indica: The Social Life of Indian Photographs* (London: Reaktion, 1997).

or advertising does, and not vertically by the kind of indoctrination that requires a hierarchically controlled environment to function.

Whatever the local context of militant practices, they possess a global form facilitated by the random connectivity of technology and spectacle, whose history passes through the printing presses, studios and cinema sets of the last two centuries as much as it descends through the Quran and its commentaries. However ephemeral these connections, their consequences for militant behaviour are as significant as those of media and advertising upon consumer behaviour worldwide, itself by no means a trivial matter. Partisans of Al-Qaeda are mindful of the global form their practices take, and try hard to lend them planetary significance. But unlike communism or even fundamentalism in the past, this significance does not lie in the attempt to create an alternative model of political and economic life on a global scale, given that the moral virtues favoured by militants neither presume nor require a revolutionized society for their instantiation. Instead these men speak from within the world of their enemies and seem to possess no place outside it. Like the kitsch forms they often take, militant ideals subvert our political reality from the inside, if only by exceeding it with the violent lustre of their hyperreality. So despite the exotic appearance of its minions, it is only natural that Al-Qaeda should lack a utopia of its own.

If Osama bin Laden speaks so familiarly of his foes, it is because he employs the same categories as they do, in particular those of humanism, humanitarianism and human rights. By invoking such terms the men associated with Al-Qaeda signal their interest in the shared values and common destiny of mankind. Indeed militant rhetoric is full of clichés about the threats of nuclear apocalypse or environmental collapse posed by the arrogance and avarice of states and corporations that happen also to threaten Muslims around the world. Those who defend Muslims, then, automatically protect the common interests of the human race. Once the threat supposedly levelled at Muslims by the United States and its clients is defined in these familiar terms, militant rhetoric can no longer remain something traditional or foreign. In fact its global influence is based precisely on stereotypes that are shared across the planet. This book is about the globalization of militancy by way of such planetary ideals. It focuses on humanity as the ideal that permits terrorism to stake its claim to a global arena in the most powerful way.

1

SLEEPING BEAUTY

Osama bin Laden and his lieutenant Ayman al-Zawahiri have repeatedly offered a truce to countries anywhere in the world that cease attacking Muslims, for instance by withdrawing from the coalitions engaged in the invasion and occupation of Afghanistan or Iraq. The proposed truce was first announced on 15 April 2004 by way of a video communiqué smuggled out of Afghanistan on an audiotape and later broadcast on the pan-Arab television stations Al-Jazeera and Al-Arabiyya:

So I present to them this peace proposal, which is essentially a commitment to cease operations against any state that pledges not to attack Muslims or interfere in their affairs, including the American conspiracy against the great Islamic world. This peace can be renewed at the end of a government's term and at the beginning of a new one, with the consent of both sides. It will come into effect on the departure of its last soldier from our lands, and it is available for a period of three months from the day this statement is broadcast.[1]

On the one hand such a truce was rightly dismissed as media rhetoric in the West, largely because it had no institutional backing—Al-Qaeda's leaders being inaccessible and possessing no party, army or state that might be negotiated with. After all the movement's founders were themselves in hiding and incapable of exerting any control over the suicide bombers they inspired.[2] But on the other hand by taking the

1   Bruce Lawrence (ed.), *Messages to the World: The Statements of Osama Bin Laden* (London: Verso, 2005), p. 235.

2   I know terms like "suicide bomber", "terrorist" or "fundamentalist" are not generally used by the people they define and often possess a polemical rather than scholarly character. They also belong to different histories that bear little resemblance to the one with which I am concerned. Thus "fundamentalist" comes from the history of American Protestantism, where it names churches dedicated

trouble to reject Bin Laden's offer formally, European governments lent his words a degree of credibility and even a kind of nameless reality, recognizing in this way that their politics could no longer be confined to its traditional forms and institutions. Since then calls by senior political and military figures in Europe to "negotiate" with Al-Qaeda have proliferated, alongside furious denunciations of any such attempts at "appeasement", and all this despite the fact that there is nothing and nobody to talk to—apart from a great many disconnected persons and a small number of media personalities.[3]

While it used the language of traditional politics, Al-Qaeda's truce represented something quite new. Bereft of institutional features like negotiation, arbitration and contractual guarantees, it was a truce that had lost one kind of political meaning without having gained another, since trust was the only thing that either side had to offer. It was as if such everyday terms had come to serve as the bridge to a new, and yet unknown politics that took for its arena the globe in its entirety. Notwithstanding its dismissal by Western governments, the groundless trust upon which this truce was based achieved an ambiguous political reality in the public debate that followed Al-Qaeda's offer, with Spain's withdrawal of troops from Iraq after the Madrid bombings that year

to a direct and literal reading of the Bible. Similarly "terrorist" no longer retains its original reference to Europe's secular and indeed antireligious revolutionaries. I continue nevertheless to use these terms here because they have become commonplace and cannot therefore be divorced from those used by militants themselves, with which they now possess a conjoined history. For not only do the Muslims so described routinely invoke these names if only to dispute them, thus turning their own terms into oppositional ones, they sometimes even accept these nominations in however qualified a fashion. This is true of the word fundamentalist as much as it is of terrorist. In any case replacing bad terms with good ones often results in nothing more than the wholesale transfer of the former meaning into the latter, insofar as both are deployed as stereotypes. This is what has happened with the word Islamist, now used even in popular culture to replace fundamentalist, which at least had the virtue of naming practices across religious lines. Islamist, of course, has no comparative reference. The stereotyped terms I use, on the other hand, retain their passionate and oppositional quality, which is exactly what I am interested in, while their everyday definitions are at the same time belied by the use I make of them. And so while I am sympathetic to the cause of correct definitions, I am not interested here in the politics of naming, leaving this task for those more qualified than myself.

3 For a detailed sociological study of Al-Qaeda's institutional fragmentation see Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century* (Philadelphia: University of Pennsylvania Press, 2008).

widely being seen as an acceptance of Bin Laden's terms. Indeed Spaniards seemed to have accepted this truce even before it was offered when they elected an anti-war government three days after the blasts on 11 March 2004. While the new Spanish government, in other words, had reasons for withdrawing from Iraq that had nothing to do with Osama bin Laden's truce, his videotape hijacked the politics of this European state by inserting it into another kind of global narrative.

But what kind of truce was this in which neither institutions nor discussions were involved—since Al-Qaeda's political invisibility robbed even the Spanish state of its institutional character by appearing to force its withdrawal of troops from Iraq on the basis of trust alone? The extraordinary spectacle of a European state coerced into acting out of good faith by a terrorist on the run somewhere in the Hindu Kush was made possible by the global media, which did not simply represent or even influence politics but actually took its place. For in the absence of institutional forms like negotiations and guarantees, not even behind the proverbial scenes, publicity served as the only medium for Osama bin Laden's truce, which it also guaranteed in a purely declarative way. In other words it was precisely the authority of a warrior incapable of engaging in battle, and living in fear of his life, that gave his words credibility in the eyes of friends and enemies alike. Osama bin Laden's peace proposal is important as an example of militancy trying to found a global politics outside inherited forms and institutions. For with the dispersal of its founders during the Anglo-American invasion of Afghanistan, Al-Qaeda has itself outgrown whatever institutional form it once possessed to become the trademark for a set of ideas and practices that are franchised by militants the world over.[4]

Having dispensed with the parties, armies and states of old for dispersed networks trademarked by the Al-Qaeda logo, our militants lack even an ideology. Indeed we shall see how their fighters jettison Islamic law itself as a political model to make an individual duty out of it, for however international their claims, ideologies have classically been focused on the nation state. Without the grounding provided by such

4 The global dispersal of militancy into a "phantom" or "imaginary" organization in which unconnected units are tied together by a name, method and manifesto has received ample theoretical justification by jihadists. For a detailed study of one such theoretician see Brynjar Lia, *Architect of Global Jihad: The Life of Al-Qaeda Strategist Abu Mus'ab al-Suri* (London: Hurst, 2007).

a state, they begin to fragment, and one is left with lines of thinking rather than a system of thought. This precisely is the case of Al-Qaeda's franchise, which has lost ideology to the degree that it has abandoned the nation state and with it Islamic law as a model, claiming territory only in the abstract terms of a global caliphate. By this I do not mean to downplay local or traditional forms of militancy, only to suggest that the global reach of militant networks associated with the brand name Al-Qaeda increasingly gives even such regional practices their radical meaning and mobility. So the authors of a report on Iraqi insurgent media point out that even the most localized and nationalist of militant outfits there, including those that set themselves against Al-Qaeda, take the sophisticated media products of such global jihad movements as their visual and rhetorical models. Given the parlous state of Iraq's infrastructure, the collectively and sometimes transnationally produced websites or videos these outfits release are not even targeted at a domestic audience, which therefore gains access to them only by way of news media based outside the country.[5]

Local forms of Islamic militancy are therefore increasingly mediated by global conditions rather than the other way around, for however traditional their aims, such militant practices end up losing their political meaning in a global arena that bestows on them an existential dimension in return. Thus a number of militant groups in Pakistan or Afghanistan appear to rely increasingly upon Al-Qaeda's name and technique to achieve both their global reputations and connections, however local their aims and operations might in fact be.[6] And it is exactly the existential dimension of such globalization that is deserving of scrutiny, because it signals the political fragmentation of militancy in a planetary arena whose lack of institutional forms ends up diverting its violence into the practices of everyday life, whether in the form of ordinary individuals plotting jihad online, or school friends concocting bombs in suburban basements. These disconnected and unrelated participants in Islam's long-distance militancy do not simply serve as

5   See Daniel Kimmage and Kathleen Ridolfo, *Iraqi Insurgent Media: The War of Images and Ideas* (Washington: Radio Free Europe/Radio Liberty, 2007).

6   See for instance Syed Saleem Shahzad, "The rise and rise of Al-Qaeda, part I: militants make a claim for talks", *Asia Times Online*, January 18, 2008 (http://www.atimes.com/atimes/South_Asia/JA18Df02.html).

the sympathetic supplements of some short-range politics, but instead reach out beyond the latter's calculations and transform its practices, constituting the local by the global in ways that no longer permit the former's politicization in any traditional way.

The importance of a global arena to militancy is demonstrated by the fact that terrorist outfits of the most varied description, even those in places like Iraq that deal with explicitly local causes, very commonly describe themselves by using an Arabic word, *alam*, that has come to define the globe as opposed to the world or *dunya*, this latter still being linked to the old religious idea of worldliness and so aligned with politics as a profane activity while at the same time being juxtaposed to the afterlife.[7] For the globe represents not worldliness but rather existence as such, including that of humanity as a whole, and so cannot be partitioned between friend and enemy, or the material and the spiritual, in any old fashioned way. The earth or *ardh* is similarly discarded in militant rhetoric, only appearing in some quotations deployed from the Quran, its reference as a ground for the action of human or divine subjects having been replaced sometimes by a vision of the globe as pure geometry and at other times by the planet as an object of conquest. In its sheer gigantism, therefore, the planet that militants describe appears to have stretched beyond the language of politics as much as religion, so that the logos and emblems of jihadi groups frequently represent it as an abstract and completely foreign entity to be conquered and assimilated into the experience of Muslim life. Entirely typical instances of this are images of the globe planted with a flag bearing the Islamic credo or skewered by a scimitar like some monstrous kebab.

Unlike Muslim politics of a previous generation, the new militancy is concerned neither with national states nor with international ideologies, though like other global movements dedicated to the environment or peace it does not seek to overturn these, taking instead the globe and all who inhabit it for sites of action. This is perhaps why Al-Qaeda's advocates often recast the geography of Islam, replacing political references like Iraq or Afghanistan with historical ones, like Mesopotamia

7   Of course the word *alam* also possesses religious meaning, being used in the Quran to describe cosmic worlds and multiple universes. But in modern times this word's plural form, so important in the holy book, tends to be infrequently deployed, and then too in a prosaic and metaphorical sense, while its singular form has come to refer to the globe as an existential totality.

and Khurasan, that fall between rather than within political boundaries. And even when countries are mentioned or depicted by militants, it is often in an explicitly global context where the US is viewed as part of a planetary crusader axis, and Iraq a portion of the global Muslim community under attack. Thus images of maps on jihad websites tend to locate particular countries in a planetary context, represent them floating in space like moons with the earth as a background, or portray them bleeding from wounds like parts of a global body.[8] For alongside the environmentalists or pacifists who I will argue are their intellectual peers, the men and women inspired by Al-Qaeda's militancy consider Muslim suffering to be a "humanitarian" cause that, like climate change or nuclear proliferation, must be addressed globally or not at all. So these militants take the whole planet as their arena of operations, shifting their attention from one site of Muslim suffering to another as if in a parody of humanitarian action, which indeed provides the paradoxical model for their violence.[9]

But the globalization of militancy has resulted in its fragmentation, this loss of institutional politics being compensated for by the invocation of humanity as both the agent and object of a planetary politics yet

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8   See "The Islamic imagery project: visual motifs in jihadi Internet propaganda".

9   The philosopher Adi Ophir describes the relationship between terrorists and humanitarians like this: "The structural similarities between these two phenomena are striking (and embarrassing). Let us mention them briefly: transnational networks lacking a center (or having a center that is contingent and temporary); exemplary models of voluntary, heroic action that are quickly reproduced and distributed across the globe, breeding imitators and enjoying the admiration of large audiences that are not directly involved in the context where the model of action originated; the sacrifice and expenditure of resources taken out of regular cycles of commercial and political exchange for the sake of a goal that it portrayed as higher than the usual goals of everyday political or economic action; nomad practices and mobility that make it possible to land and sojourn for both short and long periods anywhere on the globe, combined with an in-depth interest in a particular locality, carefully chosen and meticulously studied; a special interest in bare life and a more or less systematic tendency to depoliticize the victims' bodies; a certain changing balance between spectacular and clandestine aspects of the operation; a certain indifference—in theory, if not always in practice—to the territorial and symbolic borders of the nation-state; and, finally, the use of religious discourse, which is not peculiar to terrorists, and even traditional philanthropic practices and organizations associated with religious institutions". See Ophir's "The Sovereign, the Humanitarian, and the Terrorist" in Michel Feher, Gaelle Krikorian and Yates McKee (eds.), *Nongovernmental Politics* (New York: Zone Books, 2007), p. 175.

to come. Indeed we shall see that Osama bin Laden, Ayman al-Zawahiri and the scattered flock they inspire refer almost obsessively to humanity in its modern incarnation as the sum total of the world's inhabitants, whose well-being is measured by the twin practices of humanitarianism and human rights. In the eyes of these men, Muslims are not members of a religious group so much as the contemporary representatives of human suffering. And so those who go under the name Al-Qaeda do not for the most part target their enemies for holding mistaken religious beliefs or godless secular principles, but instead for betraying their own vision of a world subject to human rights. Whatever bad faith is involved in such an accusation, the crucial role it plays in the rhetoric of terrorism needs to be accounted for, given that arguments about humanity take precedence in this rhetoric over the scriptural citations whose medieval exoticism has seduced so many of those studying Al-Qaeda.

Anchored though they may legally be in the nation-state, human rights and humanitarianism in general provide militants with the terms by which to imagine a global politics of the future. In this way our terrorists have done nothing more than take up humanity's historical role, which in earlier times was linked to the civilizing mission of European imperialism. In fact the promotion of human rights as a global project emerged within such empires while at the same time providing their justification. One has only to think of the abolition of slavery and Britain's attempt to enforce its proscription outside her jurisdiction, along with the suppression of barbaric customs more generally, to realize that imperialism was in addition to everything else a humanitarian enterprise ostensibly dedicated to securing the lives and wellbeing of human beings in general.[10] Indeed given that the language of citizenship was largely absent from colonial rule, it is perhaps no accident that its place there was taken by that of humanity instead. It is possible even in our own times to see imperialism at work as a global project in the steady replacement of the citizen by the human being, whose biological security now routinely trumps his rights of citizenship in anti-terror measures at home and humanitarian interventions abroad.

If imperialism broke the ground for a new kind of global politics based on humanitarianism, its foundations have been laid by the hu-

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10   I am grateful to Sudipta Sen for drawing my attention to this point.

manitarian interventions of post-colonial states, which include not only the great powers but even former colonies like India, whose intervention in the Pakistani civil war of 1971 represented one of the early forms that such a politics took. For its own part Pakistan was a pioneer in the invocation of humanitarian language to describe both militant "self-defence" in the valley of Kashmir and the "violations" to which India subjected its people.[11] Since neither colonial nor postcolonial states have been able to instantiate a global humanitarian order, not least because they have been unwilling to sacrifice the politics of national and other interests for its sake, I will make the case that militants today aim at their unfulfilled goal. And in this way they are no different than the plethora of non-governmental agencies dedicated to humanitarian work. Indeed the accusation common among militants and NGOs, of the West being hypocritical in its promotion of human rights, is meant not to discredit but rather complete the latter's globalization. These examples illustrate how intimately terrorist practices are linked with those of their enemies, whose humanitarian interventions also invariably kill some civilians in the name of protecting others.

My object in this book is to argue that a global society has come into being, but possesses as yet no political institutions proper to its name, and that new forms of militancy, like that of Al-Qaeda, achieve meaning in this institutional vacuum, while representing in their own way the search for a global politics. But from environmentalism to pacifism and beyond, such a politics can only be one that takes humanity itself as its object, not least because the threat of nuclear weapons or global warming can only be conceived of in human rather than national or even international terms. And so militant practices are informed by the same search that animates humanitarianism, which from human rights to humanitarian intervention has become the rhetorical aim and global signature of all politics today.[12] This is the search for humanity as an agent and not simply the victim of history. While they possess different meanings and genealogies deriving from eighteenth-century revolutions on the one hand to nineteenth-century colonialism on the

11   I want to thank Meenakshi Ganguly for pointing this history out to me.

12   Yet to be published, Brendan O'Neill's richly suggestive new work is devoted precisely to examining this connection between the practices of militancy and those of humanitarian aid.

other, we shall see that words like human rights and humanitarianism have since the Cold War been predicated of humanity as a new global reality, one whose collective life we can for the first time contemplate altering by our deeds either of omission or of commission. So for the militants among us, victimized Muslims represent not their religion so much as humanity itself, and terrorism the effort to turn mankind into an historical actor—since it is after all the globe's only possible actor. For environmentalists and pacifists as much as for our holy warriors, a global humanity has in this way replaced an international proletariat as the Sleeping Beauty of history.

A global history of militant ideals

Al-Qaeda's Spanish truce allows us to see how it is that globalization might provide the very substance of militant practices while still lacking an institutional politics. Yet globalization is the most ambiguous of processes, which, despite its current celebrity, remains curiously undefined as an analytical or historical category. On the one hand it seems to evoke the primacy of movement, whether of people, goods, ideas or money, that has supposedly increased to an unprecedented level both in rapidity and in extent. On the other hand globalization evokes a theory of capitalism that would enclose all the social possibilities and experiential implications of such movement within a singular history of economic reach. In either case this movement is supposed to be made possible in large part by new technologies, which thus mediate it as a kind of ever-renewed present, globalization as the newest of the new.

The problem with conceiving of globalization as a movement mediated by technology into some ever-renewed present is that it ceases to have a past, properly speaking. And this is because the difference between its form of movement and any other is one of degree rather than of kind. For instance how is the Internet more illustrative of globalization than the telegraph, or today's virtual economy more global than yesterday's finance capitalism? No matter how radical their repercussions, do the new technologies mark new beginnings, or do they simply exist in the wake of older ones? This problem of historical and analytical regress exists only because accounts of globalization tend to be seduced both by the narcissism of the present, and by the glamor-

ous novelty of its objects or experiences, in the process quite dispensing with the term's intellectual genealogy. But it is precisely this genealogy that may allow us to lend the globe some historical as well as conceptual substance.

When was it that the globe, and therefore the possibility of globalization, ceased to be a classroom model or a geographical abstraction and became real? At what point did the globe part company with the notion of world, itself connected to a particular religious history in terms like worldliness, to mark a new beginning? Languages like French, of course, continue to derive globalization (*mondialisation*) from the older notion of world (*monde*), thus linking it back to another kind of history. The earth, too, continues to be used as a synonym for the globe, though its frame of reference is the solar system rather than humanity's political or ecological existence.[13] Nevertheless there is a point when we can say that the globe subordinates all these competitors and becomes, as it were, global, a point we can for our purposes locate during the Cold War. The latter made today's militancy possible by lending political reality to previously abstract categories like the global Muslim community, which is why Al-Qaeda's acolytes very self-consciously derive their jihad from its last great battle in Afghanistan. For it was during the Cold War that two great ideals shaping the practices of both militants and their enemies, the globe as well as the humanity that inhabits it, achieved an ambiguous political reality.

The Cold War had for the first time put the globe itself at stake in the practice of politics, by dividing it into two rival hemispheres.[14] Moreover two of its greatest technological events, the atom bomb and the moon landing, permitted us not only to grasp and see the globe as such, but also and in the same moment to conceive of its destruction and abandonment. In this way Cold War technology simultaneously consolidated and transformed the earlier but more abstract experience afforded us by the globe's circumnavigation. The earth, then, like some gigantic commodity, is known only in the moment of its consumption as something capable of being destroyed or abandoned. This apocalyptic manner of knowing the planet allows thought in general, and religious

13   I am indebted to Carol Breckenridge for pointing this fact out to me.

14   For the globe's emergence as a new kind of political arena, see Carl Schmitt, *The Nomos of the Earth*, trans. G.C. Ulmen (New York: Telos Press, 2003).

thought in particular, to contemplate as real something that had been denied legitimacy for two centuries—the end of the world. It is in the rapture of apocalypse that the world is destroyed and the globe born, even if only as the ghost of this world.

The birth of the globe during the Cold War did not go unnoticed, its implications being noted by the philosopher Hannah Arendt among others. In an essay on her colleague and friend Karl Jaspers, who had himself expounded the phenomenology of a nuclear apocalypse, Arendt wrote about the ironic global unity that the atom bomb had made possible:

It is true, for the first time in history all peoples on earth have a common present: no event of any importance in the history of one country can remain a marginal accident in the history of any other. Every country has become the almost immediate neighbor of every other country, and every man feels the shock of events which take place at the other side of the globe. But this common factual present is not based on a common past and does not in the least guarantee a common future. Technology, having provided the unity of the world, can just as easily destroy it and the means of global communication were designed side by side with means of possible global destruction.[15]

The question Hannah Arendt tackles in her essay is not the practical one of how to prevent an apocalypse, but rather one that interrogates the new experience that its destructive possibilities brings into being. Apocalypse, in other words, refers in her essay not to the brute fact of nuclear destruction, nor to the ecological holocaust that is its heir. It names rather the new experience of the globe and thus of humanity also that the very possibility of this destruction brings to light. So according to Arendt the unity of the globe that technology produces is purely negative because it is based neither on a common past nor on a common future, relying instead on the experience of an evacuated present in which disparate histories mingle promiscuously. The reality of globalization, in other words, is premised upon an apocalypse that has not occurred, something that lends its experience an anticipatory though not necessarily a millenarian character, as its cause is human and not divine.

Yet the experience of a possible apocalypse is a manifestly inhuman one, since the globe's desolation can only be conceived from a point

15   Hannah Arendt, "Karl Jaspers: citizen of the world?" in *Men in Dark Times* (San Diego, New York and London: Harcourt Brace Jovanovich, 1995), p. 83.

of view set outside it, and therefore outside human reality as well. In theory modern science had accepted the inhumanity of such an experience well before the Cold War, by repudiating both geocentric and anthropocentric points of view, so that nuclear physicists had no hesitation in splitting the atom the moment it became possible to do so.[16] But it took the atom bomb and the moon landing to make this experience part of everyday reality. To see the globe, and the humanity that inhabits it, as if from outer space, is to abandon a humanistic point of view by abandoning the scale at which human beings live, defined as this is by the horizon of their senses.[17] From such a distance the globe and its inhabitants can only be approached in a technical way, by interventions of constructive as much as destructive import, whose agents end up losing their own humanity in the process. To be capable of approaching the globe and its inhabitants technically is to be almost divine. The globe is therefore strictly speaking an inhuman reality, or rather one that renders humanism and its point of view redundant.

The globe becomes real at the same time as humanity, which serves both as the agent and the victim of its possible demise. For mankind is now no longer an ideal or an abstraction, but a reality too insofar as it is capable of being destroyed.[18] Indeed in this sense humanity achieves reality in the same way as the human being, by recognizing its own mortality, though humanity's gigantic reality is of course as inhuman as that of the globe. It is the technology of destruction and abandonment that permits humanity to emerge as an historical actor for the first time by undoing the particularity of its own origins. Thus it is mankind, rather than the United States of America, which became the true agent of global events like the atom bomb or moon landing.

The Cold War provided the origins of globalization as this term is used today, and in particular as it lends substance to new forms of militancy by making the Muslim community into a global reality for the first time along with the humanity it represents. It did so by replacing the world with the globe and man by mankind, all within the horizon demarcated by an apocalyptic technology, whose power subordinated

16   See for this Hannah Arendt, "The conquest of space and the stature of man" in *Between Past and Future* (New York: Penguin Books, 1993), p. 276.

17   Ibid. p. 278.

18   Arendt, *Men in Dark Times*, p. 82.

all links with the past to the false unity of a global present in which distinct historical traditions come to be juxtaposed with one another. In the process globalization came to replace internationalism, which had been the ideology both of the European empires and of the Communist bloc. These orders were international because they were based on the expansion of a substance (civilization, justice, freedom and the like) in territories that were connected either by geographical or by historical contiguities. Globalization, on the other hand, depends neither on the diffusion of a substance, nor upon historical and political links, but precisely on the unintended effects and consequences that constitute its universal present.

The apocalyptic tone of Cold War thinking might have dissipated today, but its spirit continues to haunt globalization. So the atom bomb has been replaced by ecological and other threats that all take on the characteristics of an explosion, insofar as they are capable of wreaking havoc upon a humanity made interdependent by technology. Such bombs need not even destroy human lives to mimic and indeed foreshadow the global effect of their nuclear cousins. Media, for example, continually ape the apocalyptic effect of an empty present, because they bring together widely scattered constituencies in the contemplation of an event deemed newsworthy even if it occurs in some remote corner of the world with which these audiences have no real connection, and which does not even represent a substance spread by connections of geography or history. The rupture with internationalism here is absolute because the global effect of the media's information bomb is not due to consequences that go beyond particular intentions, but rather to the false unity of a present made possible by ideas, events and fashions that can only function randomly once separated from local histories.

It is the apocalyptic nature of globalization that might explain why Al-Qaeda's mobile and dispersed militants are not linked vertically, by a common origin, organization or purpose, but horizontally by sartorial, linguistic and terrorist practices made available through the media much like fashions in dress, music or behavior are. However local their aims and origins, therefore, such men are connected by global practices that lend them an existential rather than historical or political unity. In the spring of 2008, for instance, revelations that an American soldier in Iraq had used a copy of the Quran for target practice led to demonstra-

tions in Afghanistan at which three protesters were killed. While it is clear that these demonstrations had little connection with anything going on in Iraq, it is also evident that the protests could not be confined to their locality. Such practices are global not merely because they happen to be dispersed across the planet, but also because they are meant to appropriate and even colonize it as a site of militant activity by the creation of violent spectacles.[19] Rather than existing for these terrorists as some imaginary and in any case predefined arena of operations, the globe is both produced and inhabited by them in the form of televised events.

The shape of things to come

How is it possible to be a political actor in the false unity of a globalization with no common past or future—one in which mankind has replaced man as the agent and victim of history? This precisely is the problem of militancy, whose votaries know that while everyone today speaks of a single world and a single humanity, neither one nor the other has a political life of its own. At most there exists the partial humanity of aid and relief work, defined in numerical terms as a mass of victims who cannot all be ministered to. Humanitarianism thus operates by a calculus in which the lesser number of victims must be sacrificed for the greater. Like terrorism, in other words, it depends upon sacrificing the few for the many—which also means sacrificing those suffering smaller afflictions in order to attend to bigger ones. And just like Al-Qaeda's militants, humanitarian agencies have abandoned previously exempt subjects like women and children to this calculus of sacrifice, thus bringing humanity into being in the same way as an atomic holocaust, by number alone. Here, then, is a fine example of the inhuman nature of gigantic realities like humanity, which can only be approached by technical means.

The experience of globalization made possible by the atom bomb defines the humanity that both militants and humanitarians are concerned with in quite specific ways. Writing after the First World War, for example, the jurist Carl Schmitt had argued that the emergence of humanity as a political category entailed the appearance of its opposite as well. The very idea of fighting a war for humanity, after all, makes the enemy into

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19   I am grateful to Luc Boltanski for making this point clear to me.

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someone not quite human who might be sacrificed without scruple.[20] For Schmitt, then, humanity becomes real only by practising the most inhuman cruelty. Putting this argument in another way, the philosopher Etienne Balibar has noted that attempts to instantiate humanity tend to be racist in character because they result in a hierarchy of those who are more and those who are less human, this process of exclusion providing the only way by which humanity might become manifest.[21] The atom bomb, however, produces a truly inclusive form of humanity, whose suicidal potential no longer allows its inhuman or subhuman opposite to remain external to itself, instead absorbing them into its own gigantic reality. The idea of a suicidal humanity became a political truism in the atomic age, and now defines the victims of other potential holocausts, whether environmental or even terrorist. For is not the suicide bomber only the miniaturized version of a suicidal humanity?

My comparison of today's suicide bomber with yesterday's suicidal humanity is not a casual one, for we shall see that neither is able to externalize its inhuman opposite, since in both cases the human lives alongside the inhuman and dies a collective death with it. This inability to isolate the enemy from oneself has made suicidal violence into a technical procedure internal to humanity rather than yet another way of eliminating an alien threat. After all the atom bomb has replaced the old threats of blood, race and demography that had once put a biological conception of humanity at risk from "Jews", "Blacks" or "Asians", and continues to do so in the regional politics of xenophobia or genocide. Even the global spectre of a biological holocaust, in pandemics and panics about AIDS, SARS or avian flu, continues to shed racial particularity and become a threat internal to humanity itself, from which no-one is immune, and for which no-one can be blamed. Like the carrier of such a virus, the suicide bomber can no longer be differentiated from other human beings by his ethnicity, language or country, but only by a religion that, as with communism in the past, is threatening precisely because it cannot be biologically determined. The militant's own enemy

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20   Carl Schmitt, *The Concept of the Political*, trans. George Schwab (The University of Chicago Press, 1996), p. 54.

21   Etienne Balibar, trans. James Swenson, "Racism as universalism" in *Masses, Classes, Ideas: Studies on Politics and Philosophy Before and After Marx* (New York and London: Routledge, 1994).

is biologically even less determined, and includes Muslims as well as infidels to constitute a cross-section of humanity.

Technology rather than biology provides the threat of nuclear, environmental and terrorist destruction, not least because the gigantic reality that is global humanity cannot be grasped except by technical means such as wars of humanitarian intervention or donations of humanitarian relief, whose chief products in either case are mortality statistics. And this is because everything that is global is also inhuman, or at least beyond the ken of humanism. For the suicide bomber, however, this technology has for the first time ceased to be prosthetic, something whose danger was derived from mankind's loss of control over it. Having domesticated the technology of destruction in the shape of cell phones, household chemicals and public transportation, the suicide bomber is feared for his willingness to die and not because he might accidentally set off a chain reaction, or inadvertently cause an ecological apocalypse. While the destructive potential of terrorism, in other words, is minor and even insignificant in comparison with other kinds of technological holocaust, it is more obviously suicidal than the latter and can therefore stand in for them. This is probably what accounts for the extraordinary fear and hatred felt by some in the West for militant Islam, such widespread passions having last been seen in the anti-communist hysteria of the Cold War.

Great efforts are made, on the part of militants as well as of their enemies, to link the nightmare of an ecological or nuclear apocalypse with Al-Qaeda by talk of things like weapons of mass destruction. However opportunistic these identifications, they do indicate a deliberate effort to make the struggle with Islamic terrorism into the Cold War's heir. The suicide bomber's act gains some of its notoriety from the suicidal character of politics itself in the atomic age, whose great novelty it is to weaken the instrumental logic of technical action by putting its own agent at risk. After all, gigantic realities like the globe and humanity not only push the subject who would grasp them out of a geocentric or anthropocentric point of view, they also end up making his own existence impossibly abstract. No longer a humanist subject, the individual serves as an example of humanity itself as a global fact, one which cannot provide a mere backdrop for this individual, having stepped to the foreground and overwhelmed him. This is why the humanist subject

no longer provides the model for humanity, which was once seen as an aggregation of such individuals. Instead the species is anthropomorphised as a subject in its own right, one that turns all individuals into its exemplars. Any individual who would approach the globe and its inhabitants by technical means ceases to be properly human, for the only entity that might survive this encounter is humanity itself in all its gigantic reality. By bringing a global humanity to the fore, the atomic age sacrifices humanism and even the human being. Indeed the latter is asked to sacrifice himself for the former just as the suicide bomber sacrifices himself for the global Muslim community that I will argue represents humanity as such.

Once it becomes possible for humanity to commit suicide, politics of a traditional sort starts to lose meaning, giving way to a logic of sacrifice that might set the stage for a new political life at the planetary level, but that does not yet possess institutional form, if only because the possibility of a global apocalypse represents a risk quite beyond the calculus of interests that defines statecraft. For any politics that results in mutually assured destruction loses its character to become a sovereign and even capricious act of risk and sacrifice. This at least is the thesis that Karl Jaspers propounds in a celebrated book on the nuclear brinkmanship of the Cold War, in which he tells us how sacrifice has come to dominate political life today.[22] The possibility of nuclear war, claims Jaspers, confronts us with two choices—the sacrifice of humanity for the sake of politics or of politics for that of humanity. In either case, humanity now becomes manifest in sacrifice alone.[23] This fact is fully recognized by those who campaign against nuclear war as much as against global warming, depending as they do upon a language of sacrifice to prevent sacrifice. Thus sacrificing a politics dedicated to the acquisition of wealth and power in the form of deforestation or carbon emissions is seen as being essential to preventing the sacrifice of humanity itself in an atomic or environmental apocalypse.

Environmental and pacifist movements today can only describe a global politics of the future using the vocabulary of sacrifice—more precisely that of yesterday's politics both national and international.

22   Karl Jaspers, *The Future of Mankind*, trans. E.B. Ashton (Chicago: The University of Chicago Press, 1961).

23   Ibid., pp. 171-2.

Occurring as it does in the wake of these great sacrificial movements, militancy derives much of its rhetorical charge by partaking of their effects. Moreover Osama bin Laden and his acolytes mention the threat of a nuclear or environmental catastrophe frequently, and very deliberately place the supposed threat that the West poses Muslims in their context. This threat, in other words, is seen to take as its object neither Islam nor any particular Muslim population, but the Muslim community itself as a global fact. Yet the Muslim community's biological survival is never put in question by militants, only that of the human race as a whole in a nuclear or environmental conflagration. In this sense Muslims are indeed conceived as representing humanity, with their acts of sacrifice seen as attempts to prevent a far greater sacrifice and turn humanity into the master of its own destiny. However the point of this sacrifice, as Jaspers would have it, is that while not political in any normative sense, it serves as an invitation to a politics of the future. I shall return to this statement in a subsequent chapter of this book, though whatever else it might be, a sacrificial practice like suicide bombing is not only a transitional phenomenon, but one possessing an existential dimension that cannot be reduced to politics in its institutional and instrumental form.

Karl Jaspers points to Gandhi as the chief and indeed only global example of modernity's sacrificial logic, though he well knew that the Mahatma's practice of sacrifice preceded the Cold War.[24] This latter-day apostle of nonviolence commented rather frequently on the place of sacrifice in an atomic age during his last years, though Jaspers did not cite him on the subject. Gandhi had come to embody sacrifice in its global form, not only because he inspired its practice among so many others to make for a movement of truly planetary import, but also because of what Jaspers calls the "suprapolitical" character of his sacrifice, which resided in the purposeful withdrawal from institutional politics and so in a certain sense from political rationality itself.[25] Of course for the Mahatma sacrifice was as much subpolitical as it was suprapolitical, since he thought of it not as something that overreached everyday life but instead as the very sign of normality. Thus his use of everyday examples, like that of parents, children or spouses sacrificing themselves for each other in a range of ways that included dying. It was rather

the self-interested individual who Gandhi thought was an aberration—produced only after much individual and collective effort.

In its everyday sense sacrifice represents human freedom not only because it is disinterested in the most literal way imaginable, but also because it escapes the chain of cause and effect which binds all political calculation. For the paradoxical thing about sacrificial action is that it attends to its human instrument just as much as, if not more than, it does to any principle or cause, thus leaving its object forever in doubt by emphasizing individual action over collective politics. While for Gandhi such practices of sacrifice, which ran the gamut from fasting and celibacy to non-cooperation and passive resistance, had clear links to traditional Hinduism as well as to Christianity and Islam, to say nothing of Jainism and Buddhism, they were at the same time consummately modern in nature—not least because directed against the political institutions of the state. But even when Gandhi directed these sacrificial practices at citizens who defied the state in using violence against their fellows, he did so to compel or convert them into another kind of politics, though only ever by suprapolitical means. Such were his famous fasts unto death, whose object was precisely to divert attention from some general political cause to the very particular suffering of his own body, which therefore served as the medium through which one kind of politics was transformed into another.

Although he was of course the very antithesis of a terrorist in his espousal of nonviolence, the Mahatma resembles Al-Qaeda's militants by his suprapolitical deployment of sacrifice, which like them he glorified in the form of a willingness to die for principles. So Gandhi, like Bin Laden, very regularly used the Islamic word for martyrdom, *shahadat*, to describe this sacrifice, and as frequently expressed the desire that a million innocent lives be willingly surrendered to achieve India's freedom and cement its unity with their blood. It can even be argued that the Mahatma's sacrificial practices were inspired by his Muslim employers in South Africa, developed as these were under their patronage, and first manifested in the grounds of Johannesburg's Hamidia mosque.[26] Having been founded within the borders of Gandhi's India, and as we

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24   Ibid., pp. 36-40.

25   Ibid.

26   I am indebted to Jonathan Hyslop for drawing my attention to this fact, which Gandhi himself was quick to acknowledge. See, for instance, his book *Satyagraha in South Africa*, trans. Valji Govindji Desai (Madras: S. Ganesan, 1928).

shall see at the very site of one of his great sacrificial experiments, Al-Qaeda's violence has come to partake in the history of the Mahatma's nonviolence, if only by joining the latter's sacrificial practices with its own in the most unexpected way. But this precisely is the fate of local histories in a global arena, knocking against one another to find accidental points of contact and construct new trajectories. For in this arena such histories can no longer grow like trees from some original seed, but must proliferate by the logic of coincidence as networks do.

Like the stories of European explorers being welcomed by Central Americans or South Sea islanders as gods whose coming had long been foretold, terrorist practices of sacrifice are perhaps recognized by the people among whom they occur as a fulfilment of their own past, with Osama bin Laden playing the role of a Cortez or a Cook in the uncharted spaces of our global present—though perhaps more appropriate as a model for the Hindu Kush is Kipling's character Daniel Dravot in "The Man who Would be King". In anthropology this kind of phenomenon is called a cargo cult, and refers to the way in which persons and objects are freed from one kind of history and appropriated by another through media and markets. It is this logic of coincidence that brings together different histories of violence in the making of a new trajectory for Islamic sacrifice. Gandhi, for example, comes in this way to provide a precedent for militant Muslims not by reason of his own engagement with Islam, but because he addressed political parties and states without ever assuming the membership of such institutions, or making of them the framework for his own actions. And as with today's militants, the Mahatma's sacrificial actions were justified precisely on religious rather than political grounds. We should also not forget that today's apostle of nonviolence was for the best part of his career seen by the guardians of law and order as an anti-modern Oriental who abetted large-scale and even terrorist violence to threaten the civilizing mission of a great Occidental empire.

Gandhi himself would probably have welcomed the comparison between his methods and those of Osama bin Laden, whose practices he might have seen as the evil perversion of his own. For the Mahatma believed good and evil to be reversible principles rather than distinct and opposed ones, famously holding that evil was only made possible

with the help of goodness.[27] Not only did good people support evil out of habit or cowardice, in other words, evil itself depended upon goodness because it could only survive with the aid of virtues like selfless loyalty and altruistic sacrifice among its own supporters. And since it was goodness that imparted strength to evil, virtue consisted in withdrawing support from it. This is why Gandhi always claimed to understand if not to support terrorist forms of sacrifice, which he sought simply to convert to nonviolent ends. In any case placing Al-Qaeda's suprapolitical practices alongside the Mahatma's allows us to shift our gaze from the familiar concerns of Western security and Middle Eastern policy to address the globalization of Muslim militancy as a properly intellectual problem—one that is moreover tackled from a location outside Europe or America.[28] So for Jaspers, also addressing the globalization of violence as an intellectual problem, Gandhi's sacrifice was unparalleled in its modernity because the popular mobilization it effected was detached from the practices of traditional sacrifice, which had been confined to castes of religious or military specialists.[29]

If Gandhi, like Al-Qaeda, made the exaltation of sacrifice possible for ordinary people by inculcating what he repeatedly called the "art of dying" among them, this was because traditional specialists could no longer embody it. Modern warfare in general, says Jaspers, and nuclear warfare in particular, has by its technological means denuded the soldier of his sacrificial virtue, making victims precisely of ordinary people

27   Perhaps his most elaborate examination of the intimate relationship between good and evil is to be found in the Mahatma's lectures of 1926 on a celebrated Sanskrit text. See M.K. Gandhi, *The Bhagvadgita* (New Delhi: Orient Paperbacks, 1980).

28   I invoke Gandhi in this book for both methodological reasons, to dissociate militant Islam from the interpretive carapace of Middle Eastern policy and Western security, and substantive ones, to associate it with historical movements outside Europe and America. As a historian of South Asia I hope by this invocation not only to offer a new perspective on militant Islam, but also to point out how important South Asia in fact is to this phenomenon, comprising as it does the world's largest Muslim population together with some of the chief sites of Islamic militancy today. In addition to providing the world with a powerful new vernacular of resistance, whose sacrificial and suprapolitical forms interest me here, Gandhi, I will argue, is crucial to the modernization as well as the globalization of South Asian Islam, without which Al-Qaeda could never have been founded in the region.

29   Jaspers, pp. 36-40.

and indeed of humanity itself.[30] Thus civilians rather than soldiers now come to embody sacrifice, the latter being, after all, less vulnerable than the former in modern warfare. And indeed Gandhi quite deliberately sought to instantiate the sacrificial vocation of traditional soldiering in the civilian practice of nonviolence. Thus sacrifice is no longer linked to the state, since it no longer occurs within a political institution like the army, and is therefore no longer dedicated to the country in some inevitable way. Just as the Mahatma drew on Hindu as well as Muslim tradition to create a modern, suprapolitical form of sacrifice, so too do Al-Qaeda's militants draw their practices from an Islamic past. The point being that both types of sacrifice, though different in many respects, are truly modern in their attempt to found a new politics, which in the case of militancy today is nothing less than the elevation of humanity into the agent of global history.

Writing about the limits of traditional politics in the global reality of the Cold War, Karl Jaspers only echoed Gandhi in defining humanity by its capacity for sacrifice:

But sacrifice is the inescapable foundation of true humanity. If its soldierly form disappears, it will assume others. What renunciations, self-denials, ventures, lie on the road to a new reason cannot be specified in advance. Only this much is certain: without sacrifice we are not truly human. [...] Sacrifice would not only make peace possible; it would fulfil it. A lasting peace could only be achieved if the greatness, the strength, and the valor of the sacrifice hitherto shown in history by the soldier would now materialize in no lesser form.[31]

Very little thought is required to recognize that the suprapolitical movements of our time, from environmentalism to jihad, all depend upon a language of sacrifice that goes well beyond its military or even traditionally religious origins, however lasciviously Al-Qaeda's minions might flirt with metaphors of soldiering and holy war. Opposed as these movements may be to one another, they address themselves to the same problem, that of calling humanity into being through sacrifice. Surely it is this temptation, and not some impossibly political identification with the suffering of unknown Muslims in unknown lands, that rallies European or American militants to Al-Qaeda's banner? And is such vicarious identification with the suffering of others not a perversely humanitarian impulse that links terrorism to its opposite? It might well be that this intimacy between the terrorist and the humanitarian is what lends militant Islam its popularity, and poses therefore its greatest threat as well.

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30   Ibid., p. 49.

31   Ibid., pp. 55-6. Parenthesis mine.

from suffering and achieve its fulfillment at the end of time. As of yet it exists only in a negative way, a victim rather than an agent of history.

Such a view of humanity, as a potential to be fulfilled, was not peculiar to Khomeini but is characteristic of modern thinking, from which Islamic movements of every kind have adopted it. This is a view that continues to inform a great deal of Muslim militancy, though in rather different ways, such that waiting for the Day of Resurrection is no longer required for humanity's instantiation. We shall see that for many militants today turning humanity from victim into agent provides not the justification so much as the very content of their violence. After all in global forms of jihad like that pioneered by Al-Qaeda, this violence is no longer confined to specific persons and places but encompasses humanity itself, of which Muslims now serve as the privileged example. The Muslim community, in other words, has broken its theological bounds to stand in for humanity, but by doing so it has also created bonds with all the world's people, who are no longer asked simply to convert to Islam, but rather identify with Muslim suffering to achieve their own potential humanity.

Islam converted

On the fifth anniversary of 9/11 a jihadist website posted a long interview with Osama bin Laden's lieutenant, Ayman al-Zawahiri, in which he described Muslim militancy as offering an opportunity for all the world's oppressed, whether or not they converted to Islam:

[Interviewer] Speaking of the plunder of resources, grievances, and the oppressed ones in the world, in recent statements by Al-Qa'ida of Jihad calls for supporting the oppressed in the world have been repeated. Is this a new Al-Qa'ida approach?

[Al-Zawahiri] No, this is a confirmed jurisprudence-based law. God, the exalted, said in [a] Hadith Qudsi: "O my servants, I have forbidden oppression for myself, and forbidden it for you, so do not oppress each other."

[…]

I invite all of America's victims to Islam, the religion which rejects injustice and treachery. If they don't convert to Islam, then they should at least take advantage of Muslims' defensive campaign to repel America's aggression against

them and overcome them, each under his own banner, and with whatever is at his disposal.[10]

This is a novel interpretation of Islam's universality, and one that has transformed the language of religious conversion itself. The American convert Adam Gadahn, for example, whose name within Al-Qaeda circles is Azzam al-Amriki or Azzam the American, invites his compatriots to accept Islam in a videotape released in 2006 by the terror network's media arm. Prefaced by a testimonial from Zawahiri, Gadahn's performance is dedicated to giving proselytism a radically new meaning:

We invite all Americans and other unbelievers to Islam, wherever they are and whatever their role and status in Bush and Blair's world order. And we send a special invitation to all of you fighting Bush's Crusader pipe dream in Afghanistan, Iraq, and wherever else 'Dubya' has sent you to

[…]

Finally, some will ask how we expect to attract converts to Islam after having spilled so much non-Muslim blood, albeit in defense of our religion, liberty and lives. We might ask the same question to those who kill Muslims by the millions for the crime of being Muslim, and then foolishly hope to win their hearts and minds. But we will suffice by pointing to the sharp spike [in] conversions to Islam after September eleventh, which, as we've mentioned, is giving the enemy many a sleepless night.[11]

Echoing Bin Laden's comments in the aftermath of the 9/11 attacks, Gadahn points out that these had led to a sudden rise in global interest about Islam, as well as a spike in conversions to the religion. Personal forms of missionary activity that would attract converts to a particular religious tradition, in other words, are dismissed for an impersonal

10   "Al-Zawahiri calls on Muslims to wage 'war of jihad', reject UN resolutions", *United States Central Command* (http:// www.centcom.mil/sites/uscentcom1/ What%20Extremists%20Say/Al-Zawahiri%20Calls%20on%20Muslims%20 to%20Wage%20'War%20of%20Jihad'%20,Reject%20UN%20Resolutions. aspx?PageView=Shared), p. 14. Parenthesis mine.

11   "Al-Qaeda operative Adam Gadahn, aka 'Azzam the American': 'The truth of Islam is sweeping across America and constitutes a fearsome challenge to the security, identity, and survival of the crusader state [America]'; time is running out to convert to Islam before you meet the dismal fate of thousands before you", *Middle East Media Research Institute* special dispatch series, no. 1281, September 6, 2006 (http://memri.org/bin/opener.cgi?Page=archives&ID=SP128106), pp. 2-3. Parenthesis mine.

and in fact inadvertent proselytism by way of spectacular events whose purposes might have been altogether different. Moreover the Islam to which such converts are led is completely open as far as sect, school or tradition is concerned, these particulars being left to the discretion of the converts themselves.

Gadahn's invitation to Islam discounts doctrine and practice for something so generic as to be human in nature. The examples he gives of American soldiers turning Muslim rely not upon their discovery of Islamic scripture so much as their identification with the suffering, endurance and sacrifice of America's Muslim victims. Thus Gadahn reproaches critics of the War on Terror like the British MP George Galloway and the journalist Robert Fisk for not taking the final step to accept Islam. Conversion for him has become a sign chiefly of identification with victims in general, who, whether or not they happen to be Muslim, are represented at this historical juncture by Islam. This is why Al-Qaeda's spokesmen can deploy the language of identification in secular as well as religious ways.

For those who adopt the brand name Al-Qaeda, non-Muslims who identify with Muslim victims become human and Muslim at the same time, even if their conversion remains in the realm of potentiality, since the criteria for both humanity and Islam are the same. The breadth of Islam's humanity is such that even its greatest enemies, according to Gadahn, could be forgiven and treated as brothers if only they would repent of their actions. Unlike the rhetoric used in the War on Terror, which is determined to punish Islamic militants for crimes committed, that used in Al-Qaeda's jihad would forgive US President Bush and Britain's former Prime Minister Blair for crimes as great if only they were to repent. However preposterous, Al-Qaeda's rhetoric is more Christian than that of its Western enemies.

Given that militants today routinely invoke the plight of suffering Muslims in exactly the same way as humanitarians do of victims in general, the identification of Islam and humanity is hardly surprising. Indeed humanitarian interventions even serve as the model for militant ones in the contemporary rhetoric of jihad, so that Ayman al-Zawahiri recommended attacks upon infidels in the same breath as he counseled assistance to those injured and displaced by the devastating earthquake that hit Pakistan in 2005. Indeed Zawahiri not only identified the

earthquake's victims as martyrs, as if, like Al-Qaeda's militants, they had died for their faith, he also accused America of making war against Islamic charitable work, thus very deliberately conflating militant with humanitarian action:

We have sadly received the news of the disaster that befell the Pakistani Muslim people following the earthquake that struck the region [...] We ask Allah to grant those killed in the earthquake the positions of martyrs and pious people. My brothers and myself wish to be among you, our dear brothers, on this day. However, agents of America are standing in our way to help our Muslim brothers in their distress. Today, I call on Muslims in general, and on Islamic relief organizations in particular, to go to Pakistan and help their Pakistani brothers and withstand the troubles and harm they face for this purpose. We all know the raging American war against Islamic charitable work.[12]

Such identifications are made even less surprising when we realize that one of the great themes of contemporary Islam, characterizing liberals as well as fundamentalists and pacifists as well as militants, has to do with its supposed naturalness. Islam is justified as the natural religion of humanity, one that some Robinson Crusoe might well discover by purely rational means on his desert island. Its history therefore serves as a carapace for Islam's essentially human nature rather than providing believers with truth of a doctrinal sort as in Christianity. So believers today have reworked traditional notions like that of Islam as mankind's original faith, one that Muhammad simply cleansed of time's corruption, by predicating them of humanity's modern manifestation in biological as well as juridical terms. Thus a tradition describing Islam as the religion of all children, who are only subsequently turned by their parents into Jews or Christians, has led to the development of novel terms like "reverts" for English-speaking converts.

The modern identification of Islam with humanity has a varied and substantial history, one that reached its apogee in the early years of the last century. Exemplary of this identification between the Muslim and the human was the work of the Indian divine Abul Kalam Azad, an important political and religious figure whom I shall return to in a later chapter. Azad argued that Islam itself, to say nothing of theological

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12   "Al-Zawahiri urges Pakistan quake aid", *Al-Jazeera*, 23 October 2005, (http://english.aljazeera.net/NR/exeres/E36CCE01-95E6-41C6-B4C7-DC9131E65733.htm), p. 1. Parenthesis mine.

categories like jihad, did not belong to Muslims alone but was the common inheritance of all human beings fighting for justice. Indeed Muslims themselves might well fall behind infidels in upholding Islam, with Azad arguing that Hindus were doing more to manifest Islamic virtues like jihad than Muslims by following Gandhi's methods to claim their freedom.[13] Though Muslims might risk losing possession of Islam by its identification with humanity, this latter category remained for Azad a theoretical rather than historical one, since it served only to illustrate the universality of the Quran's teaching. But globalization has transformed the character of Islam's universality by making its identification with the human race into a properly historical phenomenon. And this it has done by turning humanity into the potential subject of history instead of being its inevitable object.

If humanity in its biological and legal forms came to be embodied by individuals at the beginning of the last century, with globalization it became a collective reality well before that century was out. For humanity is the globe's only subject, being the true agent as well as the victim of crises like global warming or nuclear warfare. The worldwide Muslim community or *ummah* has become a global cause on the same pattern as a humanity threatened by global warming or nuclear war. And in fact the Islamic community literally takes the place of humanity in modern times. It does so by claiming the status of global victim, the purity of whose suffering serves as an equivalent of its pure humanity. In times past this *ummah* was viewed not as a body of people existing in the historical present, but as a transhistorical community made up of the dead, the living and the yet unborn. Such a conception of the Muslim community can still be seen in the passage cited above from Khomeini's political testament. By the time Osama bin Laden made the following statement to a conference of Pakistani divines in 2001, however, this community had come to represent nothing but human life itself under attack:

Honorable scholars, I write these lines to you at a time when every single inch of our *umma*'s body is being stabbed by a spear, struck by a sword, or pierced by an arrow.[14]

13   Irfan Ahmed, "A preliminary outline of Abul Kalam Azad's cosmopolitan theology", unpublished paper, 2007.

14   Lawrence (ed.), *Messages to the World: The Statements of Osama Bin Laden* (London: Verso, 2005), p. 96.

It is only when the Islamic community becomes a merely contemporary reality that it can become a political one— either as an agent or a victim. Yet today all global figures, the environment and humanity included, exist in rhetoric and reality only as victims. Which is to say they exist only as the potential subjects of politics. The task of militancy is to fulfil this potential and make them into actors. But for the moment there is no such thing as a global politics properly speaking, though it is possible that the militants and their enemies will bring it into being by their combined efforts. But until that happens global movements of an environmentalist, pacifist and religious bent will continue to pose certain limits for politics traditionally conceived. Indeed such limits arise from humanity itself as a reality bereft of reality. It was this humanity that Hannah Arendt, writing in the aftermath of the Second World War, described as a reality made possible by the very shame of its absence:

For many years now we have met Germans who declare that they are ashamed of being German. I have often felt tempted to answer that I am ashamed of being human. This elemental shame, which many people of the most various nationalities share with one another today, is what finally is left of our sense of international solidarity; and it has not yet found an adequate political expression.[15]

Is it too much to say that the negative humanity Hannah Arendt defined by the word shame provides the starting point for Muslim militants today? Insofar as these militants claim to participate in a universal struggle and not a specifically Muslim one, such a conception of humanity does inform their actions. For Islam has come to represent this humanity in its status as global victim. Yet the Nazi attempt to eliminate European Jewry, which serves to exemplify humanity's victimization in the political and juridical culture of the West, merits no special mention among Muslim militants. But unlike the anti-Semitism that would either deny the Jewish holocaust, or claim an equivalent victimhood for itself, Al-Qaeda's votaries tend to acknowledge it only as one example of the violence they claim is characteristic of Western civilization. In doing so our terrorists end up rejecting the final identification of humanity with victimhood, and discounting the apocalyptic language of genocide for Muslims themselves. In this sense militancy

15   Hannah Arendt, "Organized guilt and universal responsibility", in *Essays in Understanding* 1930-1954 (New York: Harcourt Brace and Co., 1993), p. 131.

is faithful to the idea of Islam's victorious and immortal future, being concerned not with the victimization of humanity so much as with its transformation into a global agent.

What then are the implications of identifying Muslims with humanity as far as militant acts are concerned? Arendt suggests that "the terror of the idea of humanity" resides in the universal responsibility it implies:

For the idea of humanity, when purged of all sentimentality, has the very serious consequence that in one form or another men must assume responsibility for all crimes committed by men and that all nations share the onus of evil committed by all others. Shame at being a human being is the purely individual and still non-political expression of this insight.[16]

In what remains of this chapter I want to explore the implications of identifying Islam with humanity by focussing precisely on the universal responsibility that its militants so loudly proclaim in suicidal attacks on civilian populations the world over. My thesis, let us recall, is that the search for humanity, or rather the attempt to realize it, lies at the heart of militant action. While Al-Qaeda's terrorists may begin by identifying Muslims with the passive victims who embody humanity in the discourse of human rights and crimes against humanity, their aim is to transform this humanity from the inside, not least because their sacrificial practices deny the possibility of any position external to it. These militants are not interested in saving Muslim victims by humanitarian missions, but in remaking humanity itself by abandoning the technical language of humanitarianism and human rights—which is invoked in their rhetoric only to be condemned as hypocritical.

From humiliation's heart

Arendt's shame has turned into a humiliation broadcast by one militant after another. And while this language of humiliation has not gone unnoticed by those studying movements like Al-Qaeda, its importance is generally stated more than it is examined. At most shame and humiliation are seen as providing the psychological determinants of militancy. Humiliation exists here as a collective as well as an individual fact. Indeed its rhetorical usage makes humiliation a social as much as

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16   Ibid.

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Despite the massive amount of force deployed in its service the quickly baptized Global War on Terror was not in fact a military operation. Even the phrase "war on terror", after all, had a civilian rather than military genealogy in American history, deriving as it did from the metaphorical use of military action in slogans like the "war on drugs" of the 1980s, which was also marked by the international use of armed force despite falling short of war in both its political and juridical senses. Many of the legal provisions in this War on Terror, moreover, especially the preventive or preemptive ones, were derived precisely from the metaphorical wars waged before it.[1]

Enemies of the old fashioned kind are notable by their absence from the War on Terror, which moved so quickly from Al-Qaeda to the Taliban to Saddam Hussein and beyond, as if to demonstrate the constantly shifting shape of enmity in this new kind of conflict, one that dispenses even with the ideological movement as its antagonist. Whether operating within a domestic or international arena, the old-fashioned terrorist had possessed a criminal rather than military status, one that was marked by a degree of legal precision. It was the War on Terror that blurred the terrorist's criminal status without at the same time lending him any military distinction, so that it became unclear what kind of enemy he represented.

Given the absence of an enemy in the War on Terror, it is not surprising that the United States should conduct it by ignoring so many

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1   Robert M. Chesney and Jack L. Goldsmith, "Terrorism and the Convergence of Criminal and Military Detention Models", *Wake Forest Legal Studies Research Paper Series*, no. 1055501, November 2007, pp. 14-15.

of the traditional laws of war, from issuing formal declarations to refraining from torture and assassination. But it could hardly do otherwise, since America's military might is so disproportionate in extent compared to that of any other power as to render the US incapable of waging a traditional war anyway, which is to say one fought at its full technological capacity against a foe who presents the country any kind of military challenge. Indeed the United States can no longer wage war, only mount enormously costly and destructive spectacles of deterrence or revenge—whether or not these secure it any geopolitical advantage.[2] In other words the War on Terror is more a police than a military operation, though we shall see that its form of policing departs from the norms of criminology to become a conflict occurring outside the inherited institutions of our political life. For if deterrence is a feature of criminal rather than military law, revenge is an aspect of criminality that exists outside the law itself. After all one of the classical functions of a legal order is to bring private revenge to an end by substituting public justice for it. In turning to vengeance as a rhetorical and would-be political device, which it must do because enemies like Afghanistan and Iraq cannot by any stretch of the imagination pose it a military let alone an existential challenge, America does not simply violate the rule of law by unilateral actions ranging from air strikes to torture or indefinite detention, it also returns to the sphere of private life governed by moral rather than juridical precepts.[3]

None of this happens automatically, by reason of US power alone, but requires the participation of a particular kind of foe—one who is neither an enemy in the military sense nor a criminal in the civilian one, but instead someone who evades the terms and categories of traditional politics altogether. And while a great deal has been written about the way in which Al-Qaeda's organizational and ideological novelty have made it into such an enemy, too much of this material is concerned either with narrow technological issues or broad historical ones to be analytically useful. In Carl Schmitt's *Theory of the Partisan*, however, we

2   Alain Badiou, "On September 11 2001: Philosophy and the 'War Against Terrorism'", in *Polemics*, trans. Steve Corcoran (London: Verso, 2006), pp. 26-29.

3   Alain Badiou points out how revenge as a motive puts American actions in a pre-legal if not illegal framework. See "Fragments of a Public Journal on the American War against Iraq", ibid., pp. 50-4.

possess perhaps the most sophisticated analysis of irregular warfare, one that provides us with an ideal framework in which to plot the trajectory of global terrorism today. Written at the height of the Cold War in 1962, Schmitt's essay makes two preliminary points. Its first is that the partisan or non-state fighter emerges alongside the nation-state's army as its particular product, first coming to light with the Spanish guerrilla during the Napoleonic wars.[4] The second point is that this state and its regular army can only combat the partisan by adopting his methods wholly or in part, which puts their integrity and very constitution at risk if the threat of irregular warfare is very great, as was the case with the French in Algeria or the Americans in Vietnam.[5]

The intimate threat partisans posed a regular army, claims Schmitt, could be marginalized and even ignored in military theory throughout the nineteenth century and much of the twentieth. It was only once irregular warfare began to aim at the destruction of a given social order, rather than focussing on its mere defence on the one hand or conquest on the other, that the partisan became a key figure of global history.[6] Because he is intent on transforming his own society as much as destroying that of any invader, the partisan is by definition a revolutionary figure, whose first great representative was therefore Lenin and whose most radical innovator Mao.[7] According to Schmitt this figure arises out of the brutal civil and colonial wars of the last two centuries, not the rule-bound and interstate conflicts characteristic of modern European history.[8] Lenin's great innovation was to raise the partisan's struggle from its territorial particularity to make a universal category of it—for tactical considerations apart, class war dismisses the juridical distinctions of interstate conflict to conceive of itself as a global civil war.[9] Against this radically universal posture Bolshevism's liberal opponents could only react by declaring their own global struggle in favour of capitalism, democracy and human rights. And this universalism slowly

4   Carl Schmitt, *Théorie du Partisan*, trans. Marie-Louise Steinhauser (Paris: Flammarion, 1992), p. 208.

5   Ibid., p. 279.

6   Ibid., p. 280.

7   Ibid., p. 286.

8   Ibid., p. 213.

9   Ibid., p. 302.

but surely ended up depriving partisans everywhere of what Schmitt calls their telluric or patriotic form, with the processes of technological and political abstraction finally divesting these irregular combatants even of the defensive stand that had marked their initial struggles as guerrillas.[10]

It is easy to see how Lenin's magnification of the partisan struggle into a global civil war might provide a precedent for Osama bin Laden, though Al-Qaeda has gone much further than the Soviets did in freeing their party from the state. Schmitt does make the point, however, that despite its embodiment in the Soviet Union, the communist party moved decisively beyond the political rationality of the state, which it had made into nothing less then an instrument for the greater cause of a global civil war. That this move beyond the state's political rationality was not merely rhetorical is demonstrated in the fact, writes Schmitt, that what we call the "total state" of communist or fascist vintage was in either case managed by the party structure as distinct from that of the state itself.[11] At the theoretical level, of course, communism is explicitly dedicated to the "withering away" of the state as a bourgeois institution, and Lenin devoted his chief work to explicating how this condition might come about. But even the Nazis ended up working for the destruction of Germany as a state to further the cause of an international fascism free from territorial confines, whose models, according to Hannah Arendt, were provided by communism on the one hand and, on the other, by international Jewry as represented in the anti-Semite's imagination.[12]

If certain elements in the communist or fascist parties of the past aimed to destroy the state form, those who go under the name of Al-Qaeda have destroyed the party form itself, as if recognizing it to be an institution too closely connected with the state and its particular rationality. Like all the partisans before them, today's militants also achieve political meaning by a more or less clandestine and mutually instrumental relationship with "friendly" states or parties, which prevent them from sinking to a merely criminal status, as the anarchists whom

10   Ibid., p. 282.

11   Ibid., p. 218.

12   See Hannah Arendt, "The Seeds of a Fascist International" in *Essays in Understanding, 1930-1954* (New York: Harcourt Brace and Co., 1994), pp. 140-50.

they otherwise resemble so closely did in the nineteenth century.[13] But unlike their predecessors the terrorist networks of our day have undermined this relationship by abandoning the party form and therefore detaching themselves from political rationality in its institutional sense. Their meaning, in other words, is increasingly derived from the future of politics in a global arena rather than from its institutionally parochial present, and it is because they are aligned with this future that global networks like Al-Qaeda, which otherwise possess negligible human and financial resources, can threaten the political rationality of powerful states. Al-Qaeda is dangerous, in other words, because of the threatening future it inaugurates and not by reason of its own strength.

I will argue in this chapter that the emergence of Al-Qaeda as a new kind of enemy has resulted in the paradoxical de-militarization of the war waged against it. Central to my discussion are the American government's creation of new juridical enclaves to hold terrorist suspects in places like Guantánamo Bay, as well as the much-publicized incidents of abuse at the Abu Ghraib detention centre in 2004, which provide us with examples of how the War on Terror has increasingly become a quasi-criminal rather than a military operation. My larger point will be to suggest that this war is more and more conducted according to the civilian practices of private life, which disrupt military hierarchies by their networked form. I will suggest moreover that such networks, which possess both pacifist and militant forms, push suprapolitical considerations forward as bridges to a new politics for the global society they represent.

Criminalizing the enemy

The transformation of war into a species of policing, and therefore its de-militarization is something that has been widely recognized, not least within the US armed forces themselves. In 2004, for instance, the "Final report of the independent panel to review Department of Defense detention operations" dealt with the incidents of prisoner abuse at Abu Ghraib precisely by placing them in this context. It argued that the emergence of global terrorism and its "asymmetric warfare" made the "orthodox lexicon of war," like state sovereignty, national borders, uni-

13   For this see Schmitt, p. 284.

formed combatants, declarations of war and even war itself irrelevant, for today "the power to wage war can rest in the hands of a few dozen highly motivated people with cell phones and access to the Internet."[14]

Furthermore "the smallness and wide dispersal of these enemy assets make it problematic to focus on signal and imagery intelligence as we did in the Cold War, Desert Storm and the first phase of Operation Iraqi Freedom. The ability of terrorists and insurgents to blend into the civilian population further decreases their vulnerability to signal and imagery intelligence. Thus, information gained from human sources, whether by spying or interrogation, is essential in narrowing the field upon which other intelligence gathering resources may be applied."[15] With the increasing importance of human intelligence, then, or what in military jargon is called HUMINT, the practice of modern war has been dragged down from its technical heights to the messy level of interpersonal relations in which the enemy's humanity, as well as one's own, becomes crucial whether or not it is recognized as such.

So it was that a place like Abu Ghraib was transformed into something it was never meant to be, an interrogation centre that was part of a new form of warfare in which "the distinction between front and rear becomes more fluid."[16] Which is to say the novelty of the Global War on Terror was represented at the prison by the virtual collapse of distinctions between internal and external enemies, as well as between front and rear lines. So quite apart from the ineptitude exhibited by all concerned with the prison, as well as the infractions committed by some among its staff, the abuse at Abu Ghraib was important because it threw light upon the new role assumed by military detention, which was no longer to process front-line suspects quickly for distribution to judicial bodies in the rear, but rather to hold them for extended periods in order to extract urgent or "actionable" information that might prevent future acts of terror, a function which is effectively one of policing because it turns enemy actions into criminal ones.

Extracting information from prisoners of war is of course no new thing, but to do so in the theatre of war by intertwining and even con-

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14   See *The Abu Ghraib Investigations*, ed. Steven Strasser (New York: Public Affairs, 2004), p. 27.

15   Ibid.

16   Ibid., p. 28.

fusing the jurisdiction of the army and the CIA appears to be a departure from standard practice. The very presence of the CIA at the prison signalled the introduction there of rules outside traditional military logic as well as jurisdiction. So a facility like Abu Ghraib lost its traditional function of providing one service in the linear logic of military deployment, something like an old-fashioned factory line, to become a multitasking node within a nonlinear or network logic. The criminalization of the enemy within military jurisdiction did not result simply from a mirroring of civilian practices, but rather from the dispersal and recombination of both these categories in radically new ways. And indeed there has been an increasing convergence in the US between criminal and military law over the past few decades, in which the latter is brought ever closer to civilian norms, even though its own jurisdiction may be expanding all the while. In other words the creation of new military enclaves such as Guantánamo Bay, themselves linked to civilian models like tax shelters and residences that exist beyond the reach of domestic law, is paralleled by their continuous movement towards criminal norms, which means that the problem is one of convergence between these spheres rather than the opposite.[17]

It was this very criminalization of enemy actions that had led to the partial suspension of the Geneva Conventions, which included the president approving in principle the use of what these Conventions defined as torture for Al-Qaeda and Taliban detainees in Afghanistan and at Guantánamo Bay in Cuba. It was because such detainees did not seem to fall under the formal, public and state-centred categories listed by the Geneva Conventions that they could be described as unlawful combatants, enemy combatants or unprivileged belligerents. The debate generated by these developments has focussed on the fact that such new enemies appear to possess no legal status at all, being defined neither as soldiers nor as civilians, neither as foreign subjects nor as domestic ones. This was exactly the concern expressed by the International Committee of the Red Cross as well as by the US Supreme Court, since the government did not even have a negative definition for such combatants, i.e. those who could not fall into their ranks.[18]

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17   For this see Chesney and Goldsmith, "Terrorism and the Convergence of Criminal and Military Detention Models".

18   Stasser, pp. 88-9.

What the debate overlooked is the fact that suspending any juridical definition for the enemy shifted him from the public status of foreigner and soldier to the private one of domestic and civilian ambiguity. Because this enemy had no legal status under international as much as domestic statute, in other words, he existed underneath the law rather than under it. And since even a criminal enjoys rights because he possesses juridical status, this new enemy was not classed as a criminal, but only as someone like a criminal who could at best be defined in the traditional parlance of law as a pirate, that is to say an outcaste on the high seas belonging to no jurisdiction and thus possessing no rights. And what this did was to transform the landscape of war into one of civilian and therefore of moral life, because removed from the legal fiction of the high seas this enemy was now increasingly given his due not by right but as a gift or favour. Treated thus he became a human being rather than a prisoner of war properly defined, which meant that his captors, too, were suddenly and not without irony defined merely as human beings and not as soldiers subject to a set of positive regulations.

Opponents of the Global War on Terror have seen in the US administration's manoeuvres to deprive Al-Qaeda detainees of legal process nothing but an ill-concealed attempt to evade judicial and indeed public review of repugnant actions like torture that it has sanctioned for them. While these critics are right in thinking that the American constitution's jurisdiction and even the balance of powers it institutes between the different branches of government are threatened by such moves, their fundamentally conservative anxiety to restore the *status quo ante* in these matters blinds them to the novelty of a situation in which the old rules make less and less sense. In some ways it is irrelevant whether the use of torture and the creation of extralegal enclaves in places like Guantánamo Bay was necessary to recover intelligence and prosecute the War on Terror, assuming all those detained for this purpose were genuine terrorists rather than petty criminals or hapless bystanders. For even if the answer to this question turns out to be a negative one, the Bush administration's establishment of jurisdictions and practices outside the reach of civil as much as military law followed a different logic. Whatever its eventual fate, this expansion of the political field into unknown territory signalled the state's ungainly effort to

occupy the new global arena uncovered in the most spectacular fashion by Al-Qaeda.

Armed with portable technologies of communication and destruction, Osama bin Laden and those he inspires have divested themselves of both the organizational and ideological forms of the old party, whether communist, fascist or fundamentalist. They have also revolutionized the nature of war by dispensing with armies and battlefields, and more crucially by ceasing to pose their enemies any military or existential challenge. And yet the destructive power of these global networks, together with the internal transformation and destruction of the societies in which they operate, makes of them a distinctly political rather than merely criminal threat. But since there is no traditional way in which Al-Qaeda can be engaged either politically or militarily, the US is forced to do so by partially dismantling its own political and military structures, though at enormous cost to itself, especially when compared with the severely limited numbers and resources of its enemies. The Global War on Terror, then, can be seen as an attempt to bring contemporary militancy into the political field, but only by expanding this latter to the point of turning it into its opposite. Thus the paradox of the US struggling to occupy a global arena that Al-Qaeda has infiltrated by transforming it into a quasi-criminal and even civilian space.

The laws of war inherited from Europe's interstate conflicts are based precisely upon renouncing the enemy's criminalization by making hostility a relative matter and thus absolute enmity impossible.[19] But the game-like character of war under these rules, which derive from the age of dynastic conflict, is exactly what partisans have always rejected in their role as representatives of modern conflicts like class or colonial wars.[20] Nevertheless these laws or at least the principles underlying them have consistently been restored after each great military transformation. Thus after the Napoleonic Wars in the early nineteenth century the Congress of Vienna reinforced legal distinctions between peace and war, combatant and non-combatant, enemy and criminal that survived until the end of the First World War.[21] This despite the fact that the introduction of military service had by that point effectively made all

19   Schmitt, p. 300.

20   Ibid., p. 299.

21   Ibid., pp. 211–12.

conflicts into people's wars, thus obscuring many of these distinctions and bringing the partisan to the fore as someone who could no longer be dealt with as a marginal figure to be defined as if he were a variation of the regular soldier.[22] Similarly after the Second World War, the partisan was recognized by the Geneva Conventions as the civilian member of a resistance movement of the kind that fought Nazi rule in Europe, though the introduction of atomic weapons had already transformed him into the global combatant of a conflict occurring below the status of war at its full technological capacity.[23]

By expanding the political field through the sanctioning of extra-legal jurisdictions and practices, therefore, the Global War on Terror has ghettoized the traditional laws of war, thus turning its enemy into a quasi-criminal figure. And while it was the emergence of networked forms of global militancy that provided the occasion for this limitation, the changing nature of conventional war had turned these laws into antiques a long time ago. Thus Carl Schmitt pointed out as early as the 1960s that the stipulations by which legal combatants could be recognized, such as by carrying arms openly or bearing insignia, had been rendered meaningless by nocturnal raids and long-distance or aerial bombardment.[24] Equally meaningless is the distinction between civilian and military targets in the conditions of a modern war, which is invariably fought in civilian areas.[25] By recognizing the new military landscape confronting the United States the limits placed by the Bush administration on the laws of war had the contradictory effect of limiting the military character of war itself in appearing to criminalize the enemy, yet not quite managing to do so.

Morals and the military

Though the ambiguous legal status of militants in the Global War on Terror may be compared to that enjoyed by pirates on the high seas in times past, the more apt precedent from territorial American history might well be the position of slaves, who also existed underneath the law

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22   Ibid., p. 213.

23   Ibid., p. 227.

24   Ibid., p. 229.

25   Ibid., p. 230.

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governing free men as much as criminals, becoming therefore merely human beings along with their masters.[26] For what could be more human than social relations governed by moral practices rather than by juridical ones based on the idea of contract? After all the legal rights enjoyed by slaves were based not on the contract of citizenship but rather on the kind of humanitarian obligations that were due to animals as well. In the American context slavery as a moral relationship arising from the absence of contractual duties has taken on a paradigmatic name, that of Uncle Tom. Even at its source, Harriet Beecher Stowe's abolitionist novel *Uncle Tom's Cabin*, the relationship of Uncle Tom and his master is portrayed as a moral one. Indeed it is the slave's demonstration of this morality that allows Stowe to call for his emancipation.

All this is made plain by the presidential memorandum of February 7, 2002, which suspends certain articles of the Geneva Conventions while simultaneously emphasizing the need to adhere to their principles. "As a matter of policy," the president declared, "United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva."[27] In other words these formerly juridical duties of military experience have been turned into the ethical prescriptions of an ambiguously civil life, becoming discretionary and therefore gift-like. The place evacuated by the language of the law is occupied by the vocabulary of morality precisely because there exist neither legal obligations nor even a clear doctrine regarding the treatment of detainees. Given this, it is not I suspect incidental that the "Final report of the independent panel to review Department of Defense detention operations" should recommend that all "personnel who may be engaged in detention operations, from point of capture to final disposition, should participate in a professional ethics program that would equip them with a sharp moral compass for guidance in situations often riven with conflicting moral obligations."[28] Indeed the

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26   I am thankful to Uday Singh Mehta for bringing this link to my notice. For a comparison of slave codes, criminal law and the legal reasoning governing the War on Terror, see Joan Dayan, "Cruel and unusual: the end of the eighth amendment" in the *Boston Review*, October-November 2004.

27   Strasser, p. 30.

28   Ibid., p. 99.

report not only recognizes the moral context within which human intelligence or HUMINT operations often occur, it recommends that soldiers who break this discretionary morality by torturing prisoners to extract information in some version of a "ticking time-bomb" scenario should in an equally discretionary way turn themselves in for punishment afterwards:

A morally consistent approach to the problem would be to recognize there are occasions when violating norms is understandable but not necessarily correct—that is, we can recognize that a good person might, in good faith, violate standards. In principle, someone who, facing such a dilemma, committed abuse should be required to offer his actions up for review and judgement by a competent authority. An excellent example is the case of a 4th Infantry Division battalion commander who permitted his men to beat a detainee whom he had good reason to believe had information about future attacks against his unit. When the beating failed to produce the desired results, the commander fired his weapon near the detainee's head. The technique was successful and the lives of US servicemen were likely saved. However, his actions clearly violated the Geneva Conventions and he reported his actions knowing he would be prosecuted by the army. He was punished in moderation and allowed to retire.[29]

Whatever the validity of the "ticking time-bomb" theory, or of torture's effectiveness, the report contends that it turns the soldier dealing with HUMINT into a moral actor, even and especially after he sees fit to break the legal code that defines his profession. Instead of reading the recommendations of the independent panel either as a lot of eyewash, or as routine ways of addressing routine military problems, I see them expressing a genuine attempt to deal with a novel situation—one which includes the troubling insertion into military life of an ambiguously civilian space of moral rather than juridical existence. "Some individuals," states the report, "seized the opportunity provided by this environment to give vent to latent sadistic urges. Moreover, many well-intentioned professionals, attempting to resolve the inherent moral conflict between using harsh techniques to gain information to save lives and treating detainees humanely, found themselves on uncharted ethical ground, with frequently changing guidance from above."[30]

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29   Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review of Books, 2004), p. 401.

30   Ibid., p. 25.

As if to support this position, the "Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade" even quotes Staff Sergeant Ivan L. Frederick II, a soldier accused of the most egregious abuse, telling colleagues who rescued one of his victims, "I want to thank you guys, because up until a week or two ago, I was a good Christian."[31] Similarly Specialist Charles A. Graner Jr., who had been a prison guard in civilian life and was accused of even more heinous abuse, is reported to have responded to a colleague's questioning of his behaviour by saying, "The Christian in me says it's wrong, but the corrections officer in me says, 'I love to make a grown man piss himself.'"[32] These comments were made well before any photographs had surfaced from Abu Ghraib or any investigations launched, and they illustrate for us the exclusively moral and civilian context in which such incidents occurred, since nothing about the army or military culture was even mentioned by the two men.

Indeed the men and women accused of abuse at Abu Ghraib all described their photographs as documentary evidence of the army's complicity in crime, or however unlikely it may seem, as proof to use against the army in case it betrayed them. While such statements are to be expected from those who have already been accused of wrongdoing, some of the soldiers invoked these justifications well *before* they were discovered, with men like Sergeant Hydrue Joyner keeping an illicit log of the "phantom" or unregistered prisoners interrogated by Military Intelligence just in case "They might be trying to come after me."[33] In other words the civilian and moral arena in which these soldiers acted was made to stand in opposition to military regulations and authority, both of which were disbelieved and distrusted. Of course such attempts to "document" the army's crimes were sacrificial insofar as they were at the same time a record of the soldiers' guilt, however these men and women might try to convince themselves that they were bystanders in crimes permitted by the military, or even coerced to participate in them though doing so only with a view to exposing the injustice of which

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31   Ibid., pp. 167-8.

32   Ibid., p. 215.

33   Philip Gourevitch and Errol Morris, *Standard Operating Procedure: A War Story* (London: Picador, 2008), p. 96.

they partook.[34] Whatever the case, these soldiers saw themselves as occupying a different kind of space than that prescribed by the army.

The emergence of such new spaces within the cultural and institutional life of the armed forces is neither accidental nor unplanned, for the prison we have been looking at outside Baghdad marked one site in which the eminently private, civilian and even moral vision for the military proposed by the US Secretary of Defense, Donald Rumsfeld, achieved its crude beginnings:

We must transform not only our armed forces but also the Defense Department that serves them—by encouraging a culture of creativity and intelligent risk-taking. We must promote a more entrepreneurial approach: one that encourages people to be proactive, not reactive, and to behave less like bureaucrats and more like venture capitalists; one that does not wait for threats to emerge and be "validated" but rather anticipates them before they appear and develops new capacities to dissuade and deter them.[35]

Both the Armed Forces and the State Department had opposed the president's suspension of certain articles in the Geneva Conventions, arguing not only that these were sufficient to deal with the enemy threat, but also that "to conclude otherwise would be inconsistent with past practice and policy, jeopardize the United States armed forces personnel, and undermine the United States military culture which is based on a strict adherence to the laws of war."[36] Apart from the repercussions of this suspension in terms of international law as well as of international reputation, which were primarily the concerns of the State Department, the military was concerned with the fragmentation of its own culture that such partial suspensions of juridical uniformity represented. And indeed a whole new world of private or civilian practice soon hove into view, or rather out of view, within the armed forces. For example interrogation techniques as well as moral liberties that had been permissible in Afghanistan and Guantánamo Bay, where the relevant articles of the Geneva Conventions had been suspended, were introduced into Iraq, where they were still in force, through "a store of common lore

34　See for instance Gourevitch and Morris, p. 201.

35　Donald H. Rumsfeld, "Transforming the military", *Foreign Affairs*, vol. 81, no. 3. May/June 2002, p. 24.

36　Strasser, p. 30.

and practice within the interrogator community circulating through Guantánamo, Afghanistan and elsewhere."[37]

The juridical fragmentation and privatization of military life was compounded by its institutional fragmentation and privatization, given the presence of private contractors or the CIA at a facility like Abu Ghraib, all working under different rules. Naturally the absence of legal or doctrinal uniformity, and the sheer multiplicity of guidance, information and authority present, created areas of confusion, negligence and criminal opportunity in the prison.[38] All this would be avoidable once a doctrine governing relations between these various elements was formulated and enforced. What seems to be unavoidable even under the most serene of conditions is the military's cultural and institutional fragmentation, signalled most disturbingly not by the infiltration of private contractors and the CIA into its domain, but by the spread of private or civilian practices among its own troops. And this is not a matter merely of temporary exigencies having to do with the particularities of time, place or resources, but apparently marks a new paradigm of war that has emerged since the attacks of 9/11. It is in this light that the deference accorded at Abu Ghraib to non-commissioned officers who had civilian correctional backgrounds becomes significant.[39] For no matter how accidental or temporary it might have been, such deferral points to the private, civilian and even moral nature of new military practices—which, paradoxically, end up treating foreign enemies like but not as domestic criminals.

A community of spectators

The emergence of the American soldier as a photographer, one who carries a digital camera everywhere, might well play a role in the transformation of the military by way of its infiltration from private and civilian life. These soldiers are as likely to photograph the Commander in Chief on tour, which presents a disconcerting breach in the serried ranks when seen on television, as they are to photograph some instance of abuse. In both cases the act of photography breaks up the public

37　Ibid. pp. 34-5.

38　Ibid. pp. 73-4.

39　Ibid. p. 81.

and collective identity of the military by introducing within it a strictly private and even civilian desire, since these pictures transform public and professional events into personal ones. One wonders, for example, whether the soldiers at Abu Ghraib had intended to use their cameras as tourists in the friendly Baghdad they expected to encounter, and if the photographs of abuse they took served also as tourist memorabilia. And indeed some of these images were claimed by the soldiers to be souvenirs, while others were meant to offer forensic proof of the army's complicity in crime, for instance the series of photographs in which Specialist Sabrina Harman and Staff Seargent Frederick uncovered and recorded the wounds of a "phantom" prisoner who had been murdered during his interrogation by an unnamed government agency.[40] But in fact it was difficult to untangle the soldiers' tourist from their torture photographs, with Sabrina Harman flashing the same thumbs up sign she had picked up from the Iraqi children she used to play with, both at archaeological sites and the "hard site" where prisoners were abused in Abu Ghraib.[41]

Those in the United States who exculpated the soldiers at Abu Ghraib by comparing their actions to hazing rituals at college campuses were not wrong, in the sense that both situations entail the creation of communities that are moral because based on trust, being in addition part of civilian and private life. Indeed the active participation of women in such incidents of abuse underscores the fact that we are not dealing here with some traditional military "boys club" or even of "male bonding" behaviour. On the contrary it was precisely the presence of women that made this abuse possible especially in its sexual form. Not only was the presence of American women crucial in attempts to sexually humiliate male detainees, female soldiers also allowed their male counterparts the chance to express their sexual fantasies simply by being there. In this sense the abuse of detainees represented only one end of a continuum where military regulations were routinely flouted by civilian desires. Thus a lot of photographs were taken of these soldiers breaking army rules by the keeping of pets, pornography and alcohol, while Charles Graner, in an equally forbidden adulterous relationship with

40   Gourevitch and Morris, p. 180.

41   Ibid., p. 75.

Private First Class Lyndie England, liked to take pictures of them having sex, or of her exposing herself beside a sleeping colleague.[42]

I would even argue that the routine and explicit invocation of homosexuality during these incidents, in threats of sodomy as well as in the posing of prisoners to simulate images from American gay culture, including orgies, fellatio and the "circle jerk" or group masturbation, were made possible by these women. It was their presence as voyeurs, participants and sexual objects that permitted these homosexual fantasies safely to occur as staged spectacles, and as it were rehearsals of the anxious debates over "gays in the army" that had assumed such public form during the Clinton presidency. So when Specialist Joseph M. Darby, who ended up reporting the abuse at Abu Ghraib to military authorities, first saw images of naked Iraqis forming a pyramid, he laughed, mistaking them for American soldiers engaged in particularly kinky horseplay.[43] The presence of women at Abu Ghraib also invokes the earlier debate over mixed-sex units in the armed forces, if only to show how counterproductive such mixing can be, since as Darby pointed out, soldiers in mixed sex units invariably paired off in adulterous and other illegal unions.[44]

The inverted multiculturalism that apparently made soldiers degrade inmates in specifically "cultural" ways like stripping before women or each other is also something imported from civilian life—though it serves as a red herring here, disguising the soldiers' own sexual desire in the acting out of standard pornographic roles, which they were more than familiar with, being avid consumers of pornography in defiance of army regulations. It is as if these men and women required the sexual complicity or participation of their victims, even therefore commanding them to masturbate. This form of intimacy, in which American soldiers participated by exposing their own sexual acts to the eyes and ears of Iraqi prisoners, defines Abu Ghraib as a site of moral practice. For like the relationship of master and slave, that between soldier and prisoner gained its intimacy by losing all regulation.

If slavery sometimes created bonds of passion as much as loyalty between master and servant, intimacy among captors and captives in the

42   Ibid., pp. 134-5.

43   Ibid., p. 232.

44   Ibid., p. 242.

War on Terror is also a phenomenon deserving the name of morality, since it can also lead to a relationship of mutual respect. This is the kind of relationship that we see in places like the US prison at Guantánamo Bay, as well as in the military bases scattered over Afghanistan and Iraq, some of whose soldiers have converted to Islam at the hands of their captives. A more familiar example of this relationship is provided by the so-called Stockholm syndrome, which refers to the sympathy that hostages often develop for their kidnappers. Oddly these captors are rarely if ever said to participate in the syndrome, being credited only with the sort of imposture and subterfuge that is characteristic of a theatrical villain. Yet in Abu Ghraib the intimacy between jailor and prisoner often took on the character of mutual identification, such as when Sergeant Javal Davis hurled himself onto a heap of naked detainees before stamping upon their fingers and toes with his boots.[45] That unexpected leap into the midst of his victims Davis described as a demonstration of the sentiment "We're here sucking it up just like you".[46] If this act of identification seems unlikely, here is another example from Davis's treatment of his prisoners:

"I got me a detainee who speaks English. I said, 'Tell them everything I'm saying. You all live in a cell. I live in a cell. You all are eating bad food. I'm eating bad food, too. You all want to go home. Hell, I want to know when I'm going home, too. I don't even know when I'm going home. You all are locked up. I'm locked up, too. You all can't see your family. I can't see my family.' From that point they started to relate with me."[47]

Imparting a sexual edge to this sense of identification, Davis would strip to his waist in front of the detainees and work out, then release and offer cigarettes to any of them who could beat the number of his push-ups or pull-ups. He also learnt passable Arabic and organized prayer hours for the men, all of which they seemed to appreciate.[48] And Javal Davis was not the only one to be torturer and friend at the same time. Sabrina Harman, too, assuaged her anxiety about the abuse she participated in by playing with imprisoned children and offering painkillers

45   Ibid., p. 188.
46   Ibid., p. 189.
47   Ibid., p. 103.
48   Ibid.

to the adults.[49] Sometimes the identification even went the other way, such as when two men, who were accused of raping a teenage boy, were punished by the soldiers to the uproarious approval of the other prisoners, despite the fact that the accused were meted out the same abuse their fellow detainees suffered day after day.[50]

Commanding prisoners to masturbate at Abu Ghraib, therefore, might well have served as a method to force into being an intimacy that the facility's lack of regulation invited. What does it mean for an inmate to be aroused by such procedures—if indeed any were? The consent given to his treatment by the prisoner's putative arousal works like the videotaped confessions of those who have been captured and executed by insurgents in Iraq. Indeed the circulation of digital photographs and video clips by US military personnel simultaneously with those of Al-Qaeda and other militants, sometimes on the same websites, like www.ogrish.com, is highly significant. Not only does one set of images often provoke and comment upon the other, each brings into being a secret community by its circulation. The resilience of this community is such that even after being forbidden by military authorities to do so, suspects in the Abu Ghraib incidents, according to the "AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade," continued conducting email campaigns "soliciting support from others involved in the investigation," [51] or "giving interviews to the media, and passing the questions being asked by investigators to others via a website." [52]And this only fragments and multiplies the war's global audience, for the benefit of which so many of its battles are in fact fought.

The problem posed by asymmetric warfare to conventional deployments of force is described succinctly in the "Final report of the independent panel to review Department of Defense detention operations," which states that asymmetric warfare "can be viewed as attempts to circumvent or undermine a superior, conventional strength, while exploiting its weaknesses using methods the superior force can neither

49   Ibid., p. 116.
50   Ibid., p. 152.
51   Danner, p. 557.
52   Ibid., p. 561.

defeat nor resort to itself."[53] While this definition recognizes the structural impasse posed by the kind of militancy that goes under the name Al-Qaeda, whose organization, mobility and aims no longer bear much comparison to those of guerrilla or terrorist groups in the past, it does not consider the ways in which such asymmetrical warfare has changed the armed forces itself.

But does not the collapsing of military distinctions between the external and internal enemy, or the front and rear line, mirror the global jihad's own collapse of the distinction between the near and far enemy, or the military and civilian one? Does not the juridical, cultural and institutional fragmentation of the US armed forces mirror that of Al-Qaeda, whose franchised character and identity as a brand name they have also adopted by the inclusion of outside contractors? And does not diverting military life into private, civilian and even moral channels mirror a similar diversion in the lives of Islam's holy warriors? In addition to pointing out numerous lapses in leadership, procedure, accountability and discipline at Abu Ghraib, for instance, the "Article 15-6 Investigation of the 800th Military Police Brigade" of 2004 makes the following comments on the appearance and relations among US personnel there:

In general, US civilian contract personnel (Titan Corporation, CACI, etc...), third country nationals, and local contractors do not appear to be properly supervised within the detention facility at Abu Ghraib. During our on-site inspection, they wandered about with too much unsupervised free access in the detainee area. Having civilians in various outfits (civilian and DCUs) in and about the detainee area causes confusion and may have contributed to the difficulties in the accountability process and with detecting escapes.[54]

Finally, because of past associations and familiarity of Soldiers within the Brigade, it appears that friendship often took precedence over appropriate leader and subordinate relationships.[55]

There was no clear uniform standard for any MP soldiers assigned detention duties. Despite the fact that hundreds of former Iraqi soldiers and officers were detainees, MP personnel were allowed to wear civilian clothes in the FOB after

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53   Strasser, pp. 26-7.

54   Danner, p. 302.

55   Ibid., p. 313.

duty hours while carrying weapons. [...] Some soldiers wrote poems and other sayings on their helmets and soft caps.[56]

Saluting of officers was sporadic and not enforced. LTC Robert P. Walters, Jr., Commander of the 165th Military Intelligence Battalion (Tactical Exploitation), testified that the saluting policy was enforced by COL Pappas for all MI personnel, and that BG Karpinski approached COL Pappas to reverse the saluting policy back to a non-saluting policy as previously existed.[57]

However dependent such incidents were upon individual and structural failures particular to the prison outside Baghdad, it is clear from all the reports I have cited that the particularity of Abu Ghraib was itself dependent upon more general factors, such as the waging of war by non-state actors and the consequent importance of HUMINT within it, that characterize the Global War on Terror as a whole. Interpreting the prison incidents quoted above in the context of these general factors allows us to compare the US personnel responsible for abuse with the enemy or unprivileged combatants they fight. For are not the latter deprived of prisoner of war status, and thus released from some of the provisions of the Geneva Accords, precisely because they do not follow military discipline, are not uniformed and do not themselves recognize the Geneva Conventions? These at least are the arguments put forward by the Assistant Attorney General of the United States in a memo to President Bush's counsel Alberto R. Gonzales on February 7, 2002, when discussing the legal status of Taliban and Al-Qaeda fighters with respect to article 4 of the Third Geneva Convention Relative to the Treatment of Prisoners of War or GPW:

DoD's facts suggest that to the extent the Taliban militia was organized at all, it consisted of a loose array of individuals who had shifting loyalties among various Taliban and al Qaeda figures. According to DoD, the Taliban lacked the kind of organization characteristic of the military. The fact that at any given time during the conflict the Taliban were organized into some structured organization does not answer whether the Taliban leaders were responsible for their subordinates within the meaning of GPW. [...]

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56   Ibid., p. 316. Parenthesis mine.

57   Ibid., p. 318.

Second, there is no indication that the Taliban militia wore any distinctive uniform or other insignia that served as a "fixed distinctive sign recognizable at a distance." […]

[…]

Third, the Taliban militia carried arms openly. This fact, however, is of little significance because many people in Afghanistan carry arms openly. […] Thus, the Taliban carried their arms openly, as GPW requires military groups to do, but this did not serve to distinguish the Taliban from the rest of the population. […]

Finally, there is no indication that the Taliban militia understood, considered themselves bound by, or indeed were even aware of, the Geneva Conventions or any other body of law. Indeed, it is fundamental that the Taliban followed their own version of Islamic law and regularly engaged in practices that flouted fundamental international legal principles.[58]

In other words, an individual cannot be a POW, even if a member of an armed force, unless forces also are: (a) "commanded by a person responsible for his subordinates"; (b) "hav[e] a fixed distinctive sign recognizable at a distance"; (c) "carry[ ] arms openly"; and (d) "conduct[ ] their operations in accordance with the laws and customs of war."[59]

The Assistant Attorney General's lengthy memorandum describes Taliban and Al-Qaeda fighters as enemy or unprivileged combatants in terms that can very easily be applied to American forces themselves, both structurally in their infiltration by civilian personnel and practices, including the denial of prisoner of war status to their enemies, as well as in the specific circumstances of places like Abu Ghraib or Guantánamo Bay. My purpose in drawing this comparison is not to point out the hypocrisy of US policy in the War on Terror, this being the accusation brought against the administration by militants as well as pacifists, but precisely in order to agree with its premises. Whatever its intentions in doing so, the Bush administration leapt well ahead of its critics in recognizing the sheer novelty of the situation that faced it in the very first days after 9/11. This administration was also quite correct to see how the globalization of militancy has, as Alberto R. Gonzales put it in

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58   Ibid. pp. 98-9.

59   Ibid. p. 99. All parentheses in original.

a memo to the President on January 25, 2002, made "obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions requiring that captured enemy be afforded such things as commissary privileges, scrip (i.e., advances of monthly pay), athletic uniforms, and scientific instruments."[60]

What the Administration did not take into account, despite its Defence Secretary's glorification of a civilian and venture capitalist model of warfare, was the breakdown of American juridical and military forms themselves as a consequence of the War on Terror. Having accounted for the new world looming up before it by destroying the lineaments of the old, the United States remains unable to replace these with anything resembling a new order. One consequence of this is the de-militarization of the War on Terror, which, though partial in nature, is highly significant nevertheless. It provides an important example of the interface between two organizational forms, the hierarchy and the network, that now coexist at almost every level of social life. Significant about this interface is that it allows the network form to consolidate itself while infiltrating its hierarchical enemy. That the reverse does not occur is crucial, whether or not a particular network, Al-Qaeda or its clones in this instance, is eventually demolished. For in the meantime hierarchy has become a kind of monster made up of itself and its opposite.

History in a de-militarized zone

I have been arguing so far that the immensity of American power together with the globalization of militancy has changed the face of war by pushing it beyond the inherited institutions of our political life. A paradoxical consequence of this change has been the de-militarization of war and its adoption of civilian forms both moral and organizational. Though deriving from its expansion into the extralegal reaches of a new global arena, this transformation of war does possess certain historical precedents. To begin with the communist conception of a global civil war had already moved conflict beyond the juridical boundaries of an international order to make of the enemy an absolute rather than relative category. This more or less theoretical abandonment of the laws of war, however, was lent a truly global reality with the development of

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60   Ibid., p. 84.

atomic weapons, the possibility of whose use forces nuclear powers to declare their enemies inhuman at the moral level even before annihilating them at the physical one.[61] For the atom bomb by its very nature does away with the chivalric relations set up between enemies in the laws of war, within which each sees the other as a version of himself and thus turns conflict into a game by setting limits to its destructiveness.

Weapons of mass destruction render the traditional laws of war irrelevant by the sheer capacity of their violence, which cannot distinguish between combatant and non-combatant or indeed any of the other categories listed by the Geneva Conventions. Whether or not the possibility of using atomic weapons even arises in a given conflict, then, their very existence, let alone the possibility of their deployment, has already pushed war outside the realm of the law. And the now commonplace talk of dirty bombs and tactical nuclear strikes does nothing more than generalise this new reality by criminalizing the enemy in the most thoroughgoing way. But we needn't rely upon the status of nuclear conflict, defining as it does the extreme limit of war, to point out how this latter has moved beyond its traditional legal form. For a number of conventional military operations also allow us to make the same argument. So during the Second World War the Allies had moved decisively beyond the laws of war not only by their acts of blockade, firebombing and finally the use of atom bombs, but equally by their theories of collective responsibility and unconditional surrender, which like many of this war's innovations were drawn from the more unregulated practices of colonial conflict outside Europe.[62] Writing in 1957 to oppose Oxford University granting an honorary degree to President Truman, the philosopher Elizabeth Anscombe provides us with perhaps the most succinct description of this new situation:

For some time before the war broke out, and more intensely afterwards, there was propaganda in this country on the subject of the "indivisibility" of modern war. The civilian population, we were told, is really as much combatant as the fighting forces. The military strength of a nation includes its whole economic and social strength. Therefore the distinction between the people engaged in prosecuting the war and the population at large is unreal. There is no such

61   Schmitt, p. 304.

62   Hannah Arendt makes this argument in *The Origins of Totalitarianism* (San Diego: Harcourt Brace and Co., 1973).

thing as a non-participator; you cannot buy a postage stamp or any taxed article, or grow a potato or cook a meal, without contributing to the "war effort". War indeed is a "ghastly evil", but once it has broken out no one can "contract out" of it. "Wrong" indeed must be being done if war is waged but you cannot help being involved in it. There was a doctrine of "collective responsibility" with a lugubriously elevated moral tone about it. The upshot was that it was senseless to draw any line between legitimate and illegitimate objects of attack. Thus the court chaplains of the democracy. I am not sure how children and the aged fitted into this story: probably they cheered the soldiers and munitions workers up.[63]

Apart from bearing a striking similarity to the kind of rhetoric used by Al-Qaeda in justifying attacks like those of 9/11, Anscombe's description of allied propaganda during the war is illuminating because it points out that modern conflict does not merely flout traditional law in practice but takes conceptual leave of it as well. However genuine the attempts to reinstate and reform these laws after each great conflict, therefore, their jurisdiction is increasingly circumscribed, as if war conducted by such rules is shrinking back to the originally European boundaries it occupied not so long ago. Could it be that the relatively unregulated colonial or civil war has emerged as conflict's new form across the world today, replacing the interstate wars of European history with its far more global countenance? Such a conclusion is given credence by the fact that with the exception of minor conflicts, all attempts to wage purely conventional war today seem doomed to failure, so that it is even possible to say that the more easily a conventional war like that in Afghanistan or Iraq is won, the more difficult is its unconventional aftermath likely to be.

Elizabeth Anscombe did not confine her criticism of modern warfare to its breaches of the legal order. Unlike critics of the Global War on Terror in our own day, who seem obsessed by what they see as the militarization of everyday life, she was more concerned with the way in which everyday life de-militarized war when this was conducted outside juridical norms. Thus in an essay from 1961 Anscombe argued that pacifism had as much to do with the abandonment of moral scruples about killing the innocent as any other factor during the Second World

63   G. E. M. Anscombe, "Mr. Truman's Degree" in *Religion and Politics: Collected Philosophical Papers*, vol. 3 (Minneapolis: University of Minnesota Press: 1981), p. 63.

War, and this precisely because it criminalized killing as such by re-fusing to draw any significant distinction between its legitimate and illegitimate uses:

Now pacifism teaches people to make no distinction between the shedding of innocent blood and the shedding of any human blood. And in this way paci-fism has corrupted enormous numbers of people who will not act according to its tenets. They become convinced that a number of things are wicked which are not; hence seeing no way of avoiding wickedness, they set no limits to it.[64]

The boldness of this argument lies in the fact that it so clearly recog-nizes the family resemblance, and even the causal relationship, between humanitarian action and military procedures—with these latter taking on a civilian aspect once released from the traditional language of law. The criminalization of the enemy achieved by setting aside a received juridical order, in other words, results in humanitarianism as much as it does in the dehumanizing violence of absolute enmity. Having noted its passing beyond the narrow confines of legal distinction, for instance that between guilt and innocence, Anscombe tried to introduce new distinctions within warlike practice. She did so by reference to a spe-cifically religious rationality rather than to a political one having to do with the state. And if this turn to Catholic philosophy betrayed her realization that war had surpassed its old political limits, Anscombe's citing of St Thomas Aquinas bears more than a fleeting resemblance to Osama bin Laden's citation of the Prophet Muhammad. Both figures are invoked for exactly the same reason: to occupy a new global arena and account for new global practices that are not represented by institu-tions of their own.

Religious doctrine does not provide the only vehicle by which a glo-bal arena lying beyond the reach of law may be traversed, and Bin Laden himself is not averse to doing so by using subtler means of locomotion. Such are the repeated offers to his enemy of a global truce, which, given Al-Qaeda's lack of an institutional foundation, can only be based on the kind of trust that approaches faith, however reasonable or unreason-able its conditions might be. But who can say if engaging a figurehead like Osama bin Laden, even if only in the arena of media coverage, might not achieve a properly political result? After all it is precisely Bin

64   G. E. M. Anscombe, "War and Murder", in Ibid., p. 57.

Laden's soundbytes in this arena that give shape to militant ideas and practices the world over. And so whether or not such an engagement is possible, the institutionally attenuated truce that has become such a feature of Al-Qaeda's rhetoric represents the closest thing to a political gesture in its arsenal of murderous acts. Yet we have seen that it is a truce without institutional context, one that depends upon public dec-larations in the media rather than negotiations in private for its effect. With all its paradoxes, however, I believe that this extraordinarily novel gesture forms a narrow bridge to the globe's political future. I want to end this chapter, then, with a brief consideration of how Al-Qaeda's bizarre offers of a truce to its enemies constitutes an element in some politics still to be born.

In his *Theory of the Partisan* Carl Schmitt argues that with the rise to prominence of the irregular combatant warfare takes on a different logic because it is progressively separated from the realm of domestic or inter-national law as this is traditionally conceived. Rather than partaking of the political rationality of a state, in other words, warlike actions among both regular and irregular combatants are now increasingly defined by the logic of risk, which possesses another rationality altogether.[65] For however dedicated they might be to the cause of a state, actions based on the calculation of risk remain free from its legal order, which alone imparts rationality to politics. Both the technologies of regular combat, claims Schmitt, and their irregular deployment by the partisan, mean that this lawless situation is becoming the norm in modern wars. And indeed it is not difficult to see how militants today conduct themselves according to a logic of risk that ends up infecting even their convention-ally organized enemies, as I hope my description of the incidents at Abu Ghraib goes some way towards demonstrating.

But the calculus of risks does have a juridical incarnation, which in times of war takes the form of assurances. Being elements of commercial law in their origin, assurances have been used in wartime to allay the risks taken by traders, including those breaking embargoes or dealing in contraband, and all without reference to any common jurisdiction.[66] Instead of allaying the risk to life that is in any case run by soldiers, partisans and civilians during war, assurances allay the risk to trade in

65   Schmitt, p. 231.

66   Ibid., pp. 232-3.

conditions marked by the absence of law.[67] Assurances, however, have also become instrumental in the establishment of relations between militants and the state, often representing the sole political relationship between enemies who face each other outside the laws of war. As such assurances can either serve as a bridge to the kind of political rationality we have traditionally known, or to the unknown rationality of politics in a new global arena. Now the truce that those who go under the name of Al-Qaeda so frequently invoke constitutes precisely an assurance in this double sense. And my guess is that it forms a bridge to the future of politics itself in a global arena, not least because such a truce happens to be the only monument left standing in a battlefield strewn with the ruins of our political institutions.

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67   Ibid., p. 234.