The phantom insurrection: how counter-insurgency theory became a paradigm of governing

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We are constantly struggling to make sense of the politics of our time, to understand what links various developments and phenomena that we witness. Bernard E. Harcourt has written a book that offers such an interpretation. In The Counterrevolution, he explains how the massive collection of data and the increasing militarization of police go together, how the changes in military and foreign policy relate to domestic US politics since 9/11, and where to place President Trump in this picture. Harcourt describes how counter-insurgency strategies that were developed in particular during colonial wars became the military paradigm of the United States, and spilled over into the domestic realm. What we see today, he argues, is a consolidation of these counter-insurgency mechanisms at the heart of politics. At the occasion of his visit in Berlin, Bernard Harcourt was willing to give this brief interview and speak about the theses of his book.

You say that counter-insurgency has become the governing paradigm of US politics both abroad and at home – what is this counter-insurgency paradigm?

It is a mode of governing. It represents a particular way of keeping a population under

control. It is relatively new—it is only since 9/11 that it has really come together, although of course it has a much longer history dating back to the anti-colonial wars. It has, at its basis, the fear of an internal enemy—it is the specter of the internal enemy that motivates the entire mode of governing. But since there is not really an insurgency in the United States, it relies on the creation of a phantom insurgency, the demonizing of certain populations. In the United States today, these are mostly populations of color: Muslims, African-American protesters, Hispanics, un-documented persons from Latin America. And they are turned into the internal enemy so that our political leaders can gain the confidence and support of the majority of Americans.

The mechanisms go back to counter-insurgency warfare from the 1950s and 1960s, and they play out clearly today. Those principle mechanisms, which were developed in the colonies to suppress anti-colonial revolutions and uprisings, are first to try and get all possible information about the total population, to achieve total information awareness. The idea is to get all the information on the total population so that law enforcement can identify the small active minority and keep them separated from the passive majority. Then, second, to target that small minority, in order to eliminate the insurgency – and, third, at the same time, to work on the general population and win their hearts and minds. When those mechanisms begin to be used at home, they constitute a new mode of governing that works on the entire domestic population.

How does "the Counterrevolution" relate to counter-insurgency?

I chose "The Counterrevolution" as the title of the book, with capitals, to symbolize the point at which counter-insurgency practices become a mode of governing in the absence of any insurgency. We are living through what I call the American Counterrevolution, and this new mode of governing uses counter-insurgency strategies despite the fact that there is no real insurrection at home.

You stress that this is a continuous development across different US administrations and presidencies. How are we to understand the power there at work—to what extent are we speaking about explicit decisions, and to what extent about more structural phenomena?

Much of this mode of governing happens now by second hand absorption of the ideas. At first, of course, counter-insurgency theory and practices were explicitly and deliberately designed and developed, in Algeria, in Vietnam, in Iraq, in Afghanistan. These strategies were written down, theorized, practiced. If you look at the counter-insurgency field manual that was produced in 2006 by General David Petraeus, it is all thought out. And he was literally picking up the pieces from the French commanders in Algeria, from the British in Malaya. In part, Petraeus lifted the writings and words of David Galula, almost to the point of plagiarism.

And further back, Galula and his peers were drawing explicitly on Maoist reasoning, specifically on Mao's vision of society as being divided into three segments—an active minority for a cause, a passive majority, and another active minority against the cause. The French commanders were extraordinarily well-versed in Mao's writings because they were in Indochina and fighting against Maoist insurrections. So they learned it well, and they did not say: "Well, Mao is wrong, and we can defeat insurrections another way." Instead, they

essentially said "Mao's right, but we will do the same thing even better." Most of the counter-insurrectionist strategies are actually Maoist insurrectional strategies—especially the idea of working with the population, of gaining the trust of the population.

So at that original level, it was explicit, through and through. But when it becomes a mode of governing, a form of governmentality, it is not like that anymore. It infiltrates the population second hand. It is not as if George W. Bush originally sat down with Donald Rumsfeld and decided: we will take this method and bring it home. The way it filters back in is that it becomes a dominant way of viewing the world, it becomes the glasses through which our leaders and ordinary citizens begin to see the world—both abroad and at home.

Regarding the demands of human rights law and of international humanitarian law, we speak about a law enforcement as opposed to an armed conflict paradigm. Does the domestication of counter-insurgency strategies involve the merging of the two?

The relationship between the policing and the military paradigms in this context is particularly complicated because historically there has always been mutual exchange of the two paradigms. If you look at the French experience in Algeria, it is clear that military officers learned to torture from the police. Many of the military officers resisted, or were uncomfortable, and referred to the methods as "what the police do, not the military." So there is a back and forth, it is not uni-directional. There were influences of the police on the military, and then there are influences of the military on the police. We see the latter clearly in the United States today, because many police officers have previously served in Iraq or Afghanistan, and then come back to become private security or law enforcement, and all of their learnings about counter-insurgency influence their practices.

What role did 9/11 play? Would this development have taken place without it, only slower?

After the 9/11 attacks, much of the debate centered on whether the United States should adopt a military model or a penal law model to try individuals in courts. Clearly the military model prevailed. But it represented a turn to a military model with a very different paradigm of warfare, namely unconventional warfare, or counter-insurgency warfare. That form of warfare then began to dominate the military intervention, and then foreign affairs, and ultimately got domesticated and became a form of governing at home.

I don't think the development would have happened without 9/11. At the time, the unconventional warfare techniques were actually less common, less used. They had reached a highpoint in the 1950s and 1960s because of colonial wars. But soon thereafter, they were relatively eclipsed by nuclear strategy. During the later Cold War and after independence of most former colonies, the main issue was not counter-insurgency strategies. The main paradigm of warfare became nuclear deterrence. So counter-insurgency theory and practice had ebbed until 9/11. But at that point, the United Stated pivoted right back to it.

You said in the beginning that the fear of an internal enemy is central – this reasoning of self-defense. Given the continuity over time and across different administrations, who is the imagined collective subject of self-defense?

The way The Counterrevolution is justified is indeed through self-defense. In the legal memo, for instance, that was written justifying the <u>use of a drone against an American citizen abroad</u>, the entire justification ended up being about self-defense. Now, this works abroad – but you might ask, how does it work domestically?

It turns out that the creation of an internal enemy operates in a couple of ways at home— one is to construct the threat, another is to carve out a segment of the population from the collectivity that we need to defend. So on domestic soil, you first have to create that phantom insurgency. The people who fit into that carve-out are no longer seen as part of the collectivity that needs to be protected. When a robot bomb in Dallas, Texas, was used to kill a suspect, it was justified as well as a form of self-defense. But of course, from a criminal law perspective you cannot execute someone even when they represent a danger. You can use lethal force under very specific circumstances, there are restrictions and strict requirements, including the lack of alternative means, etc. The only way to get around that is by carving out the suspect from the constitutional protections of due process.

On a broader level, what is the role of law in enabling or limiting this mode of governing?

A great example of how legislation can be used as a way to facilitate a counter-insurgency mode of governing is in the context of total information awareness. Section 215 of the <u>USA Patriot Act</u> was the program that allowed for bulk collection of telephony metadata. There was only one legal reform that was passed in the wake of Edward Snowden's revelations, the <u>USA Freedom Act</u>. And the only thing it did was to require the telecom companies to retain all of the metadata themselves, rather than feeding it automatically to the National Security Agency (NSA). If and when the NSA needed to probe it, they could do that through channels; the legislation simply meant that the companies would hold the information rather than intelligence agencies holding the information. And for that, the telecom companies would be paid – the perfect neoliberal solution. That was the only reform made, no other program that the NSA had – Prism, Upstream, Boundless Informant, etc. – was the subject of reforms. So what that law did was to appease and make the American population comfortable, thinking that there had been some reform, when in fact nothing was changed. The reform was all smoke and mirrors, but it reassured the general population.

You organized the series <u>Uprising 13/13</u> at the Columbia Center of Contemporary Critical Thought. What were the insights from discussing different events of uprisings, were there surprises in how they confront and are confronted by counter-insurgency strategies?

Many sessions exposed the ways in which counter-insurgency strategies were being used to repress social movements. Studying for instance the Standing Rock protest, what that revealed in part was how the movement was repressed using counter-insurgency methods. <u>Revelations</u> of internal documents from TigerSwan, the private security firm hired to protect the pipeline, showed how they compared the native American protestors to Jihadists, referred to the protest as an insurgency, and also how they used counter-insurgency measures against it. Part of the series also looked at Maoist insurrection, the foundation that would give rise to counter-insurgency theory.

But there were certain sessions that might give us insight into forms of resistance that may be more productive to resist counter-insurgency strategies. I was particularly taken by Satyagraha, Mahatma Gandhi's approach of non-violent resistance, because it had such a holistic philosophical and spiritual dimension to it. More than any other form of resistance, it resists the counter-insurgency vision of society as essentially divided into three parts, and the very notion of an internal enemy. I believe we need to resist that vision of society. Of course, Gandhi's approach is a very demanding way of engaging in resistance. But it is based on a view of the world that is, perhaps, more promising and more likely to get us out of the mess we are in today.

Interview by Dana Schmalz

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