**Detention as a Peacemaking Strategy: The 2007-08 Iraq Surge and
US Detention**

Spencer L Willardson
Nazarbayev University

Abstract:
The Surge in Iraq was one of the key foreign policy decisions of the past decade. Its success prompted a second surge into Afghanistan by a new president a few years later. The success of the Iraq surge has prompted work by academics and policymakers alike. One factor of the success of the surge has been understudied by both academics and policymakers is the role played by the detention of individuals and the changes in detention policy that accompanied the surge. In this paper I outline a brief informal model of how an intervening state can use detention to help alleviate some of the causes of intergroup conflict to increase the odds of successful intervention. I then show how the changes in US detention policy during the surge contributed to the success of the overall strategy. A key argument in this paper is that detention contributed to the success of the surge even though it was not a primary or public aspect of the surge strategy.

Introduction

The surge of troops into Iraq was the result of one of the more hotly contested and visible U.S. policy debates of the past decade. The decision to invade Iraq in 2003 has generated plenty of literature on decision-making (Badie, 2010; Mazarr, 2007; Shannon and Keller, 2007) and will be a source of material for scholars of foreign policy for the foreseeable future. The decision to "surge" troops into Iraq was one that was accompanied by input from high-level commissions. It was introduced with contentious testimony by the top general in Iraq (Petraeus, 2007). It was provisional in nature – a desperate last-second chance to salvage the peace in an increasingly violent sectarian conflict. As a topic for study by international relations scholars in general, and foreign policy analysts, in particular, it is an area ripe for research.

New data from the period of the surge, and data about the conduct of war by the US-led coalition in Iraq, is becoming available to scholars. One source of data, SIGACTs, has been used recently to study the causal factors that led to a reduction of violence in Iraq during the run up, and execution of the surge of troops in 2007-2008. These data were used to explore claims of the "surge thesis" proponents that it was a ". . . combination of more troops and different methods" that reduced the level of civilian (and US troop) casualties by reducing the capability of insurgents to engage in killing (Biddle, Friedman and Shapiro, 2012, 8). This view is contrasted to the "awakening" proponents who saw a shift in allegiance and a tribal uprising by Sunni leaders in Anbar province as the true catalyst of the reduced violence. Biddle et al. conclude that it was a combination of troop density, changed tactics, and the awakening movement that was responsible for the declining violence in Iraq during the 2007 surge.

Such analyses are important to a number of audiences. First, the policy implications of employing a troop surge without understanding all of the mechanisms (or even potential mechanisms) of its success are potentially costly in terms of both blood and treasure. Second, scholars of intrastate conflict and peace making processes will benefit from understanding the role played in interventions by outside states in terms of troop level, troop tactics, and interaction with the local population. Third, military thinkers, both inside and outside the military, must understand how the implementation of tactics supports the strategic policies set forth by civilian leadership (Desch, 2001)[1].

What most studies of the conflict in Iraq leave out, underplay, or overplay (according to the context) is the role that detention operations played during the conflict in Iraq. This oversight is unfortunate. Kagan (2008, 38) claimed that "The complete revolution in the way the US military handles its detainees in Iraq is… one of the most significant unreported stories of the war." This change in detention resulted in a shift in tactics, doctrine, and even the legal basis for holding detainees. Many of these changes were made in order to prevent future embarrassments like Abu Ghraib and did not appear to be a part of the strategic thinking of either civilian or military leadership. There are practically no studies as to how this shift in detention policy by the US and its coalition partners affected the overall efforts to re-stabilize Iraq.

Context and Disclaimers

The context for this paper is the decision-making leading up to the surge, and the after-action studies of the surge that explore how this policy was implemented and whether it worked. This context is difficult to separate from the post-2013 situation in Iraq. The rise of the militant group ISIS, the collapse of the Iraqi military in the face of the threat from this group, and the re-emergence of large-scale violence throughout Iraq is serious enough to encourage thoughtful consideration of all US policy in Iraq. The surge, rather than serving as a permanent solution to the crisis in Iraq, appears, now, to be simply a temporary halt in the conflict there. However, studying the results of the surge within the context in which it was conceived and executed can still offer researchers and policy-makers valuable insights into the three areas outlined above.

The use of the surge as a case for examining policy is perhaps controversial. The events within Iraq throughout the period leading up to, during, and after the surge are complicated. A number of confounding factors associated with both the surge and with the role of detention during the US-led intervention in Iraq exist. This study attempts to show the potential for why the two issues – the immediate success of the surge in reducing civilian and US-Troop casualties, and the shift in detention policy by the US – should be considered together. The complexity of the issue is such that it is impossible to prove the role of detention as the main factor in success. The evidence presented throughout the paper is suggestive, however, of the need to further consider the role of detention in the execution and success of the surge policy, and to consider detention policies in future policy decisions at the national level and in military planning at the operational level.

The decision to focus on the consequences of detention is also one that carries its own set of difficulties. The abuses at Abu Ghraib and the images that resulted defined the war and its overall legacy for many. The use of detention for intelligence gathering, and the process and practice of detention itself became a lightning rod issue. There is debate about whether Abu Ghraib represented policy from the top down – the implicit argument of much of the debate – or whether Abu Ghraib was the culmination of bad decisions, poor planning, poor discipline and morale among untrained troops, and bad local and theater-wide leadership.

Even books in the popular press that lean toward the first theory of Abu Ghraib being a representation of the explicit policies of the political appointees at the Defense Department in general, and Rumsfeld and Cheney in particular, paint a complex picture of the events on the ground (Gourevitch and Morris, 2009). Detention policy in Iraq post-Abu Ghraib reflected a different policy than what was in place during 2003-04 and Abu Ghraib. My argument is that the US military took the report of General Taguba seriously enough to actually implement a coherent detainee policy across the theater of operations (Taguba, 2005).

That policy was primarily implemented in order to prevent further embarrassment to the military and to politicians. However, the effects of these changed policies interacted with the other specific aims of the surge in ways that enhanced the effects of that policy[2]. I do not seek to downplay the significance or the moral and ethical considerations of detainee abuse. A better detention policy, no matter the motives for its implementation, was better for the United States overall strategic goals in

Iraq. If anything, this study should confirm the importance of human rights considerations in this policy environment.

Detention and Security

Issues of detention during the US "War on Terror" have been studied extensively by legal scholars. The legal environment in war is dictated by the US commitment to following the Geneva conventions. One US military legal scholar has noted that the legal obligations of the US are the same in environments of war, insurgency, or civil war (Ford, 2010, 91). The most relevant aspect of the Geneva Convention to the changing landscape of the conflict in Iraq is the category of unlawful combatants. These unlawful combatants should be ". . . treated as criminal suspects and detained when possible" (Ford, 2010, 93). Such combatants are ideally dealt with in the local legal system, but can be prosecuted by military tribunals. Wallace (2007, 27) adds that the US found itself in an occupation role, one that was validated by UN Security Council resolutions, in which the primary responsibility for providing a safe and secure environment fell to the US. Wallace (2007) argues that the US military was working to improve various issues of its legal regime in regard to detainees throughout the US occupation of the country from 2003 on.

In traditional political science studies, detention in Iraq has been studied primarily through the lens of human rights scholars such as Forsythe (2006, 2011). This has also been the lens through which the mass media and public have viewed detention operations in Iraq and Afghanistan. It is possible to examine detention as a potentially beneficial aspect of an intervention in a conflict. It is critical that such examinations remain sensitive to the abuses which were committed by US soldiers against detainees during this period. However, it is not prudent to throw the baby out with the bathwater and dismiss detention out of hand because of such incidents. This is especially the case when there is evidence that the military greatly improved its capacity for conducting detention operations throughout its involvement in the conflict in Iraq (Kagan, 2008, 36-38).

Political scientists have also done work on the rule of law. This is particularly important in research about state-building. The US presence in Iraq was an exercise in state-building – even if that fact is often despised by those within the military. Rule of law makes its way into the failed states literature. Rose-Ackerman (2004, 182-221) devotes a small portion of an essay on establishing the rule of law in a failed states context to matters of substantive law. She nearly summarily dismisses detention as a workable (or perhaps even moral) form within a system of punishment. This view can be attributed to the assumption that prisons are potential areas of corruption and repression. However, the same can be said of banking and political institutions, and those institutions are not dismissed out of hand in this state-building literature[3].

The literature on combat detention and its direct relation to security is sparse. Most of this literature falls into a normative human rights or ethics framework (Braswell, McCarthy and McCarthy, 2014, Ch. 21). Such literature is important in framing and guiding policy debates. However, a one-sided framing of the issue of detention which focuses only on a few dramatic instances of detainee abuse while ignoring the potential positive outcomes of a revised detention policy[4] does not serve the long-

term interests of strategic policy makers, military planners, or the public. This is why it is critical not to ignore these key contributions when evaluating the policies and effects of the surge in Iraq.

This paper is not meant to counter arguments about humanitarian issues of detention. Detention is a legal tool that can be used by the military when operating within the contexts of war or occupation, and as such, is a policy tool that should be considered. The implementation of detention can either help or hinder the other aspects of a military strategy, however. Ignoring humanitarian aspects of detention is a mistake that should be avoided. In addition, a great deal of work on issues of detention during the War on Terror has concentrated on the various legalities surrounding the strategic detention of individuals at Guantanamo Bay in Cuba. The focus of this paper is not on the legal aspects of detention beyond what has been mentioned already in regard to combat and occupation[5].

One direction from which there has been work on the role that detention played in the context of the surge is the military itself. Much of this work, however, has been done by mid-career professionals writing theses as part of their continuing education requirements. Such papers do not necessarily have an immediate impact on long-term policy. However, the ideas from them may be reflective of the thinking of the next generation of military leaders. These individuals may play a large role in carrying out policy in the near future, so their understanding of these issues is an important policy implementation context.

For example, Lightner (2007) argued about the changed rules regarding interrogation of detainees in the war on terror. His argument only tangentially touches on issues of detention – his primary argument is about the gathering of intelligence on the ground in conflict situations. The argument that Lightner (2007) makes about the intelligence role of detention is expanded by Willardson (2013) who argues that local detention operations are a key strategic intelligence environment during conflict situations. Molina (2007) considers detention as a part of the overall battlefield. His work turned out to be quite prescient in its recommendations concerning the integration of counterinsurgency principles. Many of the suggested changes from his paper were made by Major General Douglas Stone during his stint as commander of detention operations (TF-134) in the period immediately before and during the surge (Kagan, 2008, 38). Thurston et al. (2011) provide an overview of US detention policies in the 20th and 21st centuries, and its concluding chapter touches briefly on the role of detention in Iraq.

The use of detention in counterinsurgency is also not a new phenomenon. Scholars of military tactics and strategy who study issues of counterinsurgency have discussed the role of detention in historical context. Hack (2009, 406) in his piece on the British fight against Malayan insurgency in the 1950s, notes that the fear of being detained for helping insurgents was used as a counterinsurgency tool. Later, those who were detained became a source of intelligence (Hack, 2009, 386).

Writing at the end of the surge, and as the US was preparing its withdrawal from Iraq, Azarva (2009, 5-14) both praised and was optimistic about the overall impact of US detention efforts (as they had changed prior to and during the surge):

The revolution inside coalition internment facilities, long considered a sideshow to the broader mission in Iraq, has not only helped to solidify the gains of the surge but has also provided a paradigm for projecting the soft-power side of counterinsurgency.

Another exception to the general lack of academic examination of the role of detention in conflict and war has been the work of lawyers working both inside and outside of the government. Work in this vein has focused on legal issues associated with high-level strategic detainees, such as those housed in Guantanamo Bay, as well as the evolution of US legal practice regarding detention at lower levels. Chesney (2011) provides the most comprehensive analysis of US detention practice from a legal policy standpoint. He makes two very important points about US military and strategic policy that are pertinent to the arguments about detention policy and its role in the surge.

Chesney (2011, 553) points out that the "…capacity to employ military detention without charge…will decay over time." This decay of capacity is based on a number of factors, but it holds no matter how just, expedient, or proper the initial impulse to begin detention. Chesney makes note of the evolution of detention practices in Iraq as a counterpoint to the more well-known strategic (and often static) measures put in place for prisoners at Guantanamo Bay.

Chesney's second point is perhaps the most important point about detention during war that has been made in the (notably small) literature on conflict during detention. Chesney (2011, 555) notes that the practice of detention in Iraq was dynamic – it moved in response to changes in the strategic environment:

The Iraq narrative, in contrast, illustrates both the contextual contingency and flexibility of the law relating to detention. That narrative is, first and foremost, a story of policy change in response to changing perceptions of strategic and operational necessity, occurring within a legal context that itself evolves in both formal and informal ways in response to those same perceptions.

Policy changes in Iraqi detention were a dynamic response to the strategic environment. Trying to dissect policy outcomes without accounting for key sources or products of policy decision-making is counterproductive. The sheer number of detainees held by US forces (see Figure 1) over the course of US combat operations in Iraq is in itself a compelling reason to account for detention operations in policy-making[6]. The number of detainees represent a direct cost (in terms of upkeep) and staggering indirect costs, especially in the opportunity cost of troops engaged in detention rather than in other core tasks.

Figure 1 - Number of Detainees in Custody by Month

Number of Iraqi Detainees in Custody by Month
2003-2008
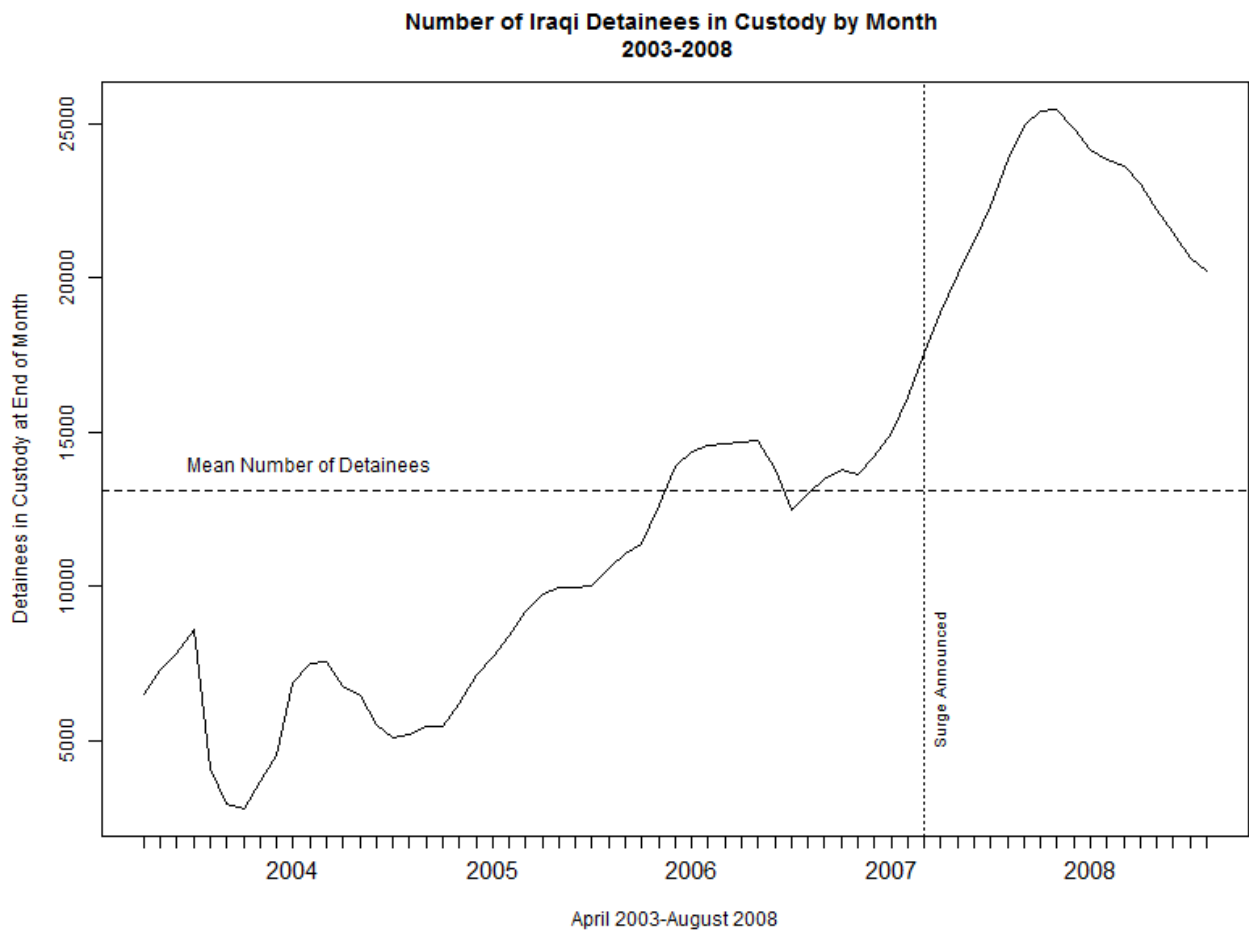
A Model of Detention and Intergroup Conflict

The overall context of detention within Iraq was intertwined both with US intervention in the country and with an insurgency against the US and Iraq forces. This was coupled with sectarian violence between Shia and Sunni Iraqis and the militias that had sprung up within each of these communities in the absence of state-provided security (Burton and Nagl, 2008, 317). One of the primary purposes of the surge was to put a stop to the sectarian violence and the continuing insurgency of Sunni radicals against the US troops and Iraqi security forces and civilian population. In the sections below, I outline the arguments for detention during intervention in intergroup conflict in general terms. The primary argument for the use and success of intervention in this type of conflict is that detention sends signals of resolve to both parties in the conflict, can be used to signal impartiality towards sides or at least a preference for the rule of law, and also works by providing negative incentives for many who are involved in the fighting.

Explanations of Intergroup Conflict

Intrastate and intergroup conflict has been explained from a number of perspectives. Explanations for violence between groups include rational, sociological, psychological, descriptive, and

institutional approaches. Rational explanations explain conflict between groups of rationally self-interested actors who seek to maximize their own benefits. This approach is epitomized by Fearon and Laitin (1996, 717) who view ethnic groups as "coalitions of individuals" who organize themselves to obtain or defend material benefits. Rogowski (1987, 1121-37) doesn't concentrate on the composition of groups, but focuses on the political cleavages that emerge between groups who are exposed to new conditions when their economies are open to external trade. Bates et al. (1998) describes economic policies in African states in terms of rational decision-making by different social groups. The rational tradition privileges material considerations of both intra-and intergroup interactions.

Psychological and sociological approaches explain conflict as the result of needing to belong to a group. Gurr (1970, 24) describes conflict as a function of a groups' relative social and economic position and the amount of deprivation endured by one group at the hands of another group. Horowitz (1985) builds on Gurr's work by noting that changing international norms have led to greater introspection by ethnic groups about their relative standing in society. Horowitz (1985, 14-15) regards group comparison as a source of tension between groups but decries the focus on racial, socioeconomic, or class analysis that divides scholars of ethnic conflict intro fragmented camps of study. Lake and Rothchild (1996, 41-75) reject "ancient and deep-seated hatreds" between ethnic groups as the primary cause of ethnic conflict.

Another important explanation of intergroup conflict is institutional. This approach has been prevalent in the economic history and political economy literature (Hirschman, 1970; North, 1990; North, Wallis and Weingast, 2009). Institutions are simply "…human devised constraints that shape human interaction" North (1990, 3-4). These rules of the game provide efficiency in human interaction by providing structure to daily life. Various studies show that institutions affect the level of violence within a state (Reynal-Querol, 2002). These explanations of violence describe how institutions are set up and shaped by combatant groups to make the best use of scarce resources - including the tools required to inflict and prevent violence. State development literature also draws on the application of violence in building state capacity - and institutions (Thies, 2004; Thies and Sobek, 2010; Tilly, 1990; Porter, 2002). Sub-national violence is an important part of the process by which post-colonial states develop their own institutions because international norms constrain states from engaging in interstate war.

In addition to these broad explanations, the past decade has seen a shift in the study of conflict from primarily quantitative to largely qualitative (Brubaker and Laitin, 1998, 426)[7]. The intensity of conflict is one of these qualitative, or descriptive, explanations of intergroup conflict. Conflict ranges from legal electoral competition to civil war between heavily armed groups within a state.

In intrastate violence, groups interact violently while states either stand by or struggle to restrain or contain the violence. This suggests that group violence may be the natural state of affairs in the absence of effective state capacity. Mueller (2000, 53) agrees with Brubaker and Laitin (1998) in rejecting ethnic groups as the primary driver in violence; his explanation of two well-known ethnic conflicts in the 1990s is that violence is carried out by groups of opportunistic thugs looking for

profit. Intrastate violence does not take place in a vacuum, and recent work by Kalyvas and Balcells (2010) examines sub-national group conflict in the context of conflict in the international system.

The nature of the relationships between and among groups in conflict is an interesting piece of the puzzle in explanations of conflict. However, these specific relations are not key to understanding the theoretical justification for detention as part of an intervention strategy outlined below. The composition of the groups is not important - it is the configuration of the relationships among and between groups that explains the level of stability (conflict or lack thereof) in intergroup relations. Fearon and Laitin (1996) refer to group relations as social networks. Social networks influence how individuals within a group act. Changes in the social network can change, and these changes can affect further interaction by group members. Wood (2008, 540-8) examines the disruptive impact of conflict on the configuration of social networks.

The various approaches to understanding intergroup conflict presented here all offer potential insights into the thorny problems of halting conflict between groups that are in conflict with one another. Problems of relative gains, self-interest, armed groups of thugs, reordered social ties, and connections to larger conflicts taking place in the international arena are all present in the Iraq case. How can third party interveners reduce intergroup violence through the use of detention?

Security without a State

In the presence of a strong state, competing groups' interactions with one another are limited to accepted spheres – economic, legal, and political. Violence between groups will thus normally take place in the context of weak state control. Even in areas with weak state control, however, most groups seem to get along. This is the primary insight from Fearon and Laitin (1996). Their formal model details why cooperation can be achieved between competing groups. The mechanism that they use is that of within-group policing mechanisms to regulate interactions between the groups (Fearon and Laitin, 1996, 730-1). However, in order for groups to self-regulate, there needs to be commitment from the leadership of each group.

Leaders within groups can achieve cooperation in the absence of leviathan because of "…highly developed systems of social networks" (Fearon and Laitin, 1996, 718). In social network terms, this can be thought of as dense networks (Podolny and Baron, 1997). The dense social network within the groups allows for the efficient transfer of information about salient issues between members of the group. Fearon and Laitin (1996, 718-26) hypothesize that these dense social networks allow members of the group to punish those that risk disrupting cooperation between the two groups through their actions. In short, dense social ties within the group allow members to maintain discipline and order within the group – which prevents disorder from spilling into relations between the groups.

Dense social ties make it possible for members of a group to identify and trust one another. The absence of these ties of personal trust[8] in relations between groups is the key reason for problems between groups. The absence of trust and social ties that can impose a "shadow of the future" (Axelrod, 2006) on relations between members of different groups provides incentives to individuals

to cheat in interactions with the other group. The longer-term potential of cooperation between the groups outweighs the benefit to individuals cheating in one-off interactions, and so informal institutions arise that rely on members of the cheater's group punishing the offender.

Such informal mechanisms only work when both groups are cohesive and have leadership that supports the goal of cooperation between the groups. The informal mechanisms can break down when there are competing leadership claims within the group. Once the cohesiveness of the group is broken down, the informal institution of within-group punishment also breaks down. It is the breakdown of the ability to enforce cooperation that leads to the spiraling equilibrium of each group fighting each other in increasing violent recriminations (Fearon and Laitin, 1996, 722)[9].

Intervention to Restore or Establish Peace

The above section assumes that cooperation is possible between groups in the absence of a strong state. If relations are already conflictual, or if the state which once enforced peace loses its capacity, then self-reinforcing cooperation may not be useful for understanding the conflict. However, the general principles of self-reinforcing institutions are useful for intervention in an ongoing conflict between groups. Intervention by a third-party can help to restore, or establish more peaceful relations between groups in three ways. The logic of this intervention strategy is based on an opportunity and willingness principle (Most and Starr, 1989). The first two strategies are predicated on reducing the willingness of members of the two groups to fight each other. The third strategy is about reducing opportunities for conflict.

First, interveners need to make contact with and get the buy-in from the leadership from each group. As discussed above, the source of conflict may be competition within the group for leadership. In this case, the intervener is picking a winner. Kaufmann (1996, 141) notes that divisions among leaders within an ethnic group will not necessarily divide the group or cause defections to the other group. He further suggests that leaders can adopt more benign and inclusive identities to bring together members of their own ethnic groups and to help end ethnic conflict (Kaufmann, 1996, 152). The intervening state can help this process by identifying moderate leaders from each group to support.

Second, the intervener needs to be able and willing to take over punishment for offenses committed by members of both groups. Interveners can be biased in their support of one group over the other (Kydd, 2003, 597-611), but can't allow one group to take advantage of the other group indiscriminately if the goal is to decrease violence between the two groups. Interveners can also enhance their ability by making credible and visible commitments (Danilovic, 2001) to punish all violations committed by members of either group against the other - even if the violations are committed by those who are more favored by the intervening state (Leeds, Mattes and Vogel, 2009).

The intervener is playing the role of leviathan, but in a way that tries to set up a better post-conflict situation. Leaders within groups may not have the capability or political capital to punish violators, and taking the role of enforcer too early may cause leaders to lose support from those who support leaders who take a more extreme position. The punishment role of the third party gives the leaders

of both groups room to politically maneuver. By tying the hands of the group leadership in punishment decisions, the third party intervener allows the leadership that they are supporting to co-opt some of the rhetoric or positions of other potential leaders while distancing themselves from the violent actions of those leaders. The third strategy used by the intervener that can help reduce violence is to enforce the boundary between the two groups. The opportunities for either group to hurt each other decrease as interaction between the groups is limited. When the interaction is limited those that are violent toward each other are punished, more peaceful relationships can develop both within and between groups. This third strategy is the primary focus of the COIN strategy introduced into Iraq by General Petraeus.

The Surge in Iraq – Intervening in Intergroup Conflict and the Role of Detention

The conflict in Iraq went through a number of phases. The initial invasion of Iraq and the post-invasion insurgency against US and coalition troops did not immediately result in Shia-Sunni violence. The initial violence targeted US soldiers who had taken over the role of providing security in the non-Kurdish areas of the country. As time progressed, the nature of the insurgency changed. Outside groups (such as Al-Qaeda in Iraq –AQIZ) and tactics changed the Sunni-led insurgency. Intra-group tensions mounted among the Shia as Muqtada Al Sadr and his Jayesh Al Madi (JAM) militia sought greater power among the Shia population and within the emerging government (DeFronzo, 2009, 197). For the first few years of post-invasion Iraq, the different groups seemed mainly content to fight against the US and each other. Al Sadr used his militia to establish himself among the competing Shia groups[10]. The Shia militias began their insurgency against US forces in 2004 (Hashim, 2006, 37) large-scale violence between Sunni and Shia groups peaked in February 2006 with the destruction of the Samara Golden Mosque (Garfield, 2007, 23-32). Civilian casualties of the sectarian violence also peaked around this time (see Figure 2).

The US conducted a successful military operation in March and April 2003. After the main conflict was over, however, Iraq quickly descended into a hotbed of violence directed against the US military and its supporters in the country. Soon groups of both Shia and Sunni began targeting civilians from the other sect, and the violence in the country began to take on the character of a sectarian civil war. Sectarian violence continued and by the end of 2006 it was widely acknowledged that Iraq was on the brink of collapse (Radcliffe, 2007; Ricks, 2009). The sectarian violence was destroying the credibility of the fledgling civilian government and its ability to secure the peace. The inability of the US to keep the peace was also damaged the elected Iraqi government's credibility (Radcliffe, 2007; Petraeus, 2007; Di Ruzza, 2008).

Figure 2 - Iraqi Civilian Deaths by Month

Iraqi Civilian Deaths by Month
2003-2008
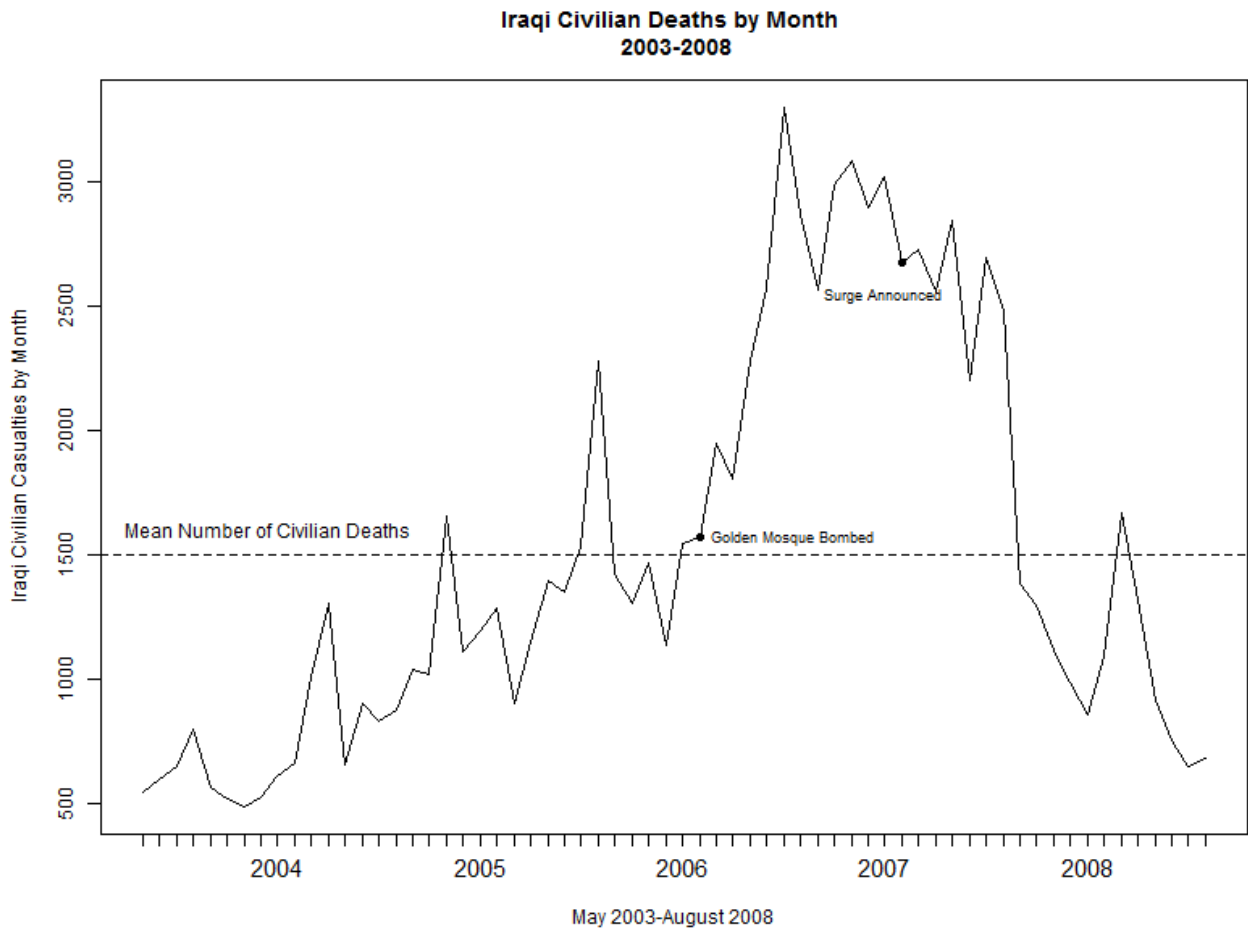
The primary groups involved in the sectarian conflict were the Sunni and Shia Arab groups. During this period of deterioration the Kurds in northern Iraq continued to build their own enclave of independent territory. The activities of both Sunni and Shia insurgent groups facilitated the disintegration of the situation into a spiral of violent reprisals and sectarian conflict. Within the Sunni population, the rise of AQIZ shifted leadership away from the primary tribal structures that had existed during Saddam Hussein regime[11]. The shift away from tribal structures was due to a number of factors including intimidation of traditional tribal leaders by AQI leaders and members.

The more militant factions, such as AQIZ, dominated the Sunni minority (Di Ruzza, 2008). This domination was both a cause and effect of the disenfranchisement felt by Sunnis in the new post-Saddam political order. A number of good explanations exist for why a group such as AQIZ could come to dominate the Sunni minority within Iraq. The belief in a higher purpose and goals beyond the borders of Iraq as well as the availability of external support, gave the group power over other potential local rivals among the Sunni. AQIZ was able to threaten and intimidate the Sunni population in areas where it operated (Gregg, 2009, 188). The desert landscape of western Iraq allowed insurgent groups among the Sunni to operate from a position of strength (Fearon and Laitin, 1999) against US troops and the Iraqi security forces.

Additionally, the feeling that the political struggle was a "zero sum" or indivisible proposition gave the advantage to the faction within the Sunni minority that was waging a "total war" against the status quo (Gilady and Russett, 2002, 401). The choice of violence against the status quo by the political "losers" is an effective strategy of "outbidding" (Boyle, 2009, 211). This strengthened the bargaining position of the Sunnis against both the US and the Iraqi government through their demonstrated willingness to use violence to achieve their goals.

Militia groups, especially the JAM led by Moqtada Al Sadr, competed for leadership of the Shia majority. This delegitimized the traditional and elected leaders within the country (Hashim, 2006). The Ayatollah Sistani was another potential source of competing leadership, but he urged his followers to follow the government - and his followers ended up in violent clashes with JAM militias (Simon, 2008, 68). The central leadership of the country was in Shia hands, but Prime Minister, Al Malaki, was unable or unwilling to control the actions of Al Sadr and the JAM. Jam groups began a campaign of violence against Sunni Arabs in the Baghdad neighborhoods where Shia and Sunni populations were in close contact (Simon, 2008, 58). The actions of the Shia militia against Sunni civilians contributed to the escalating tit-for-tat sectarian violence. The attack on the Golden Mosque in Samara by Sunni (AQIZ) militants was a direct response to the Shia actions and was aimed at "inflaming sectarian conflict" (Garfield, 2007). Burton and Nagl (2008, 317) characterize this period of sectarian militias fighting each other as ". . . a dirty war of Sunni and Shi'ite death squads kidnapping, torturing and murdering innocent Iraqis in droves."

The US strategy for troops stationed in Iraq prior to the surge focused on the security of US troops and pushed the Iraqi government to deal with sectarian violence on its own. The traditional Sunni leadership felt that it was completely excluded from the political discussion, leading them to support insurgent groups that would destabilize the Shia-dominate government. Part of this stemmed from the perception that reorganized military and police structures were simply Shia militias "on steroids" (Biddle, 2006, 8).

The Surge as Third Party Intervention

President Bush announced a change of strategy in Iraq in a national address on January 10, 2007 (Greenstone, 2007). A defining feature of this strategy was an increase in the combat troop level in Iraq. However, one of the explicit purposes of the surge was to implement a new counterinsurgency strategy. This strategy explicitly called for making the security of the population the top priority (Ricks, 2009). Troops moved out of massive "super bases" into smaller bases within neighborhoods where they could ensure the safety of citizens by preventing attacks. This change of deploying troops closer to the population protected civilians from each group from insurgents from other groups. Thus, the strategy served to create and enforce a barrier between the Sunni and Shia communities, and between members of the community and insurgent groups.

Some credit the "Sons of Iraq" movement which began in Anbar province in 2007 for the success of the surge (Di Ruzza, 2008; Petraeus, 2007). This success came because Sunni tribesmen were mobilized against AQIZ and it weakened the base of the most influential of the Sunni insurgent groups. The "Sons of Iraq" were part of the "awakening" movement within the Sunni groups that
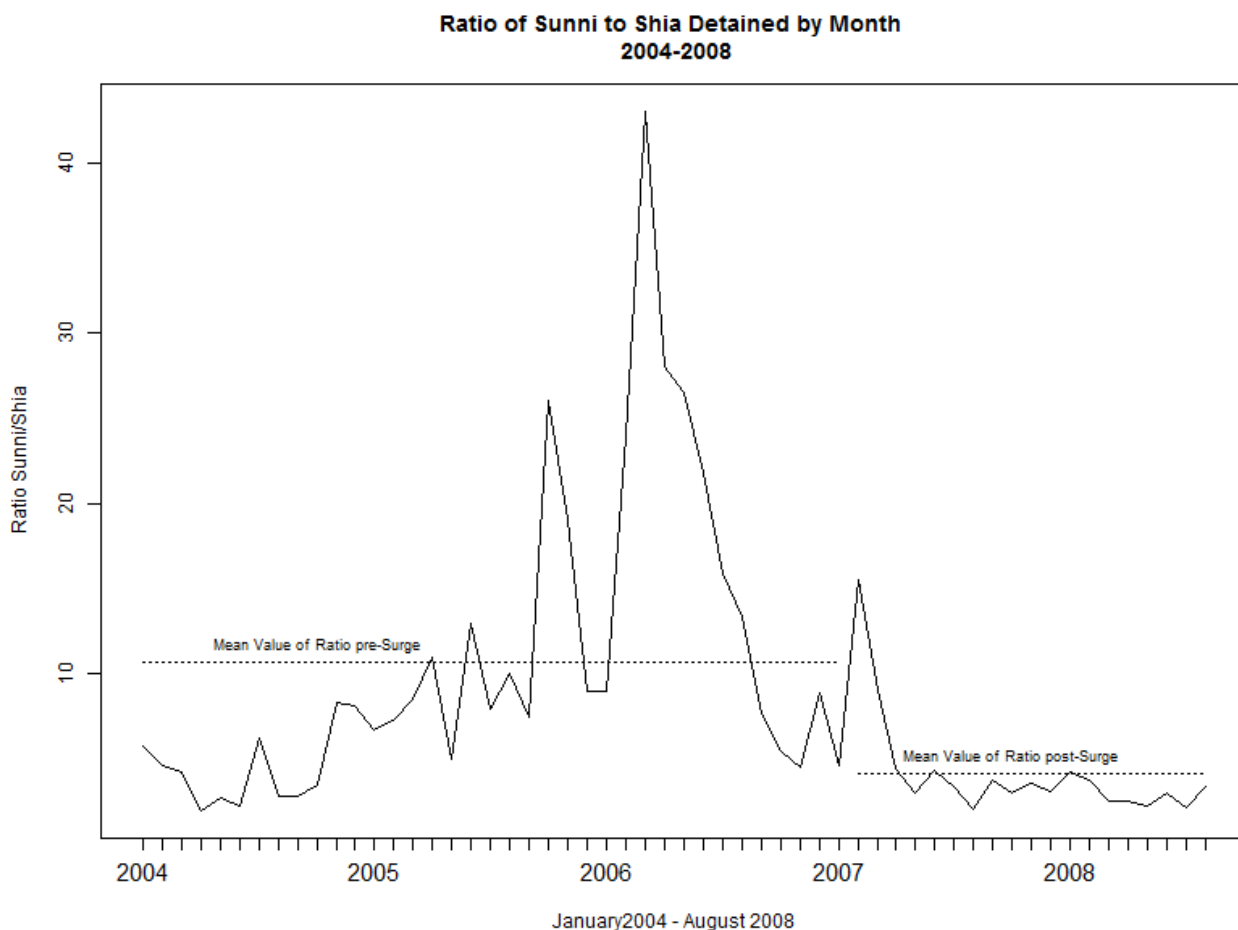
sought to free themselves from the influence of AQIZ and other foreign fighters. This movement relied on "Awakening Councils" which guaranteed the loyalty of those who served in the "Sons of Iraq" and also agreed to turn over insurgents to Coalition forces.

The awakening councils were a return to traditional leadership. Some criticized this tactic, calling it a retribalism of the country, especially of the Sunnis (Simon, 2008, 67). Given the weakness of the state and its institutions, re-tribalism and the reliance on in-group policing mechanisms may have been the only real short-term solution. The awakening councils worked with US troops to control territory and eliminate insurgent groups. Traditional tribal structures permeated the program. The Sons of Iraq signed pledges that they would not work with insurgents. They were accountable to the traditional tribal leaders, and put enforcement back into their hands. The financial incentives of the program motivated both the tribal leaders and their members. By returning responsibility to monitor and punish to tribal leaders, the US was able to concentrate on enforcing the barrier between the groups, hunting insurgents, and administering punishment to members of all insurgents – both Sunni and Shia.

Sunni leaders had lost influence over members of their tribes because of the influence of AQIZ and other insurgent groups and their active strategy of targeting Shia. The Shia leadership lost control over punishment mechanisms within their group because of the rise of militias and the competing leadership structures. Among the powerful militias there was no loyalty to the government – a government led by a Shia Prime Minister and supported by the traditional Shia leaders.

The US focused on the punishment of insurgents from both groups. This final factor in US involvement meant that US troops were detaining and holding any individual suspected of involvement with insurgency. This detention strategy operated concurrently with the increased support for traditional leadership for both the Sunni and Shia and a focus on boundary enforcement. The number of individuals detained in these facilities mushroomed during the surge (see Figure 1). Prior to the surge, detention was primarily focused on detaining Sunni insurgents (against US forces). However, after the surge, the US began working with Iraqi government troops to round up leaders and members of the JAM. This can be seen clearly in Figure 3, that shows the ratio of Sunni to Shia detained by month was more than halved once the surge began. This forced al Sadr's hand and he called for a cease-fire between the JAM and other groups.

Figure 3 - Ratio of Sunni to Shia Detained by Month

Ratio of Sunni to Shia Detained by Month
2004-2008

Ratio Sunni/Shia

Mean Value of Ratio pre-Surge

Mean Value of Ratio post-Surge

2004   2005   2006   2007   2008

January2004 - August 2008

The Institutional Context

The war in Iraq is an unusual case in that the United States forcefully accomplished a regime change and upset the institutional arrangements that had characterized Iraqi politics prior to 2003. After the US invasion, an insurgency led by Sunni Muslims began almost immediately and a Shiite insurgency began by 2004 with Moqtada Al-Sadr as its leader. The aftermath of the war and the installation of a new Iraqi government with new institutions created a dramatic shift in the power structures of the state. The Kurds maintained a great deal of independence within their territory, but also participated in the national government. The Shia majority held the major stake in the government, but had a great number of internal divisions. There was strong support for the new government among the Shia.

The Sunni minority that had ruled Iraq for decades believed that it did not have a seat at the table in the new government. Situations in which ethnic and sectarian groups are in conflict for power resources are not unique. The change in status of the Sunni minority was a proximate cause for the emergence of Sunni insurgent groups. In the beginning of the occupation, these groups directed their actions against US and coalition forces. However, they soon became involved in sectarian reprisals

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as Shia militias began systematically harassing Sunnis and AQIZ leaders focused attacks on Shia civilians.

The "Sons of Iraq" worked to mitigate the cycle of sectarian violence. The spiral of violence directed against Shia groups by Sunni groups, especially AQIZ, was a strategy meant to weaken the Iraqi government. It spiraled out of control because of the inability and unwillingness of the majority of Sunnis (and their leaders) to punish those in their own group responsible for committing or supporting acts of violence against the Shia majority. This unwillingness may have been due, in part, to the intimidation of the Sunni by members of AQIZ or to the fact that once the violence was committed, it became very difficult for the average Sunni to exit the cycle[12]. The presence of an insurgent group puts more moderate members of a group at a distinct disadvantage because they endure the retaliatory attacks from the other group for infractions committed by insurgents.

Two aspects of the surge changed the dynamic and led to the reduction of sectarian violence and a reduction of overall violence within Iraq[13]. The first was a significant change to the exogenous factors affecting the military prospects of AQIZ. The second was the deliberate shift in policy that positioned the US as an active third-party mediator between the Sunni and Shia factions.

Three factors influence insurgent group's military prospects. These factors are rough terrain, a weak state, and international support (Fearon and Laitin, 1999). All three of these factors were present in Iraq. The US strategy of protecting the center and building up state capacity threatened to further marginalize the Sunnis. Many Sunnis who had been content to sit on the sideline and wait out the conflict by passively supporting AQIZ insurgents in the western deserts, now faced the prospect of losing all power in the new political order.

International support also shifted. The AQIZ insurgency was receiving external support from Al-Qaeda. However, the tactics used by AQIZ, including the deliberate targeting of Muslims, had the effect of decreasing international support for their effort. Additionally the "global" nature of the Al-Qaeda worldview was a threat to other Sunni governments and other Sunni terror groups such as Hamas (Cragin, 2009). It was in this context that the "Sons of Iraq" emerged[14]. This new group was a response to the actions of AQIZ, the changing nature of the conflict (US COIN strategy), and the desire for more moderate Sunnis to gain a place at the political table.

Mediation by the US military changed the dynamic of the ethnic violence. The commitment of additional troops to end both the Sunni and Shia insurgency and the sectarian conflict and the policy of concentrating troops in the center had the effect of opening up a mediation channel for Sunnis living areas of AQIZ strength.

Detention

Detention was a much different affair in 2007-08 than it was in the chaotic early days of the war. The Taguba report on the abuses at Abu Ghraib found that there was a systematic and institutional lack of oversight, lack of resources, and lack of clear channels of command and control within the detention system (Taguba, 2005). The recommendations that were made in his report included a number of structural reforms to make detention more of a focus. These suggestions included

appointing a single commander for all detainee operations, making the Geneva Convention a centerpiece of detainee operations, calling for comprehensive standard operating procedures for all detention operations, and appointing a Judge Advocate to detention operations to assist and advise on matters of law (Taguba, 2005, 20-21).

The changes that were suggested in the Taguba report were instituted[15]. During the Surge, General Douglas Stone was in charge of all detention operations. He further instituted the suggestions of the Taguba report. Some Iraqis began to show acceptance of the American-led detention process by the population (Rubin, 2008). Detention by the US was seen as better than detention by the Iraqi Interior Ministry prisons. In addition to perceived better conditions, the process for releasing prisoners was streamlined. This was coupled with an increased effort to separate extremists from non-extremist detainees and to provide work and other training for those that were awaiting review of their detention. These qualitative changes to the process of detention were an important part of their synergy with other parts of the counterinsurgency operations during the surge.

The most significant way by which the US signaled that it was willing to punish insurgents was through the policy of detaining all suspected insurgents without respect for whether they were Sunni or Shia. This was a stark contrast with the Sunni-centric approach that had marked US strategy in Iraq previous to the surge (see Figure 3). Those that cooperated with AQIZ or who participated with JAM were reported to US forces who detained them. Figure 1 also shows that the number of individuals detained during the surge also spiked. Thus there was both a qualitative (in terms of who was detained) and quantitative (in terms of numbers) change in US detention policy during the surge.

US detention affected the Sunnis in two important ways. The first was that due to the sectarian troubles and Shia dominated security forces, it was not possible to trust Sunni detainees with local Iraqi detention (Azarva, 2009). The second reason was that Al-Qaeda was better organized and better armed than the moderate Sunnis in the region. This was a source of their ability to intimidate the local population and local leaders (Azarva, 2009).

The role of detention by coalition forces cemented the role of the US as a mediator between the two major groups. It was a signal to both the overall population and to the insurgent subsets of the population. First, the overall population was able to see the insurgents, and those that cooperated with them, taken into custody by US and Iraqi forces. This showed the population the ability of the local (mostly co-ethnic) security forces to enforce security. These local forces were the military in the case of operations against JAM, and the Sons of Iraq in the case of AQIZ and other Sunni insurgents.

The presence of US troops, and the knowledge that it was US forces that would control detention, signaled a commitment on the part of the central government to keep detention "neutral" in the internal struggles for political power. Emphasizing detention as a part of the overall push to increase security was also a way to legitimize the government. The changed tactics of coalition forces within the detention environment, including outreach to the civilian population, visitation, a review and

release process, and increased focus on evaluating detainees helped to change the reputation of detention (Molina, 2007; Kagan, 2008).

Perceptions about the US security commitment and political reforms were an issue that was very salient to the moderate Sunni province. Malkasian (2006) examines areas that counterinsurgency strategies can help to shift the perceptions of the dissatisfied population in ways that reduce the appeal of the radical messages from insurgent groups. The view that the success of the surge was due to the sons of Iraq group fits with this narrative. In addition to the creation of this group, however, was the role that detention played in moving politics out of the realm of violence. The message that detention of both Sunni and Shia offenders sent was that groups could compete politically, but not violently.

For the Sunnis, detention kept insurgents out of the political discussion while allowing tribal awakening councils to join with the government and to carve out a political space in relation to the central government. It allowed the government to distance itself from any potential fallout from increased detention since the coalition was given legal authority for detention (Wallace, 2007). This allowed the government to make public statements calling for the release or better conditions for detainees, while privately supporting the overall detention effort. Coalition detention of Shia insurgents also signaled to the central government that violence by either side would not be tolerated. Overall, detention during the surge was consistent with the actions of a partial mediator (Gilady and Russett, 2002, 399). In such interactions the mediator can strengthen the trust of the adversary by revealing information damaging to its protégé, or in other words, a biased mediator appears less biased by disclosing information about the favored group. In this case, the increase of Shia detainees was a signal to the Sunni tribal leadership that the US was being impartial in regard to security and sectarian violence – even if it favored and was supporting the Shia-led government.

Discussion and Conclusions

The preceding case does not necessarily conform to the traditional analyses of either the surge or its effects. The prevailing explanation of the success of the surge was due to increased troops and changed tactics. The surge was effective in the short-term in dramatically reducing both sectarian violence (see Figure 2) and insurgent attacks on coalition and Iraqi security services. The case study focused on highlighting events and conditions that conform to the model of third party intervention. The analysis did not focus on specific decisions made by military commanders on the ground, the disposition of troops, or even the tactics used by troops outside of the detention context. I simplified many of the nuances of the conflict and combined elements of insurgency and ethnic conflict in order to illustrate the potential importance of studying detention in the context of other military and political decisions at a critical point in the US strategy in Iraq.

This paper highlights the gap in analyses of the surge that do not account for detention in any way. This analysis is not contradictory in spirit - it is additive. It points to a picture of the strategic targeting of institutions – both formal and informal – to restore (or develop) a cooperative equilibrium between violently conflictual groups. It illustrates the general principles of the model of intergroup cooperation developed by Fearon and Laitin (1996) with the extension of a change

mechanism. The decision to engage with leaders from the Sunni tribes that had been complicit in supporting the insurgency against coalition forces was a turning point in the conflict in Iraq (Biddle, O'Hanlon and Pollack, 2008, 40). The decision to treat both Sunni and Shia insurgents as targets for detention was also a key turning point. The US signaled that the intention was to establish a stable Iraq, and not just to settle for a Shia-dominated stable Iraq. Actions that created further instability were intolerable. The focus on leaders from both groups and the capability to punish created a powerful signal to the Iraqi populace that they could trust their leadership to enforce cooperation. In-group policing could then return as a part of the intergroup dynamic. Figure 2 illustrates the success of the surge in the near-term. The number of civilians being killed decreased to pre-Golden Mosque bombing levels.

Detention policy in Iraq was uneven at best. The theoretical arguments about the role of detention assume a number of capabilities by the state(s) that intervene in conflict and post-conflict states. The most important of these capabilities is the existence of a coherent detention policy and strategy –one that will first do no harm to other efforts being made. One of the primary shortfalls of the US policy on detention was that it was carried out in an ad hoc manner from the beginning of the conflict with disastrous results (Braswell, McCarthy and McCarthy, 2014, 427-39). Detention only matured into a useful institution in the period leading up to the surge, and most of that is due probably more to the force of leadership by TF-134 commander General Stone, than a concerted overall policy (Kagan, 2008).

Intergroup conflict at levels below the state is a problem that has increased relative to interstate war. War, on the whole, is becoming less deadly (Centre, 2009). However, the toll of civil wars is still high in the costs to the populations involved in them (Ghobarah, Huth and Russett, 2003). Every state fails to regulate violence between individuals and groups within its borders to some extent. However, states with low capacity can fail completely at this task, leading to a failure of the state (Rotberg, 2004). It is those states with low capacity where informal institutions of cooperation are most important to the maintenance of security within the population.

Competition for leadership and the rise of insurgent groups can upset a cooperative equilibrium. Competing leadership and the presence of insurgent groups cause confusion within groups about the overall group identity and can hamper the ability of groups to punish their own members for actions committed again the "other" group. The intervention in conflict by a capable Leviathan can help to re-establish boundaries between groups, strengthen traditional leadership within a group, and take over the role of punishment from the groups temporarily.

The case presented here is difficult because of the competing explanations for both the breakdown of cooperation and the manner in which cooperation was restored. In fact, one of the authors of the work on which the model for this paper is based was very pessimistic about the potential for the surge to work (Fearon, 2007). Iraq's recent descent into chaos due to the rise of ISIS indicates that the Surge was not the answer to providing a lasting peace without continued commitment and resources.

The evidence presented here is at least suggestive. That leaves the question: what are the policy implications of ignoring a key factor in the success of the surge? If the establishment and running of detention facilities helped to reduce conflict between the groups, the potential implications for peacekeeping and peacemaking are enormous. This is especially true if that mechanism has been ignored or avoided because of the sensitivity of the subject and the potential for failure. Detention policies are potentially a positive part of successfully ending conflict. That potential should be enough to at least open a dialogue between scholars, policy-makers, and practitioners about the future role of detention in conflict. Detention should be considered by those who are interested in policy-making, policy-outcomes, or conflict processes more generally.

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Notes

[1] Here "good" civil-military relations are those that result in effective military policy.

[2] Thank you to a helpful anonymous reviewer who pointed out that the debate about the role of the administration in detainee abuse is still contentious.

[3] This paper is not meant to be normative in substance, but the inclusion of detention as a potential solution in conflict resolution situations has a number of normative implications.

[4] Such as those raised in this paper, for instance.

[5] This is not to say that such contributions have no bearing on these policy discussions, only that they are not the focus of this particular paper.

[6] The data on detainees in Iraq comes from a series of Freedom of Information Act (FOIA) requests made to the US military. The raw data is available from the author.

[7] They note the turn from large-scale and aggregate study of major wars to the study of smaller intra-state/subnational conflict.

[8] Or the absence of legal institutions when interactions occur within a stable security framework provided by a functioning state.

[9] This can also be an unwillingness to enforce cooperation. Competition for leadership within a group creates economic incentives that may lead to prolonged conflict (Kemp, 2004, 52).

[10] The use of a militia by Al Sadr fits the idea that militias are ". . . usually associated with incumbents who use them as auxiliaries"(Kalyvas, 2006, 107) Al Sadr was much more of an incumbent in traditional Shia social and power arrangements than Al Malaki and his government.

[11] Simon (2008, 62) believed that it was not foreign AQIZ, but nationalist Sunnis which were responsible for the killing and dying.

[12] Moderates are manipulated by elites in ethnic conflict (Fearon and Laitin, 2000, 870).

[13] This includes violence against coalition forces.

[14] The group was financed jointly by the Saudis and the US, with the Saudis providing the bulk of pay for the militia members and the US providing training and oversight.

[15] The Taguba report is an important part of the story of detention in Iraq. Its recommendations were implemented piece by piece. Taguba himself became a casualty of the politics of war. The Taguba report became public in April or May of 2004, with major outlets such as the New Yorker reporting on its contents (Hersh, 2004). Taguba's career was cut short as he fell out of favor with the civilian and military leadership. An account of this falling out is described by Hersh (2007). The report was thorough, but the fact that it leaked and that Taguba continued to make the judgement that what happened at Abu Ghraib was torture rather than detainee abuse sank him politically. The fallout from the report was far-reaching – it ended the military careers of a number of high-ranking officers directly responsible for Abu Ghraib. Many recommendations were eventually followed.

The Taguba report was influential even as Taguba lost his influence and position. This is not an isolated type of incident in the military. John Paul Vann in Vietnam (Sheehan, 1988) is a well-known example from that war. While Vann was later able to resume his career, his initial reports were dismissed and he was punished because his narrative did not meet the expectations of his superiors. The Taguba Report was completed when the war in Iraq was less than a year old. It would be another three years until the the changes in thinking and leadership in the Army were manifest in the surge.