

2 Dramaturgy of suspicion and the emergence of a transnational guild of extraction of information by torture at a distance

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The practices of “torture at a distance” – that is, the combination of extraordinary renditions to other services abroad in order for them to extract information from the bodies of the suspects and the outsourcing of enhanced interrogation techniques to get results – have only been possible because of the obedience of a large number of secret services in Europe and beyond. These services have accepted either to torture suspects, instead of the US secret services doing this, or to “prepare” subjects by “softening” their resistance before the arrival of US or UK interrogators.

Why did so many countries agree to take on this unpleasant task, or at least turn a blind eye when suspects conveyed on CIA planes would make stops for refueling or to pick up other detainees, especially when so many were not members of the so-called “coalition of the willing”? Could we explain this obedience as a result of a transnational solidarity for the goals of the coalition of the willing and a profound agreement with the necessity to do it? Could we consider that a cost-benefit analysis was calculated and that the CIA or the US government, aware that their own judges and public opinion may condemn them if they took part in torturing suspects in their own territory, proposed a large series of rewards for these countries to do so instead? Did they think it was easier for these unpleasant tasks to be carried out secretly if a delegation of the worst practices was set up abroad? Who decided the different moves in the trajectory leading to torture at a distance? Was it a secret policy coming from a political agreement that the services just applied, or was the process influenced to the point where services lied or silenced their operations in favour of the CIA regarding their own national politicians?

How and why were the different actors engaged in such a secret programme unaware that because of the extended nature of the operation, it would be impossible to protect? If, thanks to a coalition of watchers, investigative journalists and some academics, we have a better understanding of the how – and therefore of the shared responsibilities in these events – we still have a series of questions regarding the why.¹

Was a “spectacle” around secret methods carefully planned to deter potential enemies, or was the disclosure of these methods simply the result of inability to avoid leaks regarding such operations in democracies because of

conflict of values regarding their legitimacy? This ambiguous status of a spectacle organised around secrecy and torture is what I call a “dramaturgy” of suspicion and (counter)terror.²

By that terminology of dramaturgy, I want to challenge the belief of many scholars that extraordinary rendition practices come from “manuals” written by neoconservative politicians and lawyers testing their new ideas about the conduct of secret warfare against “unknown unknowns” and creating a new episteme for future forms of warfare. They see the CIA and its transnational network as applying a script written by others and obeying it. I want to question the more structuralist position which suggests that torture at a distance is a vagary within the strategy of a full spectrum of dominance inspired by neoliberal warfare willing to impose its new style (privatisation, transnationalisation, digitisation, autonomisation from the state). In that case, the CIA is not obeying politicians as such and has some degree of autonomy, but it is nevertheless an instrument of an imperial systemic logic.

Following those interpretations, CIA practices are derivative of a larger strategy, and the CIA succeeds in convincing other counterparts over the world to help them in their mission of “extraction of information”. CIA practices are an “answer” to the attacks of September 11, 2001. They are a reaction. But is this really the case?

I also want to question the so-called obvious correlation between the attacks of September 11 and the right of self-defence, of legitimate retaliation or, more plainly, of satisfaction from patriotic revenge against enemies who dare to strike at the heart of American cities while they themselves are so weak in terms of power. Torture is not revenge based on reciprocity of violence between actors in dirty wars, but rather the result of a specific frame – a military approach to applying “suspicion” by secret services oriented towards prevention and so-called prediction of the future.³

Contrary to the argument that in a state of emergency or state of exception, the administration is obliged to react this way to fulfil its duty, nothing was already written or automatic. The response in the form of transferring military powers to the president, validated by Congress on 14 September, was only one among many options. The drama was not “objective” or “ineluctable”, but the *frame* that was chosen. And this frame was to elevate a terrible local event to the status of a global event, changing the world forever and announcing an apocalypse for tomorrow with *modus operandi* from plane-driven destruction to potential weapons of mass destruction, which the prosaic George W. Bush translated for the larger public as “an atomic bomb in a rucksack”.⁴

The political narrative will therefore provide a condensed version of the fight between the forces of evil and the forces of good, where the latter has a duty to win and may use means that on other occasions they would consider disproportionate and unethical. But this narrative works only if the present *suspicion* directed at all potential enemies becomes the only solution to prevent the worst-case scenario of a battle of Armageddon.⁵ Insisting on a narrative of global, unending war is a way to create the impression that the

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enemy is unknown and powerful but that he can, nevertheless, be countered and eliminated by adequate technologies of surveillance and preventive strikes if information about future action can be “extracted” in time.⁶ This is a very fragile equilibrium where the least exaggeration of the enemy’s unknown character may lead the population to despair about the efficiency of the authorities, but too much confidence can be shaken each time an attack, even of a small scale, is carried out. The population has therefore to believe in this “information war” where speed and anticipation is crucial to avoid a real Armageddon.

A permanent state of emergency in the search of the real meanings of “weak signals” is then the emergent property of this war against uncertainty regarding the next move of the enemy.⁷ Traceability of previous locations and identification of suspects become key moves that reverse the in-depth surveillance of the few for a large-scale surveillance of the many. It is said that this will help to make sense of weak signals of enmity, to dispel the fuzziness of the real enemy in the midst of all the profiles of persons that look or behave like him. But as experience has shown, far from finding the real enemy without error, these practices can lead to false positives, catching mainly the convenient suspects, those who are too weak to protest the previous stages of suspicion (often migrants) and only sometimes successfully anticipating preparatory plots.⁸

This “uncertainty” of the enemy’s location and identity in its physical embodiment implies a deterritorialisation of the fight at a global scale and a political imagination where the main character becomes a *stealth enemy* – an ideological, abstract enemy who has the capacity to strike everywhere because he is hidden in the middle of the US population and can connect with those in command, acting from abroad.⁹ This stealthiness of the enemy, more or less known ideologically but undetectable, will create the justification for a *paranoid* politics that may embrace the central population and turn it against any idea of welcoming others.¹⁰ But the play works only if a *dramaturgy of suspicion* is implanted into the heart of the audience and becomes the justification for brutality, both outside and inside the country.

Therefore, suspicion will be, first, the mechanism by which a discourse of prevention can be credible.¹¹ Suspicion will have a second effect in terms of reversing the logic of criminal justice and the presumption of innocence. The terminology is eradicated and so too is the possibility of human action to change trajectory. Evil forces are predetermined and will always act along patterns whereby the suspect will, without doubt, be a criminal or a terrorist in the future. Prediction by technological means takes over from the notions of freedom of will and uncertainty of human action. Security by technological means becomes, in this scenario, the only way to prevent a potential “enemy” – a “needle in a haystack” – from striking, because the future is considered knowledgeable if big data, profiling and algorithms are used to inform the “intuitions” of the services about who specifically is a dangerous individual.¹²

Dramaturgy of suspicion will, perhaps mainly, have a third effect: it will transform the CIA, the apparent loser of September 11, into *the* bureaucracy to put in charge of the fight, rather than the military, the police or the judges,

because they are the “professionals of suspicion”, the ones who know that in a “dirty war”, a potential suspect has no rights – he is just a “reservoir of information” to be exploited.¹³

But, as any dramaturge knows, characters are resilient to the will of the director, and they wait for an author.¹⁴ The grand strategy is lost in the middle, forgotten in the intricacies of ordinary struggles for control between actors as well as struggles between security organisations. Guantánamo, far from being a place with no law, will be the place for competitions between incoherent administrative laws.¹⁵ The refusal to accept a new system of command, and to be placed under the Department of Homeland Security, will exacerbate the internal fights and the distinctive logics of each agency.

From this framework of a dramaturgy of counterterror led by a dramaturgy of suspicion, the argument is as follows: A careful reading of the Feinstein Report on relations between the CIA and the other actors involved shows that the CIA will be unreliable, incapable of structuring a solid network and, thus, will rely less on constituted groups and ultimately will resemble “a mafia on the run” more than an operational control and command centre.

The CIA will never be certain that these operations were not a manoeuvre against them by the other agencies of the US government, and paradoxically they will be chased by the heteroclitic assemblages of small NGOs watching their planes, by the Red Cross consigning the movement of prisoners and asking questions, and by other bureaucracies refusing to assist them or to disclose what they knew about the secret operations. Therefore, the great vision of the CIA as a formidable machinery of efficient operations planning at the world level is a myth. This is more a strange reminiscence of James Bond movies about the mighty power conferred to mythical secret services, be it MI6 or the CIA, than an accurate account of what emerges from the different reports of the oversight bodies.

The second part of this chapter will develop the consequences of this idea of a dramaturgy of suspicion and its actors by describing them not as a state, an empire or a military-industrial complex, but as a small and dispersed transnational guild of professionals that recruit persons worldwide having the same “craft” as them; that is, an astrological pretence that they can extract information and truth from the bodies they detain in order to “read the future” and “prevent terrorism”.¹⁶ This framing in terms of a transnational guild for extraction of information from bodies (CIA) and communications (NSA) by intrusive and violent means prevents an approach based on pure inter-state relations; and the lack of knowledge of some key actors abroad shows the capacities these “guilds” have for creating their own visions of the world, their own rituals, their own field of practices that are sufficiently autonomous to survive a coalition of interests for more accountability. But to accept this hypothesis supposes one of the most difficult intellectual tasks, which is to deconstruct both the unicity of the state and some geopolitical discourses, recently reactivated at their extremes.

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Nevertheless, in this way, I hope to shed light on the fact that inside the US, despite the neoconservative agenda of post-September 11, the CIA's practices have generated resistance from other bureaucracies and lately from the judges and the oversight bodies that are charged with supervising them. This is even more the case among civil society groups and NGOs. However, the time lag between the commission of these acts by the services and the dissonant actors being able to have a real impact has allowed some analysts to ignore the acts totally and to jump to the vision of a desperate future of a "permanent state of exception" reproducing itself forever. To insist on resistances – to reassess the very important role of the International Committee of the Red Cross, for example – is central to understanding the ways in which counterterrorist practices implying torture, violence and secrecy have been developed but also blocked. The dramaturgy of suspicion and counterterror is therefore what renders opaque the mechanisms of power by which torture has happened, who has done it, with what forms of complicity abroad, and the forms of resistance and their success. But once the curtain closes on the play, the magical effect disappears and the sordid practices remain what they really are: criminal acts, inefficient and illegitimate, which never extracted information but were performed by a state bureaucracy nevertheless.

More theoretically, this chapter seeks to reopen inquiries about the current *doxa* regarding "security studies" and its subfield "terrorism studies". Examining the spectacle of counterterror in liberal states and the transnational activities of their secret services is a crucial task. Richard Jackson suggested some time ago that the amount of research concerning state terrorism in democracies was very low, but that such studies were necessary and precious intellectually. As he said,

This kind of critical destabilisation is crucial for opening up the space needed to ask new kinds of questions and seek new forms of knowledge, and for promoting particular kinds of normative projects, including those that extend beyond the project of "national security".¹⁷

But terrorism studies have avoided discussing torture practices by secret services in democracies on the basis that it is not within their realm. For me, on the contrary, these studies raise profound questions about the mechanisms by which counterterrorism may drive Western secret services agencies into a path of *reciprocity of violence and vengeance* that leads them to resemble the actors they are combatting when they engage in a form of rivalry generating mimesis and producing sacrifices.¹⁸

Scrutinising the CIA programme(s) and the transnational practices of the professionals of extraction of information via the US Senate Select Intelligence Committee report disclosures

As explained in detail in other chapters of this book, on 5 March, 2009, the Senate Select Committee on Intelligence (SSCI) voted 14 to 1 to open an

investigation into the CIA's Detention and Interrogation Program. The investigation was led by Dianne Feinstein. In August 2009, Attorney General Eric Holder announced a parallel preliminary criminal investigation into the use of unauthorized interrogation techniques by CIA officials. As a result of the Attorney General's investigation, the Republican minority in the SSCI concluded that many witnesses were unlikely to participate in the investigation for fear of criminal liability. In September 2009, citing the Attorney General's investigation as their reason, most of the SSCI Republican minority withdrew their participation from the investigation. Nevertheless, the investigation continued. The committee approved the study on 13 December, 2012, by a vote of 9 to 6, with seven Democrats, one Independent (Angus King) and one Republican (Susan Collins) voting in favour of publication and six Republicans voting in opposition.¹⁹

As a follow-up, on 3 April, 2014, the committee voted by 11 to 3 to declassify the study. Immediately, the CIA contested this and demanded the release of only a short summary. Parallel discussions within the White House about immunity for CIA agents became a key moment of secret negotiation. President Obama finally admitted at the end of July 2014 that "the CIA had tortured some folks",²⁰ thus paving the way for publication of the committee's findings. But at the same time, he promised the CIA administration immunity from prosecution for all personnel involved in these practices and made an ambiguous speech in which he recognised the key role of the CIA, despite the Feinstein Report's description of the inefficiency of the extraordinary rendition programme. Following further political discussions during more than three intensive months between members of the Senate, the White House and the CIA, what was finally agreed upon was the publication of an extensive executive summary²¹ on 11 December, 2014, itself running to more than 500 pages while the full report, never released to the public, runs to 6,682 pages.²²

Those who have been vocal critics of the CIA-led programme welcomed the results provided in the Feinstein Report summary. This was a key moment of the Obama presidency and very well received by his electorate, which was waiting for such a condemnation of the activities of the neoconservative Bush administration. It was thought this would change the way democracies run their secret services and that the US would pave the way for other democracies to accept the end of secrecy and the inappropriate behaviour of secret services where they go directly against the principles they defend (the prohibition of torture especially).²³

The findings were difficult for opponents to challenge. Over the course of five years, the committee had access to all CIA information on the programme from its inception, though it quickly discovered substantial gaps – for instance, videotapes of a number of interrogations had been destroyed.²⁴ Notwithstanding an agreement between committee Chairperson Feinstein and the former director of the CIA that the committee would have unfettered access to the CIA computer system without surveillance, this agreement was breached on a number of occasions by the CIA, which searched committee

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members and staff email exchanges and, according to Feinstein, leaked false information to the public and to the Department of Justice about the activities of the committee and its staff.

This created outrage among the Democrats on the SSCI, especially from Dianne Feinstein herself. But still a significant part of US civil society was unconvinced that the findings were completely accurate, and that the CIA has done worse. But at the same time, the committee's failure to reach a unanimous decision on the report has been used widely by those opposing its conclusions as a way of minimizing its findings and discrediting it as an ideological enterprise.²⁵ Therefore, though the executive summary attracted for a short period substantial political and press interest, as we will see, a form of silencing operated at all levels of institutions, society and international arenas, and key questions were not asked.

The report's narrative: What to find, but also what to avoid finding

The Feinstein Report examines the CIA's extraordinary rendition and secret detention programme instituted after the September 11 attacks on the US as regards the capture of individuals outside the US, their transfer to various sites around the world and their interrogation. The executive summary describes the programme as one of "indefinite secret detention",²⁶ and Dianne Feinstein considers that the result of the enhanced techniques of interrogation created serious violations of rights. These inappropriate activities of CIA agents led to the death of one man, at least, and the detention of 26 people who were mistaken for others and wrongfully held at black sites.

The Feinstein Report has emphasised not only the lack of seriousness of some of the allegations against detainees, but also the brutality and the gravity of the violations of human rights. Among the brutal enhanced interrogation techniques, it has been proved, and recognised by the director, that the CIA had force-fed some prisoners orally and/or anally in order to establish "total control over the detainee." Threats were made of rape and murder of prisoners' children or family members. Some were victims of "mock executions". Several prisoners became completely unresponsive or nearly drowned during waterboarding. Prisoners were kept awake for over one week (180 hours), causing at least five to experience "disturbing" hallucinations. One prisoner was placed in a box the size of a coffin for over 11 days. CIA interrogators used unauthorized forms of torture such as forcing a prisoner to stand with his hand over his head for two and a half days, putting a pistol next to his head and bathing him with a stiff brush. Of the 119 known detainees, the CIA and its accomplices around the world tortured at least 39 of them.

In addition, the report's documentation of torture clearly shows that the enhanced interrogation techniques were an intended and planned activity carried out by CIA personnel and contractors with approval from the highest levels of government. This was not done by some "bad apples" or because of

misunderstanding of administrative rules. It was US policy, even if everyone along the hierarchy chain was conscious that it was illegal. This was also one of the reasons why, to avoid scrutiny of judicial tribunals, it was carried out outside the territory of the United States. The secrecy of the programme has been considered central; its revelation by investigative journalists was viewed as a “catastrophe” that risked de-credibilising the overall US strategy of the war on terror. Once the programme was revealed, lawyers of the US Department of Justice were asked to find a way to justify it.²⁷

In sum, CIA agents, with or without the knowledge of US ambassadors in the foreign countries, and with or without the knowledge of the political authorities in those other countries, have “lent” to their counterparts some individuals, who were often deported two or three times to different locations. Beyond Guantánamo Bay and Bagram airbase, places of detention have been identified in European countries such as Lithuania, Poland and Romania and many other places around the world, among which the most important were Thailand, Morocco, Afghanistan, Kosovo, Somalia and Kenya. And in the transit process involving any number of different states, even more complicity was needed: 54 were involved in total.

The possibility of court action against the Bush administration and the CIA agents involved in these practices has been considered over the past decade. This has boosted new international discussions about the practices of the CIA worldwide and the Detention and Interrogation Program, but also, after the closure of the programme by the Obama administration, the possibility that the drone strikes led by the US military’s extrajudicial killing programme in Afghanistan, Yemen and Somalia was its *de facto* successor.²⁸

Of course, for the general public and academic researchers, the report is for the moment known only through its résumé, and many names as well as sensitive information have been censored. The main “findings” of the report are therefore straightforward and address a parliamentary and journalist audience more than a historian or judicial one.

Four headings are highlighted as the “main findings”, and these challenge the vision of a plan well organised by the CIA with the full support of all the state bureaucracies. On the contrary, these show the incoherence of the overall project and the different fights between the agencies as well as the CIA’s fear of becoming the scapegoat of the project once it had been revealed by the *Washington Post* and the pressure being applied by many NGOs, including the Red Cross.

The first main finding was that the CIA’s “enhanced interrogation techniques” were not effective. The committee examined eight principal representations made by the CIA that its programme had produced critical intelligence which “saved” someone from a terrorist attack. The committee concluded that all the claims were false and that the CIA’s claim that it extracted critical information from those they were torturing was untrue. On the contrary, it found that all the critical information which formed the basis of the eight representations had in fact come from other sources that were unrelated to

torture. Second, the CIA provided extensive inaccurate information about the operation of the programme and its effectiveness to policymakers and the public. Third, the CIA's management of the programme was inadequate and deeply flawed. Fourth, the CIA programme was far more brutal than the CIA represented to policymakers and the American public.

Interestingly, the Feinstein Report did not address the question of legitimacy of the use of these practices regarding violations of human rights, limiting its critique to lack of efficiency, a position different from reports previously published in Europe and clearly minimalistic.²⁹ It is also very clear that at no point was the question of the mimetic dimension of violence addressed, and the link between torture and new attacks, fueling an escalation, is also avoided completely. In the report, the CIA's tasks, as long as they obey politicians, are considered legitimate. Nevertheless, even if limitations exist, these four central issues arising from the report still challenge many of the narratives of both traditional and critical political science approaches.

First, post 2001 the CIA appears to have been increasingly placed in a position of isolation by other US bodies and agencies; examples include the refusal of cooperation by the US military to provide detention sites and the contradiction of CIA claims by the FBI. Second, this led to the abandonment of a proposed policy of using the network of US military bases as *loci* for secret detention outside the US, and the CIA was obliged to rely more and more on its world counterparts to do part of the "job". Many external intelligence services, of Europe and traditional allies in the third world, would therefore be part of the shared secret of the programme, sometimes with the knowledge of their own government, sometimes not.

Third, when the CIA was under attack by other agencies in the US (such as the FBI) about its effectiveness, it was the intelligence agencies in EU states (primarily the UK) that cooperated and provided "cover" for the CIA regarding its positive role for counterterrorism. And finally, the cooperation between the CIA and its counterparts (MI6 in the UK, DGSE in France and other operational services based centrally on human intelligence operations) in order to provide sites for detention and torture outside of the US has been inherently unstable as a result of information leaks about the presence of the detention centres and the pursuit of states by international organisations, such as the International Committee of the Red Cross (ICRC), which caused most European states to withdraw their cooperation.

In fact, it is clear from the Feinstein Report that the CIA was actually in a weak position as soon as the secrecy of the programme was broken by the US media. The foreign operatives were forced to evade the ICRC investigations and growing pressure from previously complicit governments to avoid the scandal of being complicit in torture or, even worse, appearing to have conducted the job of torture for the Americans, the former being only taxi drivers delivering the suspects.

According to the report, the CIA had at first hoped to carry out the Detention and Interrogation Program at US military bases (Finding 11).

Permission was sought from the Department of Defense to place prisoners from the programme into military custody (Finding 19), but to no avail. Nor would the Department allow access to military bases for the purpose of concealment of detainees from the ICRC (Finding 11). The Department of Defence's opposition to becoming involved was further shown in the refusal even to give medical help to detainees (Finding 19). This is central to understanding the process and the centrifugal dynamic of power, forcing the CIA to rely on places other than the US bases. The CIA had to use its own network of agents abroad to convince the secret services of the foreign countries to work with them.

The U.S. Department of Justice, despite its successive neoconservative heads, has tried as far as possible to keep intact the boundaries of its responsibility inside the country – to the complete exclusion of the CIA. The FBI obediently followed the political line of the Bush administration. Yet, it also sought to counterbalance the weight of the CIA and NSA regarding the launch and development of the war on terror. The CIA, on the contrary, adopted wholeheartedly the neoconservative doctrine of a “global civil” war, implying a “global counterterrorism approach”. For the agency, this was perhaps a chance to take the lead among the many US intelligence agencies with security responsibilities. The CIA is shown in the report as considering itself the only agency with enough knowledge from sources outside the country to be able to safeguard the US internally, both against outside enemies and the potential enemy within.

The CIA Director perhaps saw an opportunity to become the right hand of the White House Defense Secretary at a time when the Pentagon and the Joint Chiefs of Staff (leaders of the army, navy and air force) were hostile or at least reluctant to place the armed forces in the position of “remodelling the Middle East”, an approach welcomed by those close to the President at the time. The CIA benefited from the clash between Cheney and Rumsfeld's “one percent doctrine”, which offered justification for extracting information from every suspect, and the more legalistic approach of the Pentagon's generals, who worried that this strategy undermined the status of prisoners of war and thus threatened potential US prisoners. Some also warned that enhanced interrogation techniques would damage relations between the US and its allies and tarnish the image of US soldiers.

This confirms what was explained in mid-2000 by different researchers – that the Department of Homeland Security's ambitions prior to its realisation and the idea of fusion centres provoked more struggles, not less, between the different agencies. The CIA's fear of being held responsible for all the failures of September 11 was very serious. They were ready, as an organisation, to do what the other agencies would not do and bow, partly, to the hardliners of the neoconservatives who were in key positions.³⁰ The US government and its executive branch, especially with the creation of the Department of Homeland Security, influenced by the strong ideological impetus provided by neo-conservatives, were never in a position of absolute domination over other departments. The Justice Department, the State Department and others

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(inside the Pentagon) appear never to have been convinced about the necessity and the opportunity to launch a war on terror in order to justify attacks on Afghanistan or Iraq.³¹ These other actors seem to have proposed coercive alternatives less costly in terms of international image and financial resources.

The new documents examined by the Feinstein Report give insights into the multiple sites of contestation and resistance present; this included some individual members of the US Senate, the Judge Advocate General's Corps of the United States Army, some circuit courts inside the US federal system and many administrations of US cities, along with a host of civil society actors including librarians, civil rights lawyers and many NGOs, the Red Cross playing a key role.³²

The CIA's inability to convince other agencies to participate in their programme of extraordinary rendition pushed the agency to take risks in order to re-establish its legitimacy in the intelligence sector, notwithstanding the potential (and actual) trouble this would cause with the justice system. However, these internal problems forced the CIA to rely ever more on their connections outside US agencies, especially less legitimate connections (those with previous and present dictatorships), to extract information from their high-value detainees.

Thus, the CIA's need to find states across the world that were willing to be complicit, because they were weak within their own state structure, becomes understandable. The fact that the CIA never succeeded in persuading the Pentagon to participate in their programme becomes an important factor. It is clear that in Europe the CIA succeeded in gaining support for their narrative of prevention from some actors in the UK, which accepted the argument that the CIA needed to have information "at whatever cost". Yet, the CIA does not appear to have succeeded in having their UK counterparts provide detention centres for torture. The UK intelligence agencies seem to have been more uneasy about the CIA's passage from an espionage to a detention and torture agency, and their advisors seems to have pointed out the risk of oversight bodies and court action, including at the European level.³³

This is corroborated by the different findings of the report, which are seen as contradictory if one tries to use the grand narrative of a "spy web" and does not see the dramaturgy at work. It was in order to secure sites for detention and to avoid observation by international organisations that the CIA approached other countries. Yet, there was concern about these countries because of governments opposing involvement in the programme as well as the potential for leaks of information. Gaining cooperation was also costly since significant sums had to be paid to the countries to encourage their involvement. Moreover, on two occasions, the CIA had to abandon, at much cost, facilities they had purposely built for use in the programme because the countries in which these were located had pulled back on account of possible adverse political reaction (Finding 20).

Nevertheless, despite huge financial incentives, many countries whose governments were aware of the CIA's activities withdrew from being complicit

and asked the CIA to move detainees somewhere else, which helps explain why so many prisoners were moved more than once: it was not the choice of the CIA but the impossibility of keeping them in secret detention when politicians of other countries realised that they would be blamed in this outsourcing of torture. The reluctance of the authorities of those countries to withstand (potential) national and international condemnation regarding complicity in the CIA's torture activities was clear. More than once in the report, the ICRC's vigilance in fulfilling its mandate to visit detainees wherever they are held³⁴ is referred to as an important risk to the CIA programme. And the courageous story of the ICRC and its impact on the blockade of part of the war on terror is still to be written as their activity was clearly politically significant in matters of human rights, limiting the possibilities for secret services of democracies to play by the rules of arbitrariness of violence.

The CIA and its transnational network

Thus, one of the main lessons we can learn from the report is that far from being the omnipotent armed guard of the all-pervasive state of exception, the CIA appears to rely more on a transnational network constituted of heteroclite partners ranging from other secret services, presidential guards, retired professionals of torture who instructed dictatorships in the seventies, specialists of counterinsurgency and contractors specialised in psychological operations (PSYOP); and this network is connected only by the "craft" of doing torture, forming a guild of professionals who extract information from the bodies and minds of people. And this guild, without proper legitimacy, is forever fearful of being found out and punished. Immunity from prosecution for its agents therefore became the obsession of all CIA officers.

The reading of the Feinstein Report tells us, finally, a slightly different story than the one given by academia obsessed with the "state". Here, the "state" is *de facto* deconstructed and becomes a field of power struggles where rivalries between the agencies have been key inside the US, while cases of solidarity regarding extraordinary renditions have been transnational. Such a sociological approach in terms of the field of power allows us to understand the "de-governmentalization" of US policy, the specific internal fights between the CIA and key executive figures, and the resistance of other bureaucracies inside the US, transforming the CIA programme into a "renegade" project in which the CIA has been "obliged" to count on its network abroad to continue its clandestine operations.

State of exception, state terrorism, state crime: Three co-constitutive illusions about the unicity of the state provided by the dramaturgy of counterterror

A long list of books and articles have explained the supposed links between the CIA, the FBI and US defence bases abroad in the practices of

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extraordinary rendition. Some authors have insisted on the coherence of the policy of US hegemony and its capacity to outsource while keeping the upper hand on the process of rendition. Others have, on the contrary, explained that foreign governments were not passive actors, but central players in torture.³⁵

The most common metaphor is the one of a gigantic spy web around the world, collecting information on potential terrorists and selecting the most dangerous for provision of supplementary information – if necessary, with the use of “enhanced interrogation techniques”. For the supporters of the Bush administration, it was a way to explain that the CIA was not torturing; they were merely “delivering” suspects outside of the US “so they can kick the [expletive] out of them”.³⁶ The argument that the CIA was only a travel agent, a taxi driver, was subsequently challenged by journalists who convincingly established that “ghost planes” were being used in outsourcing these individuals to torture. The CIA was giving the orders, and its agents were participating in the physical violence against individuals. Most of the critiques of the policy of extraordinary rendition and torture have assumed too quickly a strong homogeneity among the actors of this secret spy war, as if the networks of the Cold War were just adjusting their old techniques to their new enemies, no longer spies but terrorists. They have explained that the policy has substantially enlarged the number of cases necessitating these enhanced interrogation techniques and that it has also suppressed the mechanism of “exchange” of prisoners between adversaries that was informally recognised during the Cold War for spies, but is not applied as regards “terrorists”.³⁷ This interpretation has presented the practices of the CIA in terms of detention and torture abroad as if they were “normal” for a secret service, and it has inserted them into a continuum of previous activities related to the collection and extraction of sensitive information.

Other authors, with a more established scholarly background, have also read these practices as an outcome of a permanent state of exception or as the result of the US global empire through the US military bases.³⁸ Thus, they have considered “normal” the complicity of other governments and the obedience of these other agencies, as if the CIA was the conductor of an orchestra.

Against this view, different authors have preferred, with reason, the terminology Judith Butler invented for Guantánamo of “petty sovereigns” to explain the practices at work and the multiplication of local rules outside the rule of law through the capacity to capture sovereignty at the bottom.³⁹ And if this better captures the micro-practices involved, this approach is nevertheless blind to the transversal logic between sites and the dramaturgy of counterterror that they all follow even when the scenario is different. These authors think in terms of transgovernmental networks instead of transnational practices, and when they don’t see collaboration between governments, they deduce, wrongly, that transnational practices do not exist and reduce their analysis to national differences or just local practices.

But if the scrutiny of delocalisation of torture is correct, the transnational structure of the network between the different secret services has not been

correctly assessed, and most scholars have not analysed the composition of the “dramatic” structure enacting the possibility of the outsourcing and exchange of information transnationally while, at the same time, explaining the inner bureaucratic struggles.

If we analyse in more detail the relations between the agencies inside and outside the US, a very different picture than the one given by a CIA master of the game appears.⁴⁰ Transnational practices are constructed through the solidarity inherent in a certain type of craft know-how: here, extracting information by very different methods, including enhanced information techniques, creates this specific dramaturgy of counterterror where the events are different from each writing of the play by the national politicians and do not involve specific directives coming from the top of the hierarchy, but function as a form of synchronisation of the practices of violence. This is key, but until now the debate has been mainly in terms of political theory and “ethics”, mostly lacking investigation based on ethnography or socio-history of the effective practices of extraordinary renditions, if we except research like that carried out by the Rendition Project in the UK.⁴¹

As a way of summing up the findings of the Feinstein Report and their importance for scholarship, they reveal the errors inherent in any narrative that exaggerates the unity of the locus of power. This is the main mistake of the realist and neorealist approaches of political science or of political theorists inattentive to the diversity and heterogeneity of the actors involved. This argument is not via a discourse on the hypocrisy of liberal states and the necessity that they have to protect the territory through elaboration of a consistent narrative. The myth of the homogeneity and of the power of the secret services, and especially of the CIA, has to be deconstructed.

But, one could say, if the CIA is not the hand of the US state, what is the rationale of initiating such programmes? This is certainly a complex question, which exceeds the scope of this chapter but is investigated in other chapters in this book. Nevertheless, some final comments may indicate the process at stake. More than a state of exception, the war on terror has been the site of a struggle for destabilising criminal justice principles in the name of necessity of prevention.⁴² While this necessity was established and developed by neo-conservative authors before 2000, it clearly became a key element after 2001 and has also been adopted by many governments from the “left wing”. Behind the terminology of “protection” and the rhetoric of prediction via a general form of surveillance, Total Information Awareness, the idea of “extracting information” from the bodies of suspected people has been re-enacted.

Lucy Zedner has explained very well that we were moving from a reactive criminal justice state to a preventive and pre-emptive security state in which “the post-crime orientation of criminal justice is increasingly overshadowed by the pre-crime logic of security”.⁴³ She had described the implications for human rights in this transformation. Further, the language of “global” war has allowed the authorities to treat their targets not according to the divide

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between citizens and foreigners, but as if anyone is a presumptive suspect who has to justify that he does not fit with the imaginary of suspicion made by the investigators. This language of symbolic power has set off a dehumanisation, allowing the terminology of “eradication” of terrorists, and has reinforced the possibility of torture under a different justification than that of the colonial wars, which was mostly based on reciprocity of the use of torture in the two camps.

Beyond the case of extraordinary rendition and use of torture, the actions in Iraq, the surveillance of citizens for their “protection”, the use of drones for extrajudicial killing abroad have to be analysed as practices of violence which have required a rhetorical move towards prevention in order to mask their arbitrariness. Indeed, it is not sufficient any more to say that these practices are a “reaction” to the previous attacks; they have to be the solutions to halt the “next” ones. What is at stake, therefore, is a general rhetoric of “prevention”, which is guided by a logic of generalised suspicion. In this way, human beings are always suspects, thus in need of permanent surveillance. A different “anthropology” is at stake, transforming the “humane” one into the “warrior” one.⁴⁴ This is not specific to the post-September 11 context, despite many claims that there has been a dramatic change in terms of scope and nature of the problem. This has been the case before; for example, with the UK secret programmes in Northern Ireland and their assassinations of Sinn Fein leaders without the certainty that they were involved in the IRA or violent acts more generally. This has been the case even more so with the GAL in Spain and the killing in France of refugees who had previously been members of ETA as well as individuals who were known to be innocent but whose names were the same as, or similar to, suspects in order to create fear among a large group of the population.

In conclusion, engaging with the dramaturgy at work and the political demonology which articulates these practices (and their justifications) shows that the notion of necessity of counterterrorism practices that are sterner than for other “crimes” and its mirror image of state terrorism practices are not adequate frameworks for understanding what happened with extraordinary renditions; this is because the two opposite approaches share the same mistaken assumption of an exaggerated unity between the different bureaucracies or professionals of security inside a country and the natural loyalty that they are supposed to have with their national politicians. They perceive the “state” as an actor and not as a field of power which is more and more permeable to other influences. By performing a narrative of “state” or “deep state” behaviours, these authors never questioned the effective forms of solidarities which explain the forms of obedience, complicity and agreement that secret services coming from very different countries shared transversally, nonetheless. This finding suggests an alternative hypothesis by which some very specific professionals who share the same kind of practices and habitus⁴⁵ regroup transnationally into “corporations” and form different transnational guilds of management of unease that extract and exchange information either through human intelligence, like the CIA, or digital surveillance and profiling, like the NSA.⁴⁶

What can be taken from the Feinstein Report for political science and international political sociology is that, once again, we have to think about the state not as an actor, but as a realm of interlocking groups with very different views about the hierarchy of threats and risks and which struggle together to impose their practices as the most efficient ones.⁴⁷ It is only through an approach such as this that one can analyse the contradictions among the actors, looking at the international as a chain of extended interdependencies between actors instead of analysing it in a geopolitical way where only “states” are acting.⁴⁸ Nevertheless, to do so, researchers have to be reflexive. They need to understand that the same dramaturgy of counterterror used in different contexts has to be dispelled to see, beyond the ghost of the state, what is at stake in terms of practices, instead of taking the multiple positions of the actors as being part of an orchestrated discourse of justification written first by “the State”. This dramaturgy of suspicion, surveillance, emergency, prevention and prediction is the result of a dispositive, a heterogeneous assemblage without a main playwright; but it is nevertheless the effect of the struggles inside the field of transnational guilds of dirty war which reproduce the trend of a politics of anxiety and unease, trends which normalise the majority and abnormalise specific minorities.

More than an analysis of state terrorism, state crime or a permanent state of exception, what should be considered, at the heart of the dynamic of counterterror, are the transversal struggles between actors around a field of power for the definition of “enmity” and “security”. The competitive transnationalisation of different networks or guilds of professionals of intelligence resorting to different techniques, as well as their inner fights in each country, are destroying a little bit more every day the notions of “national” security and of coherent national policymaking in security matters. But it is quite difficult for the US administration and orthodox scholars to admit that the practice by CIA agents of extraordinary renditions are almost the same kind of illegitimate practices enacted by the GAL in Spain. Suspicion turns into sacrificial logic with no legitimacy. Even critical scholars are sometimes accepting of the revisionist version given after the Feinstein Report that in the name of safeguarding democracy, secret services can emancipate themselves completely from the rule of law and may have full immunity because they “protect” democracy. I hope this chapter has obliged them to reconsider their position.

Notes

- 1 See the chapter in this volume by Crofton Black.
- 2 The term “dramaturgy” was coined first by Diderot to propose an alternative to tragedy and comedy. Influenced by Diderot, Gotthold Ephraim Lessing, in his influential work *Hamburg Dramaturgy*, explained that dramaturgy is a distinct practice separate from playwrighting and directing, and opposed to the rules of the classical tragedy (the three unities). Dramaturgy gives the sense of the play for the audience, beyond the text of the author and the personality of the actors. We will

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show why this terminology of dramaturgy makes sense by analogy when looking at counterterrorism practices.

- 3 Didier Bigo, “La voie militaire de la ‘guerre au terrorisme’ et ses enjeux”, *Cultures & Conflicts* 44 (2001): 5–18, available at: <http://conflicts.revues.org/730> (accessed 5 February 2017).
- 4 Didier Bigo and Anastasia Tsoukala, *Terror, Insecurity and Liberty: Illiberal Practices of Liberal Regimes after 9/11* (London, New York: Routledge, 2008); F. Debrix, *Tabloid Terror: War, Culture, and Geopolitics* (London: Routledge, 2007); Alessandro Dal Lago and Salvatore Palidda, *Conflict, Security and the Reshaping of Society: The Civilization of War* (London: Routledge, 2013); Bigo (2001); John Mueller and Mark G. Stewart, “The terrorism delusion: America’s overwrought response to September 11”, *International Security* 37(1) (2012): 81–110.
- 5 Michael Paul Rogin, “The war on evil”, reproduced in part in *Le Monde*, 11 September 2002.
- 6 On the analysis of the framing that we need more intelligence because of their failure, see Joseph Margulies’ excellent book: *What Changed When Everything Changed: 9/11 and the Making of National Identity* (New Haven, CT: Yale University Press, 2013).
- 7 Michael Dillon, “Governing terror: The state of emergency of biopolitical emergence”, *International Political Sociology* 1(1) (2007): 7–28. John Armitage, “State of emergency: An introduction”, *Theory* 19(4) (2002): 27–38. The conceptualisation of a state of emergency is different from the state of exception and explains better what happened in 2001 and maybe in 2008 with the financial crisis as well as the logic at work with the executive orders of President Donald Trump in January 2017.
- 8 Anastasia Tsoukala, “Looking at migrants as enemies”, in *Controlling Frontiers: Free Movement into and within Europe*, ed. Didier Bigo and Elspeth Guild (London: Ashgate, pp. 182–204, 2004).
- 9 On the stealth enemy and the fuzzy logic of enmity which justify illiberal practices of liberal regimes, see Didier Bigo “Globalization and security”, in *The Wiley-Blackwell Companion to Political Sociology*, ed. E. Amenta, K. Nash and A. Scott (Malden, MA: Wiley-Blackwell, 2012); Elspeth Guild and Joanne van Selm, *International Migration and Security: Opportunities and Challenges*, Routledge series on transnationalism (London: Routledge, 2005).
- 10 Didier Bigo, “Electronic large-scale surveillance and watch lists: The products of a paranoid politics? *REMHU: Revista Interdisciplinar da Mobilidade Humana* 23(45) (2015): 11–42. See also the chapter by David Grondin and Nisha Shah entitled “Secrets” (in Mark Salter’s *Making Things International* 2, Minneapolis, MN: University of Minnesota Press, pp. 92–105, 2016) in which they develop the idea that “Knowing the enemy not only requires being invisible (information acquired through stealth). It also requires that acquired knowledge remain invisible, and therefore out of sight”.
- 11 E.-P. Guittet and M. Perier, “Editorial. Suspicion et exception”, *Cultures & Conflicts*, 58 (2005): 5–12.
- 12 D. Bigo, “Sécurité Maximale Et Prévention? La Matrice Du Futur Antérieur Et Ses Grilles” in *Derrière Les Grilles: Sortir Du Tout Évaluation*, ed. Barbara Cassin (Fayard: Mille et une nuits, pp. 111–138, 2013). See also Crofton Black’s chapter in this volume.
- 13 For an understanding of the professionals of torture and their transnational networks as well as their vision of the human being as “information tank” or reservoir, read G. Périès and D. Servenay, *Une Guerre Noire* (Paris: Enquête, 2007).
- 14 In the manner of *Six personnages en quête d’auteur*, an Italian play written by Luigi Pirandello in 1921.

- 15 Alison Howell, “Victims or madmen? The diagnostic competition over ‘terrorist’ detainees at Guantánamo Bay”, *International Political Sociology*, 1(1) (2007): 29–47.
- 16 Different scholars have been fascinated by the so-called connection between technology and predictive policing. They have argued that a new episteme of war was existing with a new form of reasoning, radically changing the fight against terrorism. But we disagree with this approach, which certainly explains very well the argument of the preventive–predictive fight, but considers this narrative both as a truth and as an effective practice. For us, this is not the case; this is a practical justification to escape responsibility and to justify arbitrariness while using very old techniques for finding enemies spread across a territory or crossing borders under different identities. Among many sources, see L. Amooore, “Data derivatives: On the emergence of a security risk calculus for our times”, *Theory, Culture & Society* 28(6) (2011): 24–43; K. F. Aas, “(in)security-at-a-distance: Rescaling justice, risk and warfare in a transnational age”, *Global Crime* 13(4) (2012): 235–253.
- 17 Richard Jackson, “Contemporary state terrorism – towards a new research agenda”, in *Contemporary State Terrorism: Theory and Practice*, ed. R. Jackson, E. Murphy and S. Poynting (Abingdon: Routledge, pp. 228–239, 2010): 13.
- 18 As researchers, we must dare to ask about the secret services and to routinely ask questions about hostile clandestine organisations. This is not to conclude that these are identical, because their dissymmetry – in terms of legitimacy, of national representation, of means and ends of violence – is very high in democracy. Yet, it is exactly this capital of legitimacy that is always threatened when they forget their roles and enter into a cycle of vengeance by developing a dramaturgy based on a politics of suspicion and anxiety that reveals what Rogin called “political demonology”. See R. Girard, *Violence and the Sacred* (Baltimore: Johns Hopkins University Press, 1977); Didier Bigo and Daniel Hermant, *La relation terroriste. Analyse de la violence politique des organisations clandestines dans les démocraties occidentales* (Paris: Etudes Polémologiques/Documentation Française, 1988).
- 19 The chapter by Bigo and Guittet in this volume discusses this Republican minority and its strategy.
- 20 “In the immediate aftermath of 9/11, we did some things that were wrong. We did a whole lot of things that were right, but we tortured some folks. We did things that were contrary to our values,” said President Obama near the end of a nearly hour-long press briefing at the White House in Washington, DC, 1 August, 2014, available at: <https://www.rt.com/usa/177444-obama-briefing-cia-torture/>
- 21 Senate Select Committee on Intelligence (2014) *Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program: Executive Summary*, available at: http://www.feinstein.senate.gov/public/_cache/files/7/c/7c85429a-ec38-4bb5-968f-289799bf6d0e/D87288C34A6D9FF736F9459ABCF83210.sscistudy1.pdf (accessed May 2015).
- 22 The summary has anonymized most of the references concerning the actors and where details remained classified after eight months of negotiations. Amnesty International has provided a colour code that allows for partial removal of the anonymization in the executive summary. Even so, the executive summary represents less than 10 per cent of the full Feinstein Report, which remains confidential.
- 23 Outside of the declassified executive summary, an additional 9,400 classified documents repeatedly requested by the SSCI were withheld by the White House under a claim of executive privilege. Concurrent with the public release of the executive summary of the Feinstein Report, the six members of the SSCI who had voted against the report released their own 167-page report criticizing both the process and the conclusions that had been approved by the majority. We cite the different critical reactions to the Feinstein Report in later footnotes.

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- 24 Specifically, those of the interrogation of Abu Zubaydah and Abd al-Rahim Al Nashiri, which were destroyed by the CIA in 2005 according to the committee's Chairperson.
- 25 R. Lowry, "Dianne Feinstein's travesty", *Politico Magazine*, 10 December 2014, available at www.politico.com/magazine/story/2014/12/dianne-feinsteins-travesty-113486.html#.Vd7BtPmqrp5.
- 26 [Senate Select Committee on Intelligence \(2014\)](#): p. 2 of the Foreword).
- 27 The memos have been published in K.J. Greenberg and J. Dratel, *The Torture Papers: The Road to Abu Ghraib* (Cambridge: Cambridge University Press, 2005). A list of memos included in this book is available at: https://www.langtoninfo.co.uk/web_content/9780521853248_frontmatter.pdf.
- 28 See "The Drone Papers" on The Intercept's website: <https://theintercept.com/drone-papers/>
- 29 See Elspeth Guild's chapter in this volume.
- 30 For a detailed description of these relations, see J. Risen, *State of War: The Secret History of the CIA and the Bush Administration* (New York: Free Press, 2007). It seems that most of the Feinstein Report confirms his analysis.
- 31 [Greenberg and Dratel \(2005\)](#).
- 32 The ICRC describes its approach to detainees at: <https://www.icrc.org/en/what-we-do/visiting-detainees>. See also F. Blanc, *Dissent after 9/11: The Mobilization of Librarians, the ACLU, City Councils and Lawyers* (Sciences-Po Paris and Northwestern University dual PhD, 2010); A.M.L. Tan, "Extraordinary rendition, victims' rights, and state obligations", *Josef Korbel Journal of Advanced International Studies* 5 (2013): 82–117.
- 33 Ben Tufft, "Sir Malcolm Rifkind demands details of UK's involvement in CIA interrogation", *The Independent*, 14 December 2014, available at: www.independent.co.uk/news/uk/politics/sir-malcolm-rifkind-demands-details-of-uks-involvement-in-cia-interrogation-9923493.html.
- 34 See: <https://www.icrc.org/en/what-we-do/visiting-detainees>.
- 35 Didier Bigo, Sergio Carrera, Elspeth Guild and Raluca Radescu, *A Quest for Accountability? EU and Member State Inquiries into the CIA Rendition and Secret Detention Programme* (Brussels: European Union, 2015), available at: <https://www.ceps.eu/publications/quest-accountability-eu-and-member-state-inquiries-cia-rendition-and-secret-detention> (accessed 6 January 2016); Mark Danner, "US torture: Voices from the black sites", *The New York Review of Books* 56(6) (2009): 69–77. Ivan Greenberg, "From surveillance to torture: The evolution of US interrogation practices during the war on terror", *Security Journal* 28(2) (2015): 165–183; Emilie M. Hafner-Burton and Jacob N. Shapiro, "Tortured relations: Human rights abuses and counterterrorism cooperation", *PS: Political Science & Politics* 43(3) (2014): 415–419; Margaret Satherthwaite, "Extraordinary rendition and disappearances in the war on terror", *Gonzaga Journal of International Law* 10 (2006): 70. On a different logic, see Huq, "Extraordinary rendition and the wages of hypocrisy", *World Policy Journal* 23(1) (2006): 25–35; L.K. Johnson, *Strategic Intelligence: Understanding the Hidden Side of Government* (Santa Barbara, CA: Greenwood Publishing Group, 2006); M.M. Lowenthal, *Intelligence: From Secrets to Policy* (Washington, DC: CQ Press, 2014); M. Phythian, "The problem of intelligence ethics", in *War, Ethics and Justice: New Perspectives on a Post-9/11 World*, ed. A. Bergman-Rosamond and M. Phythian (Abingdon: Routledge, pp. 128–149, 2011).
- 36 A. Singh, *Globalizing Torture: CIA Secret Detention and Extraordinary Rendition*, London: Amnesty International, 2013): 11, quoting a US official.
- 37 S. Grey, *The New Spymasters Inside Espionage from the Cold War to Al-Qaeda* (New York: Penguin Books, 2015).

- 38 G. Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005); M. Mazzetti, *The Way of the Knife: The CIA, a Secret Army, and a War at the Ends of the Earth* (New York: Penguin, 2014); D. Vine, *Base Nation: How US Military Bases Abroad Harm America and the World* (New York: Metropolitan Books, 2015); Synnove Ugelvik and Barbara Hudson, *Justice and Security in the 21st Century: Risks, Rights and the Rule of Law*, Routledge studies in liberty and security (London: Routledge, 2012).
- 39 J. Butler, “Precarious life, vulnerability, and the ethics of cohabitation”, *The Journal of Speculative Philosophy*, 26(2) (2012): 134–151; R. Blakeley, “Dirty hands, clean conscience? The CIA Inspector General’s investigation of ‘enhanced interrogation techniques’ in the war on terror and the torture debate”, *Journal of Human Rights* 10(4) (2011): 544–561; R. Blakeley and S. Raphael, “British torture in the ‘war on terror’”, *European Journal of International Relations* 23(2) (2017): 243–266.
- 40 David Weissbrodt and Amy Bergquist, “Extraordinary rendition: A human rights analysis”, *Harvard Human Rights Journal* 19 (2006): 123–160; David Weissbrodt and Amy Bergquist, “Extraordinary rendition and the torture convention”, *Virginia Journal of International Law* 46 (2006): 585–650.
- 41 Available at: <https://www.therenditionproject.org.uk>.
- 42 On prevention, see among others Bruce Ackerman, *Before the Next Attack: Preserving Civil Liberties in an Age of Terrorism* (New Haven, CT: Yale University Press, 2006); David Cole, “The difference prevention makes: Regulating preventive justice”, *Criminal Law & Philosophy* 9(3) (2015): 501–519.
- 43 L. Zedner, “Pre-crime and post-criminology?” *Theoretical Criminology* 11(2) (2007): 261–276, 262. See also L. Zedner, “Securing liberty in the face of terror: Reflections from criminal justice”, *Journal of Law and Society* 32(4) (2005) 507–533; D. Bigo and A. Tsoukala, eds., *Illiberal Practices of Liberal Regimes: The (In)security Games* (Paris: L’Harmattan, 2006); Bigo and Tsoukala (2008); C. Aradau and R. Van Munster, “Exceptionalism and the ‘war on terror’: Criminology meets international relations”, *British Journal of Criminology* 49(5) (2009): 686–701; D. Gregory, “Vanishing points: Law, violence, and exception in the global war prison”, *Terror and the Postcolonial*, ed. E. Boehmer and S. Morton (Malden, MA: Wiley Blackwell, pp. 55–98, 2010).
- 44 M. Delmas-Marty, *Libertés et sûreté dans un monde dangereux* (Paris, Seuil, 2010).
- 45 Habitus is the terminology used by Pierre Bourdieu to refer to “a person’s taken-for-granted, unreflected – hence largely habitual – way of thinking and acting. The habitus is a ‘structuring structure’ shaping understandings, attitudes, behavior and the body” (A. Leander, “Habitus and field”, in R. Denmark, ed., *International Studies Compendium Project*, Oxford: Wiley-Blackwell, pp. 3255–3270, 2010). For a condensed statement of the dialectic of habitus and field, or position and dispositions, by which Bourdieu seeks to efface the micro/macro and agency/structure dilemmas, see P. Bourdieu, *The Logic of Practice*, trans. R. Nice (Stanford, CA: Stanford University Press, 1990[1980]). See also Leander (2010); Bigo and Tsoukala (2006).
- 46 D. Bigo, “Digital surveillance and everyday democracy”, in *The Routledge International Handbook of Criminology and Human Rights*, ed. Leanne Weber, Elaine Fishwick, and Marinella Marmo (London: Routledge, pp. 496–510, 2016); Bigo and Tsoukala (2008).
- 47 P. Bourdieu, *On the State* (London: Wiley Blackwell, 2014); D. Bigo, “The transnational field of computerised exchange of information in police matters and its European guilds”, in *Transnational Power Elites: The New Professionals of Governance, Law and Security*, ed. Niilo Kauppi and Mikael Madsen (London: Routledge, pp. 155–182, 2013) .

- 48 D. Bigo, “International political sociology: Rethinking the international through field(s) of power”, in *Transversal Lines*, ed. Tugba Basaran *et al.* (London: Routledge, pp. 24–48, 2016),

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