The "Ethical" Framework for Counterinsurgency: International Law of War and Cultural Knowledge in the *U.S. Army and Marine Corps Counterinsurgency Field Manual*

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When I took a decision or adapted an alternative, it was after studying every relevant—and many an irrelevant—factor. Geography, tribal structure, religion, social customs, language, appetites, standards, all were at my finger-ends.

—Colonel T.E. Lawrence, 1933[1]

Abstract: U.S. military campaigns in Iraq and Afghanistan elicited moral and legal justifications by their reluctant liberal supporters. But after the rise in combatant and civilian casualties, especially in Iraq, the U.S. military shifted its attention toward softer methods of winning these wars. The *Counterinsurgency Field Manual* was published within the context of these ethico-legal and military concerns. This manual proposes a "new" counterinsurgency doctrine, which claims to rely on international law of war and social scientific knowledge to train counterinsurgents and directs them to learn cultural knowledge to wage an "ethical" war.

Keywords: *Counterinsurgency Field Manual,* war on terror, international law, cultural knowledge and war, ethical violence, 11 September 2001

Résumé : Les campagnes militaires américaines menées en Iraq et en Afghanistan ont suscité des justifications légales et morales de la part de leurs partisans libéraux, peu enthousiastes. Suite à la montée des pertes civiles et militaires, surtout en Iraq, l'armée américaine s'est tournée vers des méthodes plus douces afin de gagner ces guerres. On a publié le *Manuel de terrain de la contre-insurrection* dans le contexte de ces préoccupations éthico-légales et militaires. Le Manuel propose une « nouvelle » doctrine de la contre-insurrection, qui prétend se rattacher au droit international de la guerre et au savoir des sciences sociales, pour former des agents anti-rébellion : il s'agit de les inciter à apprendre, ainsi qu'à utiliser, des notions culturelles pour faire une guerre « morale ».

Mots-clés : manuel de contre-insurrection, guerre à la terreur, droit international, connaissance culturelle et guerre, violence « éthique », le 11 septembre 2001

Introduction

The U.S. military turned cultural knowledge into a counterinsurgency weapon as part of its "ethical" and "gentler" approach to the wars in Iraq and Afghanistan. Culture was officially weaponized with the initial publication of the *U.S. Army and Marine Corps Counterinsurgency Field Manual 3-24*[2] in 2006 (Davis 2010, 2014). General David Petraeus was the mastermind behind the *Manual* and the new counterinsurgency doctrine. "Conducting a successful counterinsurgency campaign," he and General Amos wrote in the foreword to the *Manual,* "requires a flexible, adaptive force led by agile, well-informed, culturally astute leaders" (U.S. Army 2007[2006]:xlvi) who can understand "the people, their culture, their social structures and how systems to support them are supposed to work" (Petraeus 2010:116). The *Manual,* the Human Terrain System (HTS)[3] and similar programs were developed by the U.S. military to achieve these counterinsurgency goals.

The ethically and legally contentious basis for the wars in Iraq and Afghanistan, and covert operations globally, elicited moral and legal justifications by some of their liberal supporters (Ignatieff 2005). The use of torture by the CIA (e.g., waterboarding) on prisoners of the "war on terror," sexual abuse and torture of Iraqi prisoners at the Abu Ghraib Prison in Iraq by U.S. military personnel and the imprisonment of "suspected terrorists" as "unlawful combatants" at Guantanamo Bay, Cuba, were some of the more publicized instances where the legal and ethical nature of these wars and their conduct was questioned. The new *Manual* was therefore introduced to ethically and legally justify the use of force by the U.S. military in its counterinsurgency

campaigns in Iraq and Afghanistan. Sarah Sewall, in her introduction to the University of Chicago Press edition of the *Manual*,[4] thus directs the *Manual*'s critics to its most celebrated point,[5] namely, that the *Manual* was produced as a "military doctrine" within the framework of Just War theory in international law (U.S. Army 2007[2006]:xxxii). The Just War framework she refers to is based on the premise that war is necessary and that to enter the "*jus in bello* frame" is to enter into debates about how to conduct war morally and ethically (xxxii).

In this article I examine the *Manual*, literature on the international law of war, and the recent discussion in anthropology about the *Manual* and the use of culture in counterinsurgency doctrine and practices since 11 September 2001.[6] I argue that both international law and the counterinsurgency doctrine create "categories" that enable justifiable violence. Those who do not fit into the appropriate categories are considered expendable through violence. Both doctrines use the same rhetorical and accompanying politico-moral strategy: inclusion and exclusion through the definition of categories that enable and justify violence on those who are "outside" the appropriate categories. The *Manual* only appears to be inclusive through its attention to culture. However, what is at work here is precisely a logic that Achille Mbembe (2003) has described as the logic of cultural "necropolitics."[7] Culture, in this context, functions as a domain of surveillance that subjects locals to a space of exception and then turns them into expendables. As discussed later in the article, it becomes clear, in fact, from the accounts of the U.S. military commanders on the ground that "culture" (even ostensibly that of "others") is to be used purely instrumentally to bring about the ends of the military and its society's culture. Only one culture and its interests and needs are to count in the end. All others are manipulated to serve it.

After 11 September 2001, wars waged by the United States and its allies have reinvigorated debates about Just War.[8] The theory of Just War is "an argument about the moral standing of warfare as a human activity," which states that "war is sometimes justifiable and that the conduct of war is always subject to moral criticism" (Walzer 2004:ix). The introduction of the *Manual* as a military doctrine and the debates about its utility in the so-called counterinsurgency campaigns in Iraq and Afghanistan (Vizzard and Capron 2010), legal contestations about what constitutes torture (Greenberg and Dratel 2005), debates about the legal status of "enemy combatants" in the war on terror (Ahmad 2009), and, most recently, the legal status of drone attacks in inter-

national law—and of those killed in these attacks—in the northwestern tribal and settled areas of Pakistan (Finkelstein et al. 2012) are part of the recent debate about the relationship between ethics, violence and international law. Although anthropologists have critically examined the *Manual*, the introduction of the HTS in Iraq and Afghanistan and the recruitment of social scientists in this program (Gonzáles 2009a), Sewall's claim that the *Manual* is based on the principles of international law and, therefore, that its critics should examine it on those grounds remains unexplored.[9] I proceed, first, by discussing some of the recent arguments about the increasing use of law in war, to show how, in making the case for a "just war," there is an attempt to justify and even moralize violence. Here, I question the notion of "ethical" violence as it is framed as the basic category of military/state violence in the *Manual*. I then discuss the use of cultural knowledge in the *Manual* and examine the assumptions underlying the military's turn toward culture. I conclude by discussing how the U.S. military has deployed the "new" counterinsurgency doctrine in Iraq and Afghanistan.

International Law and the Ethical Framework for Violence: "Combatants," "Civilians" and Their Intentions

Sewall begins her introduction to the *Manual* by pointing toward the "moral anxiety" felt by the American nation and its military in their recent wars (U.S. Army 2007[2006]:xxii). This anxiety, she explains, is caused by the "asymmetric challenge" posed by the insurgents, who exploit "traditional ethical and legal constraints on the use of force" (xxii). This asymmetry, as she puts it, raises the question of how to fight these insurgents ethically. Sewall answers that the *Manual* is "radical" in the sense that "it demands significant change and sacrifice to fight today's enemies honourably"; that is, according to the standards of international law (xxi). The *Manual*, she explains, is "cognizant of international rights standards, expectations of accountability and the transparency that accompanies the modern world" (xxxiv). However, claiming to resort to the values of international law in order to use violence morally against a "dishonourable" enemy rests on two key assumptions about the relationship between law and violence. These are, first, that law (in general, and international law, in particular) restrains violence and, second, that the violence of "insurgents" and "terrorists" is categorically unethical and unjustified. Discussing recent works on international law, violence and ethics (see Altman 2012; Asad 2010; Weizman 2010), I examine both of these assumptions below.

Eyal Weizman, in his work on the increasing attention to international law by the Israeli Defence Forces (IDF), has examined the relationship between "military development" and "legal technologies," known as "lawfare—the use of law as a weapon of war" (2010:13). He argues that, rather than restricting violence, the IDF's increasing resort to international humanitarian law has resulted in increased destruction and suffering for the Palestinians. Weizman examines Israel's assault on Gaza in 2009 and argues that legal experts working with the IDF provided interpretations of international law that the military used to expand the "elastic limits of the law" (24). Specifically, the IDF's legal experts advised it to use pamphlets, telephone calls and loudspeakers to warn Gazans to vacate their residences before they were destroyed. Those who remained became designated as "combatants" and lost their status of "civilians," while at the same time their residential buildings became legitimate military targets. Mass warnings were used to shift persons between legal categories (22). As one received the warning call from the IDF, one's legal status might have changed from "an "uninvolved civilian," protected by international humanitarian law, to a voluntary "human shield" or even to a person taking part in hostilities who could be killed as a "legitimate target" (22). Weizman concludes that "operating at the margins of the law"—by working in the grey zone—is a way to expand legal boundaries (24) and, I would add, a way to deliberately blur the categories of civilian and combatant and legitimate and illegitimate targets.[10]

Sewall celebrates the application of international law in the "new" counterinsurgency doctrine, claiming that it provides the "ethical framework" to restrain war and violence (U.S. Army 2007[2006]:xxxii). But the relationship between law and violence is not, as she assumes, a simplistic one in which the former constrains the latter. Working at the margins of law and manipulating the boundaries between legality and illegality expand rather than restrict the scope of violence by bringing the "undesired" into the domain of the "legal," where they may then be subjected to "ethical" violence. As Talal Asad notes, "the law of war does not provide a set of 'civilizing rules'" but rather "a language for legal/moral argument in which the use of punitive violence is itself a central semantic element" (2010:3). The movement across and the manipulation of legal categories are essential to deciding (and accepting) who is a legitimate target and deserves to be killed and who is not.

This blurring of boundaries between civilian and combatant also features in the recent debates on the U.S. government's increasing use of drones and other means of targeted killing of "suspected terrorists." In a recent book on these debates, *Targeted Killings: Law and Morality in an Asymmetrical World* (Finkelstein et al. 2012), which brings legal theorists, philosophers and military officers together, Colonel Mark Maxwell, a staff judge advocate of the U.S. Army, explains that civilian and combatant are two recognized statuses in the international law of war. However, Israel and the United States, he further explains, have added a third category: "unlawful combatant" (2012:47–48).[11] This category designates persons against whom lethal force, without proportionality—which must be adhered to under the regular conduct of war between *lawful combatants*—is permitted (46–47). According to the law of war, terrorists and insurgents can be categorized as *unlawful combatants* (as opposed to state agents of violence) because they conceal their intentions (to harm), their preparations (to attack and fight other combatants), their identity as hostile enemies and the weapons they wish to use (McMahan 2012:139). The *Manual* follows this categorizing of lawful and unlawful combatants and speaks of insurgents as those who "hide among the people" and are "deceptive," rather than fighting openly and honourably (U.S. Army 2007[2006]:52). The unlawful combatants are thus unlike lawful combatants, who are uniformed, openly armed and hostile and are thus identified as having the intention and agreement to inflict and receive harm. Therefore, it is the concealed intent and identity of the terrorist that differentiates his or her violence from that of the state and makes it unlawful.

In his introduction to *Targeted Killings*, Andrew Altman examines the arguments put forward to morally justify state violence. He argues that terrorism can be approached as a "factual question" that can be decided by the criteria of probing the "intent and purpose behind" an act to "proceed to judge the act as an egregious moral wrong" (2012:4). The moral difference, Altman explains, between the collateral damage caused by the state, in which civilians are harmed, and the acts of terrorists, who also harm civilians, is one of intent. He explains: "even if the intentional killing of civilians can be justified in certain extreme situations, the general moral prohibition against intentional killing of the innocent would seem to be stricter than the prohibition against foreseeably but non-intentionally killing the innocent" (4). The violence of the state and the occupying military forces, then, appears morally different in nature from that of insurgents because of their intentions not to harm civilians *deliberately*. The *Manual* follows this approach to violence and advises soldiers that they "may take actions where they knowingly risk, but

do not intend, harm to non-combatants" (U.S. Army 2007[2006]:245).

Intent behind violent acts is then what must be probed to differentiate between ethical and unethical violence, according to Altman and other scholars of international law. However, Asad criticizes this "new urge to moralize the use of violence" (2010:3) since 11 September 2001 in liberal Western states by resorting to Just War theory and emphasizing the role of actors' intentions. Asad questions the distinction between "war (civilized violence) and terrorism (barbaric violence)" and argues that the similarity of both forms of violence becomes clear if we "set intentions aside, such as the deliberate or accidental killing of 'innocents'" (3). In the conducting of counterinsurgency operations, in which civilians are frequently killed, it is indeed difficult to determine, despite the claims made by state militaries, whether those killed by soldiers or drones with "precision strikes"[12] were indeed insurgents (unlawful combatants) or just civilians. In the conflicts in Iraq and Afghanistan, as Asad notes, "the 'innocence' of civilians often cannot be determined in advance," and their killing worries liberals because "legal and moral boundaries are easily breached" and the line between "soldier," "insurgent" and "civilian" often becomes "obscure" (11–13). In the section on ethics, the *Manual* reassures soldiers about these categorical ambiguities by advising them that their violence may be necessary and justified insofar as the force used is required to accomplish a mission and/or secure the lives of soldiers; the soldiers may then risk harming civilians *but without the intention* to harm them (U.S. Army 2007[2006]:245). However, it is not clear who would decide on the proportionality and how, when the sought-after (military) objectives demand full use of force against an enemy that has already been designated as "unlawful." Sewall explains that while the *Manual* asks the counterinsurgents to use minimum and proportional force, this may not always be possible, given the "uncertainty about who is a civilian and who is hostile" (U.S. Army 2007[2006]:xxvii–xxviii).

However, this uncertainty about the civilian status is in fact tied to the emergence of the category of unlawful combatant in international law (Wilke 2014:3). The status of unlawful combatant obscures the status of civilian because whoever is not a combatant, according to the laws of armed conflict, is a "non-combatant" (3), thus making the category of (innocent) civilian doubtful and easy to shift around. For Sewall and other reluctant proponents of state violence, there seems to be no ambiguity in the status of their (state's) combatants and about their moral edge to kill as opposed to the moral right of those who resist them. In the Gaza conflict of August

2014, although Israeli civilian and military deaths were clearly categorized and reported, the civilian status of dead Palestinian men was never clear: most were put in the category of the "unknown role" (Wilke 2014:2).[13] Denying civilianhood to justify killing of non-combatants is tied to denying that "the enemy" is a lawful combatant. This is because whoever is not a combatant is defined as a non-combatant, but when and how these non-combatants get categorized as civilians or as unlawful combatants (and hence legitimate targets) remains in the grey zone of the law and varies according to the interests of the state and its militaries.

Here, acquiring cultural knowledge and collecting intelligence are introduced by counterinsurgents not only because they want to moralize their violence and win over the locals by claiming to target those who "ethically" deserve it but also because they see the insurgents' violence as deeply shaped by their culture rather than "rational" law and politics. In justifying counterinsurgents' violence, the *Manual* explains that by using cultural knowledge and local intelligence, they can avoid "unintended harm" and act as surgeons, "cutting out cancerous tissue while keeping other vital organs intact" (U.S. Army 2007[2006]:41). In the following sections, I explore how and in what ways cultural knowledge and local intelligence are to be used to isolate "insurgents" from "civilians" and the assumptions underlying and consequences resulting from such an approach.

The *Counterinsurgency Manual* and the Uses of Cultural Knowledge

According to the *Manual*, separating civilians from insurgents is one of the most important elements of a successful counterinsurgency. However, Sewall and the U.S. military are well aware that resistance to military occupations always builds on local support. The embeddedness of resistance locally creates "moral dilemmas" about the military's use of violence because of its "inability to distinguish between combatant and non-combatant as the law of war requires" (U.S. Army2007[2006]:xxvii). Learning from past imperial counterinsurgency campaigns of the British and the French, the *Manual*'s and Sewall's proposal is to "assume more risk" (U.S. Army 2007[2006]). This requires the soldiers to closely interact with the local population to gain a better understanding of the "human terrain," which, it is assumed, might result in effective offensive operations.

The Network of Concerned Anthropologists (NCA)[14] has criticized the recruitment of anthropologists and other social scientists to serve the knowledge needs of the military and the use of cultural knowledge in the

Manual and the HTS. In the NCA's response to the *Manual*, *The Counter-Counterinsurgency Manual*, Roberto Gonzáles says that the HTS program is marketed in the media "as a life-saving initiative that is establishing a kinder, gentler, U.S. military presence in Iraq and Afghanistan" (2009b:100). In the same volume, David Price criticizes the *Manual* as a "new dream of cultural engineering" (2009:60), while Andrew Bickford argues that, for the military, "the *Counterinsurgency Field Manual* and HTS are about human intelligence collection in which anthropology is used as a cover" (2009:137). There are indeed troubling resonances between the methods that the *Manual* asks the military to use to collect local intelligence and the ethnographic methods of data collection that anthropologists often use. Bickford explains that "both work with people and are interested in gathering and garnering information about people ... Both utilize 'informants' ... interact with people, observe, collect data, analyze and write up findings and interpretations" (141).

A reading of the *Manual*, however, shows that there are certain assumptions underlying the military's imitation of ethnographic methods for counterinsurgency. For example, the *Manual* directs those executing counterinsurgency operations to live among the people (U.S. Army 2007[2006]:185). This will, in turn, bring soldiers, it is presumed, close to the locals, so that they can, first, separate insurgents from civilians and know how the former mobilize and build support and, second, learn about the local alliances and networks that insurgents, and now counterinsurgents, may tap into, exploit and manipulate. This, as I explain below, is what commanders think cultural knowledge is about and in this way it should be used as a weapon against the insurgents.

Listening to the locals in culturally attuned ways, knowing the needs of the local communities and then acting on them, becomes the key, according to the *Manual*, for the counterinsurgents to distinguish insurgents from civilians. Being culturally attuned is assumed to do more for the counterinsurgents, though. As anthropologist Brian Ferguson notes, "being culturally attuned is expected to give U.S. forces almost a sixth sense in dealing with local populations" (2013:89). According to a Department of the Army document, such an approach will anticipate and detect "subtle changes within the population. Actions inconsistent with the population's behavioural norms could be indicators of guerrilla activity, internal conflict or the confirmation or denial of intelligence" (Ferguson 2013:89). The culture would then act as a domain of surveillance, in which locals could be categorized as dangerous (to the occupation) based on certain deviations from the cultural norms. In other words, the logic of "cultural necro-politics" would work as such that "the natives" would be subjected to the expert surveillance of culture (as imagined by the occupation), such that those who seemed to be an aberration of the culture enter a legal space of exception as human targets.

In comparable ways, the classification of locals according to different social and cultural categories was one of the ways in which colonial powers exercised sovereignty (Mbembe 2003:25–26). Colonial powers created "a large reservoir of cultural imaginaries" that "gave meaning to different categories of people for different purposes within the same space" (26). Occupation and management of the space—which went hand in hand with the categorization of locals within it—was how necropower operated in the colonial context (26–27). Sovereignty, in this fundamental sense, meant "the capacity to define who matters and who does not, who is *disposable* and who is not" (27). Much like the colonial schedules and lists of categories, in the current context the use of "Culture Smart Cards" that list cultural characteristics (based on the national character studies model of 1940s and 1950s cultural anthropology) and training in the mock Iraqi and Afghan villages were designed to not only familiarize U.S. soldiers with these occupied spaces and cultures but also train them to identify and categorize men and women within them (Davis 2010).

There is, of course, no monolithic form of engagement with the notion of culture in the U.S. military, and the understanding of culture and the uses of cultural knowledge have shifted historically (Brown 2008). However, the significance given to acquiring cultural knowledge in the *Manual* is based on a particular understanding of Culture. It is assumed to be a blueprint for individuals' actions. In other words, culture is thought to provide a script that directs actors' actions and that if counterinsurgents learn cultural knowledge, they will be able to better read and understand those actions, identify deviations and categorize persons. That is why culture is presumed to have a defining relationship to violence and politics at the local level. A star consultant of the HTS program and supporter of the *Manual*, anthropologist Montgomery McFate, explains this point:

> Neither al Qaeda nor insurgents in Iraq are fighting a Clausewitzian war, where armed conflict is a *rational* extension of politics by other means. These adversaries neither think nor act like nation-states. *Rather, their form of warfare, organizational structure and motivations are determined by the society and the culture from which they come.* [2005:43, emphasis added]

According to McFate, the cultural and social context in which "insurgents" and "terrorists" live, influences and shapes their actions (rather than vice versa). History and politics—including the political role and violence of the occupying forces—and the ways they have affected the culture and shaped the social context of violence at the local level, are ignored in McFate's account of insurgent violence. Insurgents' violence can easily be categorized as "barbaric," and hence "unethical," because it does not result from "rational" politics and law but rather from their culture, which then becomes the domain of knowledge and surveillance for the counterinsurgents.

Counterinsurgency on the Ground: Uses of Cultural Knowledge in Iraq and Afghanistan

For the U.S. military, the objective behind gaining cultural knowledge is how it can be used to manipulate networks and alliances by mapping the structures of power and patronage at the local level. Under the heading "Power and Authority," the *Manual* explains:

> Once they have mapped the social structure and understand the culture, staff must determine how power is appropriated and used within a society ... *Understanding power is the key to manipulating the interests of groups within a society* ... Informal power holders are often most important. They may include ethno-religious groups, social elites and religious figures ... For each group in [the] AO, the counterinsurgents should identify the type of power the group has, what it uses the power for ... and how it acquires and maintains power. [U.S. Army 2007[2006]:94–95, emphasis added]

For the counterinsurgents, the focus on cultural knowledge and intelligence in the *Manual* translates into what is considered critical in countering any insurgency: understanding local-level politics, power and authority and how to utilize, exploit or restructure them for counterinsurgency purposes. As the following accounts of military operations in Iraq and Afghanistan show, for the U.S. military and its commanders, cultural knowledge is a weapon to be used on the ground to identify and target insurgents.

Lieutenant Colonel John Nagl (retired), a contributor to the *Manual*, served in Iraq in 2003 and 2004. In Iraq, he explains, American soldiers confronted an enemy who was "ruthless, and all too often invisible" (2005:xi), making it necessary for the battalion he served with to shift focus from "battle-tracking enemy tank platoons and infantry squads who fought in plain sight,

to identifying and locating an insurgent enemy who hid in plain sight" (xiii). Nagl explains that "the enemy we faced could only be defeated if we knew both his name and address—and, often, the addresses of his extended family as well" (xiii). For Nagl, this shift in tactics meant gaining local knowledge, which entailed mapping of kinship, political networks and power structures. Thus, "understanding tribal loyalties, political motivations and family relationships was essential to defeating the enemy we faced, a task more akin to breaking up a mafia crime ring ... 'Link diagrams' depicting who talked with whom became a daily chore for a small intelligence staff" (xiii). Local knowledge, therefore, served the purpose of surveilling the locals to identify insurgents and their support among the civilians.

Lieutenant Colonel Jim Crider, a battalion commander in Iraq during 2007–2008, was among the first officers to implement the lessons of the *Manual*. In his working paper as a fellow at the Center for a New American Security, *Inside the Surge: One Commander's Lessons in Counterinsurgency*, Crider tells us that his early difficulties resulted from the absence of a "wide-ranging intelligence network" that could have been used to identify the "insurgents hiding among the population" (2009:8). In Baghdad, Crider's area of operations, the local Sunni political leaders had been delegitimized because of the collapse of the state structure and the absence of the funds they had relied on for their authority and patronage. Into this vacuum entered Crider and his men, who had the money, contacts and military resources to provide "security" and "governance" and thereby to take the role of local patrons capable of building a ground-up intelligence network. Crider initiated trash collection programs, which provided jobs for local men, and "distributed money in the form of rewards for information, micro-grants for small businesses, salaries through local contracts and condolence payments" (15). Crider explains that "money gave us the means and political capital to motivate otherwise wary residents to help. Authority without money would have reduced us to pleading with citizens to cooperate" (15). Crider concludes that to use local people as allies against the insurgents requires a "deep understanding of the cause of the insurgency as well as the culture in which it is taking place" (19). By learning the culture, collecting local knowledge and providing rewards and opportunities under the control of the occupying forces, Crider claims that he was able to create a local network of allies and intelligence for effective counterinsurgency in his area.

In Afghanistan, the U.S. military has been deploying similar counterinsurgency tactics to those Crider and Nagl applied in Iraq. For the counterinsurgents in

Afghanistan, knowing the culture has entailed knowledge of tribal networks, alliances and politics. This has resulted in essentializing the tribal character of Afghan political and social life (Gonzáles 2009a),[15] hence the much-celebrated meetings of military and civilian officials with the Afghan "village elders" and "tribal leaders" to win their "hearts and minds" through presents of cash, development aid and contracts. This form of alliance-making with the "traditional" power-holders continues in the form of arming tribal allies and former "warlords" (now working as subcontractors in the war economy), whose militias have proved critical in protecting occupying forces and their logistical routes (Hussain 2012).

The *Manual* is attentive to how patronage systems may be restructured or managed locally through access to formal and informal economic and political resources, which Crider claims he built in Iraq. This has meant counterinsurgents' intervention in local power structures. The violence of the counterinsurgents and the resources they control and provide in the form of development aid and contracts, as well as their access to the resources of an occupied state, play a key role in shaping local-level politics, power and patronage systems. Counterinsurgents' use of cultural knowledge and local intelligence to separate civilians from insurgents and to politically and materially cut the latter off from local support have had long-lasting political and social implications for Iraqis and Afghans, whose violence, resulting from ethnic, tribal and sectarian divisions (which have been exacerbated by the intervention of the counterinsurgents), is then attributed to their culture.

Conclusion

The increasing use of international law in combat by state militaries facilitates their claim that the violence of war can be regulated and moralized. The training of soldiers to act as cultural experts and social workers (and vice versa) is an attempt to morally justify recent wars and the killing and suffering caused by them. Here, culture, as well as the social science disciplines that claim to specialize in its study, have been instrumentalized for these purposes. To assert that the *Manual* and the HTS can make possible a "humane" and "ethical" war is an important shift in reframing the claims and practices of imperial wars. Moreover, as Price (2009) and others have noted, it is a marketing move to represent U.S. military campaigns in Iraq and Afghanistan as a "kinder, gentler" form of military occupation (Gonzáles 2009b:100).

Resorting to international law in war is also an attempt to ease the "moral anxiety" of those who want to win these wars but whose sensibilities are disturbed

by their violence. The discourse of fighting a just war against evil, "amoral and ... barbaric" terrorists and insurgents helps in justifying the violence that disturbs the reluctant supporters of these bloody wars (U.S. Army 2007[2006]:52). Cultural knowledge is precisely needed here by the military to know the local needs, networks and vulnerabilities and then to act on and exploit them to defeat local resistance to their occupations "ethically," while at the same time reducing the insurgents' violence to their culture. As Crider candidly admits, "the mission of the U.S. military still revolves around imposing our will on the adversary, whether our adversary is a standing conventional army or a group of insurgents hidden among the population" (2009:19–20). In the *Manual* the resort to international law and the use of cultural knowledge are tactics of war geared toward achieving this mission to win. But these "non-violent" tactics and violent interventions have not taken place without affecting the politics and cultures of these places, such as increasing sectarian and tribal tensions in Iraq and Afghanistan and leading to the emergence of new militant groups there such as the Islamic State in Iraq and the Levant (ISIL). The implications of these attempts to rewrite the ethnographic landscapes of these countries will continue long after the end of occupations there.

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Acknowledgments

Notes

1 Golinghorst 2012:1.
2 Henceforth referred to as the *Manual.*
3 The HTS was designed as a counterinsurgency response in the form of on-the-ground, multipurpose teams composed of military personnel, social scientists and other experts who were supposed to interact with the locals and gain local knowledge and intelligence (Gonzáles 2008). HTS teams were composed of five to eight persons. In Afghanistan, 14 teams remain active as of August 2013, down from a high of 30 (Gezari 2013).
4 The University of Chicago Press version of the *Manual* is a trade edition of *The U.S. Army and Marine Corps Field Manual 3-24,* which continues the U.S. military's long

tradition of the dissemination of military doctrine in manual form, such as the U.S. Marine Corps' (1940) *Small Wars Manual* (Ansorge 2010; U.S. Army 2007[2006]:xiii).

5　Sewall was the director of the program on national security and human rights at the Harvard Kennedy School of Government.

6　Of the many elements of the *Manual*, I am selecting two (the use of international law and cultural knowledge) to focus on because both have been publicized to give these wars a humane or, at least, a less violent and more morally justifiable colour. The use of cultural and social scientific knowledge and methods and the recruitment of some social scientists into counterinsurgency programs such as the HTS are also attempts to represent these military campaigns as a softer form of counterinsurgency.

7　Examining the relationship between biopower, sovereignty and violence, Mbembe has argued that "the ultimate expression of sovereignty resides … in the power and capacity to decide who may live and who must die" (2003:11). He calls this form of modern power "necropower."

8　See, for example, Walzer 2004.

9　Anthropologists have been engaged in debates in international law about human rights and security since the events of 11 September. See Wilson and Mitchell 2003.

10　Examining Israel's assault on Gaza in July–August 2014, Weizman (2014) reiterates this point: "Israeli military argues that if residents are warned and they do not evacuate, then they can be considered legitimate collateral damage. Under this interpretation of law, the civilian victims become human shields."

11　Christiane Wilke has argued that the category "unlawful enemy combatant" emerged out of the U.S. Supreme Court's decisions regarding the status of enemy (Germans, interned Japanese, Communists) in U.S. law in the mid-20th century. She explains that these cases provided the "terminology and prepare[d] the conceptual stage for the post-9/11 enemy combatant policies: they invent[ed] and multipl[ied] categories of enemies in ambiguous legal territory" (2007:42).

12　In an article in *The Guardian*, a former drone operator has cast serious doubts on the accuracy of drone killing strikes (Linebaugh 2013).

13　There is an even more ruthless instance of this, as we know that U.S. drone strikes (at least in Pakistan and Afghanistan) explicitly target all males in a location selected for a strike, assuming all of them to automatically be included in the category of unlawful combatant. This is also linked to the U.S. military's deliberate targeting of those males who rush to retrieve bodies after a strike, known as a "double tap" strike tactic. I find this to be no different from the tactic that the so-called terrorists use when they set off a series of bombs to catch those who rush to help the initial victims of an attack.

14　The NCA is an independent network of anthropologists that advocates ethical anthropology. The NCA has been active in critically examining the recruitment of social scientists, especially anthropologists, into counterinsurgency campaigns.

15　The strategy of arming tribes in Iraq and Afghanistan has resulted in "reinforcing the 'tribal' model imposed upon from above," and "the hierarchical 'tribe' with highly concentrated leadership may well become a self-fulfilling prophecy" (Gonzáles 2009c:18). The category of tribe is reinforced in local politics through the exacerbation of divisions—by supporting some and opposing others—along tribal lines. This has resulted in the refining of tribal boundaries and shifts in power relations locally.

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