

Combat-Related Killings and Democratic Accountability: Towards an Understanding of the Cultural Capacities to Deal with Matters of War

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Abstract: This report was written by the organizers of the workshop "Accounting for Combat-Related Killings," which took place at the Goethe University Frankfurt in July 2014. Scholars from Israel, the United Kingdom, the United States, Canada, and Germany came together to present and discuss case studies on the discourse practices involved in accounting for combat-related killings in different national and transnational contexts. Intending to reflect on the methodological skills needed to analyze newly available process data, the workshop brought together scholars using different methodological approaches (here mainly ethnomethodology and critical discourse analysis). In regard to the global trend towards increasing numbers of so called permanent, asymmetric, small, and permanent wars, the report turns to concepts, methods, and empirical findings that foster understandings of the difficulties war generates at social, cultural and political levels as well as the manner in which these predicaments are negotiated, denied, or deflected. The report summarizes the workshop by presenting the papers in a specific order, beginning with accounting in combat, followed by tribunals of accounting, and finally the sedimentation of accounting in cultural representations.

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1. Introduction

We have written this report as the organizers of the workshop "Accounting for Combat-Related Killings," allowing us to expand our account of the research ideas that were presented during the workshop and the planning sessions, which informed it. When set against that background, we believe both the workshop and the preparation for it have advanced research on "cultures of war discourse" (CuWaDis)¹. By CuWaDis we refer to the somehow concerted/limited practical and discursive capacity of cultural-political communities to deal with (epistemic, moral, and legal) matters of *something like war*.² Regarding the global trend towards increasing numbers of permanent, asymmetric, small, wars, the following report turns to concepts, methods, and empirical findings that help us to make sense of the difficulties war generates at a social, cultural, and political level as well as the manner in which these difficulties are negotiated, denied, or deflected. Our take on these issues is informed by and is made urgent in those sites we study as a result of the intertwining of military conflicts with new media-networks/technologies. Media networks and technologies have made and continue to make what is going on during military operations—process data as it were—available in much more immediate ways than in the past. Among these process data are officially disclosed documents as well as leaked information of various kinds. As these resources circulate, wider publics (not just experts) get access to audio-recordings from cockpit-communication, audiovisual recordings from drone-missions, real-time-reports from ground troops, and much more besides. [1]

The workshop and the participating scholars took the availability of such data as a provocation: they raise questions about the character, provenance, and grounds of the analytical skills required to competently deal with them. Next to methodological skills, the availability of data of this kind involves and implicates us as academics as well—not least by raising the issue of what might constitute, and for whom, an authoritative or appropriate account of the events, practices, and processes they selectively make available. Workshop participants were, of course, not located outside but inside political communities. Therefore, whatever (in) capacities those communities might have displayed in dealing with and accounting for "combat-related killings" might resemble our (in) capacities too. This is to say that the workshop, by gathering scholars from various "cultures of

1 This may, as well, carry implications for "critical military studies." This title is used by a new journal in order to differentiate a particular body of military research from applied studies worked up in conjunction with or as reflective of the demands of military organizations.

2 This includes applications of war-definitions including incidents of military/organized violence that are culturally framed as just war-like, as not war yet. See the debates on new wars, small wars, permanent wars, which are themselves part of the communal dealings with these phenomena.

war discourse," did capture multiple views from a variety of (dis) positions that each expresses tendencies and repertoires of the cultural-political community, in which the scientific work takes place. Our academic work is itself one established, organized, and institutional way of dealing with matters of war—next to others in the respective community. [2]

This report summarizes the workshop by first framing the research network called "Cultures of War Discourse" (Section 2) In the following sections, the report recalls the papers in a specific order: starting with accounting in combat (Section 3), followed by tribunals of accounting (Section 4), and finally the sedimentation of accounting in cultural representations (Section 5). We will then outline some collectively generated hypotheses as the main results of the workshop (Section 6). In a brief outlook (Section 7), we will sketch out some tasks for future workshops: as a dual provocation for our ethnomethodological (EM) and critical discourse analytical (CDA) approaches, e.g., in shared data sessions; and emphasizing the roles of technology and mediality in our case studies on the "accounting for combat-related killings." [3]

2. Framing the Workshop

There are some general cultural diagnoses that lie at the heart of the "accounting for combat-related killings" workshop-focus. Accounts are structured by media-formats, by sedimented/archival knowledge, and by prevalent recipient-designs (including overhearing audiences and presumptions on the legitimate expectations). The accounting practices analyzed in the workshop relate to these dimensions of social and cultural change. [4]

2.1 The relevance of old/new archival knowledges

The influx of "natural/real-time data" from combat zones stems from platforms like WikiLeaks (Iraq-War, Afghanistan-War), official/political inquiries (UK, Israel, Germany), or legal procedures (Germany). Those working across all these arenas claim an extended right to know and make information public, a right claimed in the name of democratically-legitimized authorities vis-à-vis national military and international military alliances (e.g., NATO). While these activities only intermittently capture wider attention, and those engaged in them rarely have the authority to call and hold military operatives to account, as a consequence of their work, the wider public has arguably gained more insight into the process of organized killing—insights that derive directly from what is happening/reported to be happening within combat zones themselves—than at any other point in history. [5]

The sheer quantity of data does not determine relevance however. Rather, the materials pose a challenge to various groups. These challenges vary with the cultural and historic context, e.g. by the relative war-distance or proximity to war experience³ including the institutions meant to audit military operations: politicians

³ The distinction of near/distant refers to the experiences of war, the exposure towards war and its dangers. It is a relative distinction, not an absolute one. It implies that expertise and knowledge

and staff working in parliamentary committees, judges, and attorneys working within legal (pre-)trials, civil society groups accounting for casualties or stress disorders, (social) scientists analyzing military transcripts or reports.. The data made available to us open up new opportunities to study combat, the multiform consequences of combat, and discourses of war,—as well as the various institutional/social attempts to render the data meaningful. In his opening talk to the workshop, LYNCH (2009) mapped out this situation in terms of a publically available war archive. In particular, he emphasized, with reference to the Rodney KING trial and analyses of it (e.g., GOODWIN, 1994), that any strip of data, even the seemingly "most obvious," can be made contentious. Nothing speaks unproblematically "for itself." The presumed "prima facie"-character of process data can be undermined by claims linked to the privileged character of "professional vision" (e.g., of police officers or, in our case, soldiers and military commanders) to state what was "really" as opposed to only "apparently" happening as well as through a variety of procedural techniques (by lawyers and investigators) designed to differentially work up and recast the presumed relevance of the data in question. [6]

2.2 One subject matter and different analytical traditions

The study of cultures of war discourse has primarily been the domain of an interdisciplinary group of critical scholars. Those working in this area have, among other things, sought to unpack misguided reasons for going to or for prolonging war by scrutinizing political discourse in order to reveal the ideological and hegemonic patterns it is structured around and which render unlikely wars likely. Hermeneutics, in different guises (psychoanalytical, structuralist, oral history, etc.), offers a different kind of analytical take on war discourse derived from readings of the various testimonies, narratives, and biographies that tell of the experience of war and wartime (KATRIEL & SHAVIT, 2013; ROSENTHAL, 2012). The bulk of the work carried out in this area deals with the collective traumata of the world wars or, in the case of the US, the Vietnam War. In the case of ethnomethodology and other praxeological approaches, we find an interest in war, combat, and the role of talk-in-interaction within it only developing relatively recently. This might be explained by the lack of appropriate data for sequential analysis, the hallmark of ethnomethodological and conversation analytic work. However, it is possible to point to a series of studies of work that provide insights into closely related work settings, such as cockpit communication or communication under conditions of urgency (NEVILE, 2004). The same is true when it comes to the sequential analysis of interrogations and cross-examinations, which have been mobilized in order to study legal and political institutions and their dealings with involvements into military affairs at large (see LYNCH & BOGEN, 1996). [7]

acquired through engagement in warfare can be unlearned. The process of unlearning in relation to the German army, including its inability to mobilize troops for combat in short time, is currently a matter of public discussion in Germany. However, it extends to the inability of the parliament or the courts, to hold the military accountable for their actions.

Insofar as part of the aim of the workshop was to expand the focus of work in the field of studies of cultures of war discourse our workshop was timely and relevant, bringing scholars from ethnomethodology (studies of work and conversation analysis) together with scholars from critical discourse analysis (CDA) and from media/cultural studies. Among the participants were scholars trained in sociology, social anthropology, communication studies, media studies, sociolinguistics, etc. The aim was to explore the potential for productively combining critical approaches with sequential and praxeological analytics. Our report takes up some of the lessons learned by bringing together this unique constellation of scholarly work from an ethnomethodological (EM) perspective, both thematically and academically. How, we ask, can EM mobilize its analytical resources in order to recover its inherent critical potentials?⁴ By critical, we point towards the studies' potential to undermine dominant institutional versions and self-descriptions and to re-specify the making and the effects of "official" accounts in contrast to their perlocutionary force. This is why others' as well as our own empirical/analytical capacities have to be considered as (more or less relevant) parts of the overall cultural capacity of dealing with "accounts of combat-related killings." This cultural capacity requires reflexivity as well as cross-case-comparisons. [8]

The various approaches converged on the topical side in terms of the carefully chosen focus on accounting for combat-related killings. Papers centered on a number of shared research subjects: cockpit communication during combat operations on the basis of audio recordings and/or transcripts (in cases of friendly fire or massive civilian casualties); post-combat inquiries and hearings on the basis of protocols, reports, and ethnographic field-notes (in cases of parliamentary inquiries, political debates, or court hearings); the cultural representations that informed knowledge claims, epistemic artifacts, and canonical texts (such as maps of frontiers or schoolbook discourse on massacres). [9]

2.3 The workshop program

The preparation team grouped papers around five sub-themes: 1. Professional vision, evidence claims, and technology; 2. moralizing, ethics, and legitimation; 3. mediality and accounting; 4. accounting and combat experience; 5. data, statistics, and the role of counting in accounting. These cover terms turned out to be useful only up to a point. As it emerged in the course of the workshop and discussions, the papers could have been better integrated in terms of a (heuristic/praxeological) trans-sequential ordering tracking the work of constitutional democracies from a) accounting-in-combat, to b) post-combat tribunals on conflicting accounts, and then on to c) the sedimentation of accounts as cultural representations of war and its outcomes. This revised ordering acquires its coherence around questions such as the following: How do military operatives account for combat-related killings before, during and after the fact?

4 "Critical" is meant here, first of all, in the broad sense of "making a difference." We offer different versions compared to the institutional self-descriptions. What is more, we provide some "good reasons" for these differences from the point of view of the necessities and demands that the practitioners are confronted with. We, thus, privilege the situational grounds of the institutional work.

How are these accounts available for, used by, and contested in public tribunals? And, lastly, how do communities take up/remember accounts of combat-related killings? How do accounts manifest as received cultural representations and how/when are these rendered problematic? [10]

Specific data sessions turned out to be productive in advancing these lines of inquiry. They allowed the participants to employ different empirical strategies in approaching prototypical pieces of data such as transcripts (on drone-pilots' communication), video recordings (on a helicopter attack in the infamous ["collateral murder" video](#)), a series of military reports (on what is going on in the "death box"), mass media coverage and NGO statistics (on drone targeted killings). In particular, these applications of conversation analysis and membership categorization analysis showed strengths and potentials of EM's sequential analyses of the ever situated task of "accounting for combat-related killings." It is from these data sessions, that the workshop developed some general hypotheses to be discussed further in follow up exchanges. [11]

3. Accounting in Combat

Three papers dealt with military combat communication: the verbal, technically mediated exchanges among members of military organizations in the midst of specific operations. All the scholars involved used "natural" or real-time data in order to study how crew members coordinate their observations and activities in the course of their engagement with an "enemy." Despite the shared methodological grounds—all three applied ethnomethodological conversation analysis and studies of work—the case studies show some interesting differences in the ways they order the data and re-write the official transcripts. [12]

MAIR, WATSON, ELSEY & SMITH were interested in the status of recorded accounts of complex combat communication in cases of friendly fire, focusing on one case in particular. In relation to that case, they began with the *linear transcript* used as part of the process of public examination in the English Courts. These official transcripts present the different voices of those involved in the chronological order of their appearance. In contrast, their *modified transcript* tries to trace the different lines/rounds of radio communication. The *modified transcript* grasps the complexities of simultaneous and separated (military collective) case-work—and the members' on-going interpretative work of constructing turn-by-turn sequences. Separation as well as overlap can cause fatal framing errors and misunderstandings; e.g., when indexical markers (here/now) are misplaced. These complications were, the paper showed, systematically underestimated in the legal investigation due to its presumption of a single communicative round (MAIR, WATSON, ELSEY & SMITH, 2012). [13]

SCHEFFER presented a case study on how soldiers mark trouble and deal with it by using various separated rounds methodically. He studied this trouble-talk in the case of the Kunduz bombing—later examined in various German institutional settings (the federal prosecution office, a parliamentary inquiry, a civil court). During that operation, those involved engaged in three rounds in order to deal

with troubles and possible solutions. An intimate round (intra-cockpit of leading jet) allowed the members to articulate strong trouble-markers. A wider round (inter-cockpit involving second jet) helped to explore options at hand. An official round (leading jet—command delivery) served to translate solutions from the "intransparent" (or opaque) trouble-work. The cautious way in which they dealt with (moral) trouble⁵ as part of the combat situation reflects the primary orientation to "doing following a (direct) command." A trouble-marker must not signal resistance or refusal, but responsibility and professionalism in light of and with reference to the "rules of engagement." [14]

The third case shows the potentials of the two findings in terms of communicative structures: overlapping chains of command, opaque communicative rounds, and the methodical employment of rounds for accurate trouble-work. MEYER and VON WEDELSTAEDT studied drone pilots and their decision-making practices when facing probable targets. How do they, in terms of a shared "professional vision" (GOODWIN, 1994), interpret video images sent by the drone? How do they use extra information supplied by ground troops? The communicative process showed tendencies and preferences in terms of a "documentary method of interpretation" (GARFINKEL, 1968).⁶ Particulars were used in order to co-produce one version of "what is going on," "there," "on the ground." It is from this study, among others, that the workshop members developed the concept of the military viewers' accounting maxim: "If something can be seen as a threat, then treat it as a threat!" This maxim may reflect soldiers' experiences of "carelessness"; it may reflect the existential risk of treating a possible threat as a non-threat; it may also reflect (returning to the trans-sequential theme) how restrictions placed upon military operatives by civilian authorities as a result of previous conflicts, specifically around the strict observance of the "law of armed conflict" or LOAC *during* combat, have themselves come to be folded back into military action with the notion of "threat" furnishing legal warrant for the use of lethal force in conjunction with the ways in which possible targets are practically worked up into engageable targets. [15]

The three takes on cockpit communication presented different orders of interaction, complete with their own specific forms of trouble that complicate the distribution of knowledge and the coordination of decision-making in combat situations. Two points call for more research within the CuWaDis group: 1. Breakdowns and the fragmentation of orders of interaction is something that the members seek to guard against with the help of professional standards and measures. Military radio-communication is a highly disciplined and technical undertaking the relevance of which is not easily recoverable on the basis of transcripts alone. CA may be best combined with ethnographic elements such as expert interviews or focus groups on certain audio or transcript data in order to bring out "what more" such data might contain (GARFINKEL, 1968). Additionally, more case studies are needed in order to understand patterns and methods

5 See SCHEFFER (2010, p.VII) and his distinction of direct and indirect moralizing in a criminal case of murder.

6 Here, in line with BOGEN and LYNCH's documentary method of interrogation (1996), one could term this a "documentary method of elimination" or "of obliteration" or even "of assassination."

across various combat situations—a future focus of the CuWaDis group. 2. The working organizational division of labor, and the distribution of tasks it is organized around, is something that military operatives utilize in order to cope with and sometimes exploit the complexities and uncertainties in combat situations. It allows for departures from chains of command in order to engage in "symmetrical" joint sense-making and critical deliberation. Again, these practical/pragmatic departures from the characterization of the military as a "machine" often treated as military organization in its "purest form," by military operatives themselves should provide the onus for a new and broader set of case studies. [16]

All three transcripts showed the relevance of studying the organization of communication under conditions of urgency, complexity and uncertainty: the members have to juggle with multiple radio frequencies while steering a high-tech jet, while querying and identifying targets, while considering deadly measures on the basis of limited knowledge. Finally, they have to account for the dreadful consequences of possible mistakes, while communicating all this vis-à-vis each other and the command. The workshop participants agreed that the demanding techno-praxeological foundations of this military labor of destruction should be dealt with during the next CuWaDis workshop as a primary focus. [17]

4. Tribunals of Accounting

Cultures of war and the discourses which are constitutive of them can be grasped and distinguished in terms of the specific configurations of procedures, arenas, and institutions set up to "deal with" certain combat-related killings. "Dealing with" here would mean, *inter alia*, the work of examining, discussing, and questioning, and therefore refers to ex-post assessment of whether the killings under assessment were justified and appropriate under whatever framework to which they are deemed to be answerable. The precise nexus of these tribunals is difficult to pinpoint, but a comprehensive approach would try to map out the entire practico-discursive infrastructure—perhaps based on a "misreading" of FOUCAULT's *dispositif* (GARFINKEL, 1967)—and its workings in light of concrete cases. The workshop collected only a few case studies for the three political communities from which participants were drawn: the UK, Israel and Germany. Workshop discussions did lead to a debate about the analytical utility of this "methodological nationalism" (BECK & GRANDE, 2010) but participants nonetheless noted the relevance of the national level to the activities under scrutiny, i.e., "national systems" as oriented to features of the context within which accounts acquired their meaning. [18]

4.1 Arenas I: Media debates

Tribunals of accounting deal with questions surrounding combat-related killings connecting to, for example, the appropriate use of violence, with the question of the care taken when employing violence, and with the question of responsibility in the case of wrongdoing. These questions might be dealt with within a military logic or in light of competing non-military logics. Dealing with alleged massacres,

the use of excessive force, "friendly fire" incidents, tribunals can be legally formalized in the course of court hearings (see below: KOLANOSKI, one-off purposive political inquiries (see LIVIO), or in public debates and media controversies (see below: ADLER; COHEN; BELLMER & EBERT). While distinct, these settings take up the possibility of learning from combat-relating killings, and can lead to the adjustment of tribunal procedures (or the invention of new ones) in light of particular cases and the exigencies they bring to light. [19]

Before political communities implement a tribunal for recounting—including demands for military accountability—a specific incident of "combat-related killing" might be problematized in a public arena. While many such incidents pass without comment, others raise moral, political, and/or legal concerns. BELLMER and EBERT show how public debates deliver "first assessments" on the question of whether legal regulations have been violated or not. Legal assessment outside the judicial system can fuel political controversy. In their case study, BELLMER and EBERT analyzed the application of different legal norms in initial political reactions to the Kunduz airstrike. They showed how politicians and other players employed a strong distinction between "soft" and "hard" law in order to be able to portray the violations of certain rules as legitimate. [20]

COHEN analyzed how the Gaza Flotilla Raid (in 2010) was narrated in Israeli media compared with official statements by the Israeli Defense Forces (IDF) spokesperson's unit. She argued that different professional routines and constraints led to differences in reporting: a journalistic mode of writing, on the one hand, that is more "emotional and dramatic, emphasizing moral and mythopoetic" forms of legitimation, with the IDF using, on the other, mostly an unemotional and formal rhetoric, which included many direct speech quotations. [21]

DOR's paper presented a study of newspaper editors' work, presenting them as important mediators in journalistic accounts of combat-related killings. His research question examined what editors do when they detect contradictions between reporters' copy and their common sense presuppositions. DOR demonstrated how the killing of four Palestinian children was reported; suggesting the story as it eventually appeared did not challenge or disturb Israeli "common sense." In taking this line, he identified a complex selection process whereby content is transformed from initial reports to final articles. By doing so, editors align journalistic content with the cultural hegemony. As DOR argues, they do so by silencing and marginalizing opposing voices. In this way, they put together streamlined reports fitting presumed mainstream sentiments. They flatten the initially much more pluralistic and diverse accounts that exist even in reporters' pre-edited texts. [22]

It is not just killings of civilians or of friendly forces that cause alarm among the public on the "home front." ADLER studied accounting for the killing of Osama BIN LADEN. The official accounting turned problematic when German chancellor Angela MERKEL expressed her "pleasure" upon hearing about it. ADLER showed how *doing a debate* is methodically and locally accomplished by participants within the discourse through a "media dialogical network" (NEKVAPIL &

LEUDAR, 2004). The dialogic character of the debate developed from a "clutter of voices" into a dynamic turn taking system and centered on moral obligations vis-à-vis an enemy and what constitutes an appropriate and acceptable emotional response to "anybody's death": Should the chancellor—should "we"—be allowed to feel happy about anyone's death? [23]

The public consideration of combat-related killings generally dismisses other military-related crimes. HYNDMAN called attention to a widely disregarded phenomenon: the immense and growing numbers of rape victims within the US-Army.⁷ Victims are required to report the incident to their military superiors—a procedure that often causes more problems for the victims than it may for the perpetrators. In relation to this problem, media attention usually does not reach the level necessary to prompt state investigations. Drawing on this problematic, HYNDMAN developed her argument that next to an epistemological critique of numbers (how to give a more appropriate count) an ontological critique of the numbers is required: What/who counts at all and what should be counted to turn a problem into a matter of political concern? [24]

Media debates often collect a plurality of accounts on combat-related killings. These reflect the conflictual nature of these accounts. MINOR pointed out that and how fundamental differences between the testimonies of soldiers, victims, and NGOs, become apparent when expressed in numbers (see MINOR, 2013). At times, estimated death counts oscillate massively depending on who has made the count. MINOR presented data by an international organization that records casualties caused by armed violence. By monitoring and analyzing media coverage, the organization attempts to produce counts that meet the high standards that are usually required by official investigations and committees. Their work, thus, intercedes in what could be called public mass media tribunals and formal legal procedures. In this respect, information in the mass media itself seems insufficient to enter legal procedures as evidence. [25]

The urge to launch a political investigation may turn topical in media debates. In the cases dealt with in the workshop, the formal committees were both preceded and accompanied by mass media attention. Following "public problematization," formal inquiries function as democratic rituals in a DURKHEIMian sense: the public order is restored, and that which is perceived as deviant is led back into the common acceptance. [26]

4.2 Arenas II: weak or strong procedure

Case studies deal with more or less "self-referential" procedures.⁸ By procedure, we mean a somehow formally-programmed process leading towards a decision.

7 See an earlier study on the role of gender in conflict zones in GILES and HYNDMAN (2004).

8 We refer to the study by SCHEFFER, MICHAELER and SCHANK (2008) of the "weak and strong" procedural frames that highlight the various ways in which discursive events/processes make it possible to draw boundaries around a political or cultural environment and through which they create/utilize knowledge, membership-roles, and communicative styles in the course of their own procedural history.

By "self-referential" we mean a decision-making process (including its communicative and epistemic grounding) that deals with accounts only, if they derive from within its procedural course, meaning under the auspices of its own personnel and within formats of its staging.⁹ Here, case studies focus on the methods, techniques, and resources drawn upon in debating, examining, and offering accounts of some issue or event. Some highlight the hegemonic modes of thought that come to the forefront in the course of an inquiry: the hierarchy of voices and forms of knowledge it establishes and reproduces. LIVIO demonstrated how the Israeli Turkel Commission¹⁰ managed to establish a legitimizing account of the Gaza Flotilla Raid (in 2010) through powerful contextualization. LIVIO focused on moments during the hearings that he identified as "contextual reconfigurations." In these moments, participants changed the operational definition of what counts as the relevant context, here most commonly historical context. While working on the facts of the specific case, the committee board concurrently mobilized the master narrative of the Israeli-Palestinian conflict. Committee members interrupted eyewitness accounts of the flotilla raid by instructing them to employ the "right" context. The investigations thus showed all signs of a weakly self-referential procedure due to countless importations of ready-made views, authorities, and versions. Moreover, this weakness is reflected in the selection of committee members, the allocation and proportional distribution of voices, and rhetorical devices, all following ready-made external definitions "transported" from outside the proceedings. [27]

Other case studies focused on the efforts of committees to reconstruct an incident of combat-related killing on the ground of military accounts. MAIR et al. pointed to difficulties in coping with cockpit communication. As the investigators already knew that the pilots involved had misidentified a target later on, they had problems understanding the enfolding meaningfulness of the action prior to this misidentification. Everything had to lead to the misidentification. KOLANOSKI showed how different human rights lawyers relate to military video material in order to argue that civilians have been illegally killed in the Kunduz airstrike (Afghanistan). Her two case studies point to interrelations of fact-making and norm-making in legal processes. In light of the lawyers' references to the (same) video material, KOLANOSKI can contrast two variants of interrelated fact- and norm-making: 1. In the criminal case, the victims' representatives argued that the photos were so poor that they did not provide sufficient ground to discriminate between insurgents and civilians. Through an exhaustive interpretation of humanitarian law, they explicated legal obligations of combat soldiers. In this line of argument, the video material ought to prove that the soldiers in charge failed to take *legally required measures*: They should have gathered more information before the actual airstrike. 2. In the civil case, the lawyers for the victims used the pictures differently. They argued that on the basis of the visual material "a reasonable soldier" could have identified civilians. Taking up this argument, the respective court hearing was set up to test this substantial empirical claim. In a

9 An example would be the criminal procedure that would accept evidence only, if it has been delivered by an eye-witness statement within a court hearing (see SCHEFFER, 2010).

10 The commission was appointed by the government to investigate the events surrounding the killing of nine international activists on board what was labeled "the Gaza Flotilla."

public event, judges and lawyers came together to watch the videos and to discuss their interpretation. The session was complemented by expert testimonies (two military experts and one Afghanistan expert). By doing so, the court declared itself "sufficiently competent" to see what any professional military man was able to see. The participants entered a quest for signs that would positively display civilians as civilians. The related legal obligations ascribed to any combat soldier were rather straightforward with no need for further interpretation: Do everything to avoid bombing civilians that you know of! [28]

These studies of formal procedure and how these procedures produced or validated claims to knowledge in relation to the cases to be placed in front of them touched upon what Michael LYNCH discussed by reference to the notion of "prima facie evidence." LYNCH raised the question of how "leaked," "disclosed," "mobilized" *natural data* gets taken up in political and judicial efforts to recount "combat-related killings." A lot of hope has been invested in this form of data. It seems to offer "proof" of "what really happened after all" (GARFINKEL, 1967) and, therefore, seems to make it far easier to actually pinpoint responsibilities and guilt, particularly among government and military officials. LYNCH linked this point to an enumeration of the counterstrategies governments adopt when facing the disclosure of prima facie evidence. Even if disclosure cannot be avoided, discredited, or punished, there are more problems than expected when it comes to actually using this evidence as actual proofs. It is, in other words, hard to put the finger on alleged "wrongdoings." What then, is the role of experts in re-interpreting data that had been claimed to be readily understandable by "anyone"? The role of experts was discussed in detail in a data session on the Rodney King trial. In another data session, the workshop discussed the Wikileaks' categorical editing of the military footage of a shooting in Iraq, later known as the "collateral damage" video. [29]

In general, up to this point in the workshop, accounts of combat-related killings had been moved to the fore and shown to be part and parcel of the application as well as the development of criminal, civil, and international law. Legal examinations and judgments, in turn, were shown to renew the regulations for troops-in-combat including the accounting requirements and calculations surrounding their combat activities in the first place. Whether cases serve as precedent or shift the normative grounds is an empirical question, both for scholars as well as for members. [30]

5. Cultural Representations

Military accounts and the many public, legal, and political tribunals have far-reaching (often unexpected) effects, concerning the cultural representations and shared memorization of combat-related killings. The representations and collective memories materialize in school books, in maps, in official histories, in movies, in documentaries and in semantics and "categorization devices" (SACKS, 1992). As some papers demonstrated, cultural representations themselves become objects of fierce debates and conflicts (again). Others might have gained, for some periods, the status of historic facts. The same is true for

aesthetic products that provide the collective images and imaginaries for specific cases such as a given combat, conflict, or war. "Lessons learned" from military conflicts can be considered to be another object of cultural sedimentation, within militaries themselves or in relation to the place and status of the military within (imagined) political communities. BELLMER and EBERT showed how, in the public debate over Kunduz among government and opposition politicians, shared assumptions implied that the "Germans" had a higher degree of awareness because of their "disastrous" national war-history. [31]

Four contributions dealt with the memorization of combat-related killings, some on the micro level of biographical work, some on the cultural level of shared or contested convictions. JENKINGS in addition to his observations of friendly-fire accounts encountered during JENKINGS and WOODWARD's study of "The Social Production of the Contemporary Military Memoir" (see JENKINGS & WOODWARD, 2014a, 2014b; WOODWARD & JENKINGS, 2010, 2012a, 2012b), offered an account of his personal memory of a blue-and-blue incident that he witnessed as a British Soldier on the Falkland Islands. The talk set up a discussion on the use of personal memoirs for scientific purposes. BERGMANN pointed to the different practical epistemologies of accounts given during the event (logics-in-use) and in subsequent accounts (reconstructed logics). Discussion ensued on how did JENKINGS' memories, and that of other soldiers' autobiographic accounts of their combat experience, develop over time? Does spatiotemporal distance matter? How does repetition matter? How does the overhearing audience matter? BERGMANN suggested studying the transformation of the story along a "telling history": "fresh" stories, second stories, "prepared" stories, and "stale" stories, as part of different kinds of stories, routines and traditions. It was agreed that these memorizations, especially in the form of published memoirs, could be significant in a cultural analysis of "accounting for combat-related killings." [32]

The cultural involvement and enslavement of entire societies down to the most intimate relationships stood at the core of the movie "Z32," directed by Avi MOGRABI. It was shown by the workshop organizers at the end of the second day in order to widen the perspectives on the "accounting for combat-related killings" theme. MOGRABI created a digital mask for his two protagonists, a romantic couple, in order to enable them to talk about the young male's involvement in killing as a soldier in the Israeli army. The accounting reveals the open wound of the intimate relationship that even infects the director and his family when they must "get in touch with this murder." "Combat-related killings" seem to creep into fundamental personal and cultural reconstruction processes. Accordingly, they seem to undermine the ability to trust, to be truthful, and to forgive. [33]

More classic forms of cultural representation were presented and discussed by other scholars. LEUENBERGER studied the different maps that are used in order to define geographies and lay claim to land as part of strategic political positioning within diplomatic settings (see SCHNELL & LEUENBERGER, 2010). LEUENBERGER examined the production of maps of the Israeli-Palestinian

territory by a range of Palestinian and Israeli organizations and how those maps give distinct, incommensurable visual accounts of what is sometimes called "the wall," sometimes "the fence" or sometimes "the barrier." She argued that by the strategic use of such maps, agencies are able to craft social and political claims that can be communicated to multiple audiences (for instance, UN committees). Arguing against positions that treat maps as "objectified sources of knowledge," LEUENBERGER stresses the social context of their production and the role they have in conflicts: maps are one of the many "battlefields in which the conflict over land claims takes place." Because of the influence maps have on the construction of knowledge and identity, they can serve as powerful instruments in the hands of governments, but also in the hands of groups that strive for social change. [34]

Two studies were concerned with the prominent role of schoolbooks in the cultural formation of a national history and identity. ALAYAN dealt with the question of how pupils in Israel and Palestine learn about the Israeli-Palestinian conflict (see as well ALAYAN, 2012). What kind of understanding of conflict do the "official" representations allow them to develop? Working through the differential construction of self and other in Palestinian textbooks, ALAYAN showed how the Palestinian identity was constructed as both deprived and resistant. Relating information in a way that is "neither hostile nor objectionable," they provide foundational perspectives on the development of a future Palestinian State. [35]

A second paper complemented this account. PELED-ELHANAN dealt with historical accounts of Israeli massacres in Israeli school books (see as well PELED-ELHANAN, 2010). She demonstrated how an "usable past" of these events was produced so that they could be integrated within an overall positive and consistent narrative of Israeli national history. PELED-ELHANAN described different methods of legitimizing the massacres, such as employing a "*mythological logic*" or highlighting the achieved goals through *ex post rationalization*. Her examples demonstrated how the killings of civilians still pose a moral threat to Israeli identity today. Efforts to get rid of the moral guilt attached to these killings can be found in the construction and circulation of alibis and victim blaming. [36]

A third case study investigating cultural representations or recounts focused on Israeli media reports dealing with the 1967 and 1982 wars. LEVY-LEIBOVITS demonstrated that the respective media coverage presented these military conflicts as "no-choice wars." They did so immediately during and after the wars as well as in the decades following the wars. However, LEVY-LEIBOVITS analyzed the media reports not simply in terms of their role to "deliver the news," but also in their role as memory agents for past events. The media provide the public with cultural representations insofar as they constantly remake the collective memory. Yet, in the institutional division of labor, they do so (allegedly) "objectively," meaning performed as standing "outside" those arenas that are meant to stage political/social conflicts. [37]

The last case study of cultural representations showed how the autonomy of the cultural sphere can be challenged by military conflicts. BAHALOUL observed the silencing of certain voices, perhaps in order to keep the home front supportive. She exemplified this through her case study focusing on the Israel controversy surrounding the film "Jenin, Jenin." Here, the director of the film, Mohammad BAKRI, used interviews with Palestinian eyewitnesses to give a filmic account of the Israeli military operation at the refugee camp. The film was part of public debates in the aftermath of the Jenin operation, when allegations of war crimes were dealt with at various sites. The Arab-Israeli director was accused of using "falsified evidence" to establish a "documentary truth." Initially banned for screening, the film was later released after the Israeli Supreme Court overturned the ban in favor of the constitutionally protected freedom of expression. BAHALOUL showed how different "truth paradigms" were employed by the participants in the controversy, and she found four distinct paradigms, which she called ontological, moral, artistic, and emotive truths. Eleven years after the Jenin operation, the Israeli Knesset introduced an amendment to the anti-defamation law in order to enable soldiers to file class action lawsuits in cases of public criticism against Israeli Defense Force (IDF) operations. Here, legal development targets the "culture of war discourse" at large: the legitimate ways of debating and assessing combat in public arenas. Should critique generally be treated as an act of defamation? Should it be conditioned or restricted? What does it mean that a critique should be "true," as the IDF and the government demanded? BAHALOUL demonstrated that certain laws¹¹ signal both the possible erosion of a democratic culture, and the ways in which they trigger collective action to remind us of, and defend, democratic values. [38]

These case studies of cultural representations of war and conflict prompted discussions on the relation of cultural production and cultural reception. Whereas a focus on production highlights that and how producers aim to impress/influence an audience by employing certain recipient designs, a focus on reception or utilization shows that and how members actually employ representations for various purposes and with various outcomes: school books during history classes, maps in diplomatic negotiations, and news in family discussions. Their use and reception is contingent. BAHALOUL's study contributed to this diffusion of concepts of hegemony by emphasizing what can be done with a cultural product after its production. The latter started a series of debates embracing judicial, political, and artistic accounts of war and its multiple others. [39]

6. Some Collectively Generated Hypotheses

Let us finally assemble some of the core results with regards to possible avenues of future collaboration in the realm of cultures of war discourse. The results are of different kinds: the first concerns, what one could call vaguely "mechanisms of war-discourse-formation"; the two others concern basic properties of military accounting. The scholars are confronted with a subject matter that is morally, ethically, and practically challenging. The scholars encounter matters of war that

11 Also referred to as the "Jenin, Jenin Law," marking its origin in the "Jenin, Jenin" debate.

are heavily moralized and politicized in ways that frustrate various ethnomethodological analytical modes that have been prolific in other fields of ethnomethodological scholarship, such as emergency calls, gossiping, software development, or cross-examination in the criminal court. The well-learned exercise of "indifference," the focus on "interactional accomplishments," and the reference to the "ethnomethods" is much more difficult to uphold and to justify, when it is about matters of war and the "accounting for combat related killings." Still, this methodology might provide some foundational skills in dealing with the "natural data" that is nowadays available to the (potentially critical) public. Obviously, our own research is deeply engrained in the respective political culture of war discourse. [40]

6.1 Heuristics: Mechanisms of war-discourse formation

The workshop established a preference for focusing on combat-related activities, meaning a focus on military praxis/work, as the starting point for the study of military accounting/accounts. This material basis is used in order to analytically account for some of the complexities, urgencies, and demands of war/combat. What is more, this material basis may provide some insights into how members could produce "plausible deniability" (LYNCH) by ways of co-producing a record of their military work while it took place. This is not to say that the soldiers in our case studies deliberately "covered up a lie." However, their trouble-dealing and professional skepticism may protect them from later allegations (of why and on what grounds they acted the way they did). Already during combat, they produce evidence for "all practical purposes" including tests and examinations (on "wrongdoings" and "malpractice"). For example, the cockpit crews in the Kunduz bombing managed to co-produce an orderly account, demonstrating recipients to come that they "did follow a command" and that they did so with some professional skepticism (SCHEFFER). [41]

Military practice is, to some degree, oriented towards the tribunals that would allocate responsibilities for combat action. The methods, tests, and resources/data used to do so are studied on a second level. The tribunals engage their own epistemic objects and procedures. They ritualize certain tests and questions, while bracketing out or outsourcing others to "natives" or "experts." The nexus of tribunals in certain cases may outline the general capability and willingness of a polity to deal with and control military action. In all polities, the tribunals allow for some "practical" military autonomy. It is on this level that the military is bound or rebound to societal norms—or, on the contrary, the society is bound to military ones. Accounts that passed a tribunal may enter the status of an official version: something can be claimed with good reason or no longer requires justification. Tribunals provide for or refuse legitimization, while linking the military "ceremonially" and "factually" to moral and legal norms. [42]

Those "official accounts" may be one class of sedimented cultural representations. Not all memorialized content passed such debates or examination. Others seem to emerge in light of certain cultural preferences that are widely produced and reproduced, reflecting cultural exposure to and

acquaintance with matters of war. The data sessions and case studies assembled for this workshop showed a preference for rather "fluid" cultural analysis: one that focuses on the methods and techniques of communicating war, rather than the common sense assumptions of war as something solid and unchangeable. The praxeological preference was neglected, however, in studies that focused on persisting frames of military conflict. Certain sedimented attitudes, categorizations, convictions, etc., can explain why a military "response" is preferred to a substantial peace process. Cultural representations can stabilize conflicts and drive a society towards very foundational militarization. This is reflected in accounting-practices in combat, where certain lives, figures, regions, etc. count for little, indeed for almost nothing. [43]

The workshop, thus, did invest analytical attention less to the consolidation of these three layers of accounting and more to their interplays and overlaps. The respective studies are informed by moving the analysis towards the respective neighboring layer as a temporal and spatial circulation/extension of meaning and relevance. What is more, the interplay of the realms of meaning challenges the bases of "reductionist" studies that disrupt the mechanisms of meaning production and lock in meaning-processes within hermetic cultural or interaction systems. [44]

6.2 Hypothesis I: Symmetry as a cornerstone of military ethics

At various sites studied, the military members or soldiers employ an ethics of symmetry.¹² This ethics implies that military action is legitimate and preferred because of the mutual risk of being killed by the respective other. This symmetry is produced even though it may be absent in the actual combat-situation. This works by help of generalization and categorization: they are capable of killing us, which is why we must kill them. The symmetry might be realized later and elsewhere. An enemy that is not capable of combat-related killings does not allow for this "ethics": military measures would seem disproportional. This urge for symmetry came out in the drone-case (MEYER et al.) as well as in the data session on the "collateral-damage" video. The "military other" is constructed as potent, armed, willing; as somebody to treat as an enemy proper. [45]

6.3 Hypothesis II: A military accountant's maxim

Related to the military ethic is an accountant's maxim. This maxim can be observed in various cases and instances. It is used and allowed for in various tribunals. It seems basic for the use and tendency of accounts that are put together in combat-situations. The maxim was phrased by workshop members

¹² Harvey SACKS (1992) found this ethics when analyzing a news interview with a "navy pilot" during the Vietnam War. He analyzed the membership categories (military-military as a relational pair) used by the pilot when asked how he felt about knowing that someone was "probably being killed by his bombs": "what is relevant in the first instance is not that we are the military of the US and they of Vietnam, but that we are both military; (...) what is proper for him is proper for them, or, equally, what is proper for them is proper for him (...) both military men shooting at each other as we ought, then (...) neither has any position to complain about the proper military doings of the other" (pp.205ff.).

this way: "If something can be seen as a threat, account for it as a threat." This maxim can explain why collateral damage or even friendly fire is a constant possibility within combat-situations. A lot of combat-related killings reflect this "practical" maxim. It highlights what it means to be a soldier and to send out soldiers to conflict. [46]

7. Outlook

Finally, we report the most relevant points that have been discussed and that will be discussed further in order to plan future activities in the trilateral CuWaDis collaboration.

1. The workshop members agreed that future workshops should involve again data sessions. There is a huge need to develop the skills and to compare the (trans-) sequential analysis of the new natural data on combat including the institutional records on the judicial and political inquiries and public reviews of this data. In terms of approaches, the CuWaDis group considers new studies on combat-technologies as an important extension of the analytical scope in order to assemble a rather potent research connection. In general, more case studies on the (*in situ*) accounting for combat-related killings are needed to tackle the questions and hypotheses generated so far.
2. What is more, a future workshop will explore the selected hypotheses, here especially those on the military maxims. These maxims require more cases and more sequential reconstruction, in order to gain reliability. A group of workshop participants will develop a co-authored piece on the maxim that if observed occurrences can be interpreted as threats somehow, they should be accounted for as such. The case studies on "friendly fire," the "troubling figures," and the drone pilots' identification practices point all in this direction and ought to be tested in light of deviant cases. A co-authored paper would be a strong expression of a joint, cross-cultural research orientation.
3. Right from the start and despite the analytical orientation of our case studies, the "accounting for combat-related killings"-perspective related to critique. This seemed unavoidable because of the subject matter—and perhaps, because of the selection of publicly problematized cases. In our respective academic cultures, there seemingly exists a preference to utter critical or at least distancing comments when it comes to matters concerning/of such military killings. This became apparent especially since the workshop took place in the midst of "hot" military conflicts (Palestine/Israel; Ukraine). Many speakers introduced their talks by showing solidarity with the victims. These gestures are themselves relevant phenomena of "accounting for combat-related killings." [47]

The cooperation between CDA- and EM-scholars in the field of "war discourse" led to and will lead to what one could call "mutual productive irritation." Such irritation might translate, from the point of view of EM-scholars, into a reflection on the critical implications of their own case studies. For the moment being, we can name four critical potentials:

1. EM turns critical, because it abstains from rituals of critique. Its "indifferent" *sequential* reconstructions can deliver new accounts and re-accountings that no longer follow the logic of official examinations and investigations (e.g., ascribing responsibility always only to individuals). Because they do not aim for evaluation and assessment, they open up for practical dynamics, (established) preference structures, and basic (at times contradictory) demands. These versions turn critical even more so in light of the institutional self-description.
2. EM's reconstruction of discourse-in-action embraces often unaccounted *felicity conditions*. The sequential or trans-sequential reconstruction can specify how it is possible (and for whom) to contribute, when, and with what in the practical dealings. The felicity conditions concern the possibilities to be a member, to participate, or to even have a relevant say on the matter. The question "what does it take to do this," demarcates the transgression from a descriptive to an analytical account on the systematic selectivity of the accounting for combat-related killings.
3. EM can show that members' situated "doing being critical" is conditioned by the professional *tasks at hand*. Delivering a critique is not just a matter of will or moral convictions or an ethical stance, but first of all of the task at hand that allows or disallows doing this. Critique cannot be separated from the work that is done in the first place. This includes the scholarly work as well, and points to the cultural and political conditions under which academic work is done.
4. An extra critical potential takes shape when assembling the various settings of accounting in terms of a multi-sited cultural analysis. Next to academic critique, we find critique in public debates, in legal processes, amongst soldiers themselves, etc. Critical EM accounts for the various struggles and collaborations amongst these diverse settings on who would be charged in the case of (certain deviant) "combat-related killings." The charges may prefer certain case-types while dis-prefering others. This implies a historic and cultural *selectivity* (what killings are considered as problematic at all, and which are treated as "proper military doings"; SACKS, 1992, p.207). [48]

These potentials for critique within EM case studies came up in the course of our presentations, commentaries, data sessions, and discussions during the workshop. These meaning, they have been empirically related to the subject matter of (cultures of) war discourse and analytically to the approaches brought together during the three days. It will take more empirical work to fully embrace these points towards something like a critical ethnomethodology on "accounting for combat-related killings." [49]

The move towards recovering the critical potentials of EM studies is one example of the collaboration of radical different analytical schools, such as EM and CDA in light of the subject matter. Our aim is to use our EM-CDA-collaboration for further productive irritations. CDA may consider some explorations towards sequential micro-analysis in order to explicate the contingencies, eventfulness, and dynamics of discourse formations. Across both camps, we may focus on

ongoing epistemic, political, and ideological struggles around, by way of, and between accounts of combat-related killings. [50]

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