At War with Social Theory:
Instrumental and Communicative Action
in US Military Doctrine During the War on Terror

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Abstract

As US counterinsurgency campaigns draw to a close, doctrine for asymmetric warfare written during the War on Terror has come under heavy criticism. While many have argued that this shift to ‘winning hearts and minds’ is evidence that the United States is taking humanitarianism and nation-building seriously, others argue that a wide gap exists between US counterinsurgency doctrine and the protection of civilians afflicted by conflict. In this paper, I show that the latter is true by comparing theories of instrumental and communicative action to US doctrine for Operational Design, stability operations, and counterinsurgency. I argue that these texts treat civilians as an object to be manipulated for the achievement of pre-determined self-interested strategic goals rather than members of a community that jointly designs operations to fulfill shared objectives. However, US doctrine does contain communicative elements that, if prioritised, would better support humanitarian and state building objectives otherwise subordinated in the War on Terror.

Keywords

Introduction

Counterinsurgency has had a turbulent revival in the United States during the War on Terror. As insurgencies emergence in Iraq and Afghanistan following US occupations of both countries the US military developed new counterinsurgency theories based on postcolonial Western experiences that advocate winning civilian ‘hearts and minds’ as the best way to restore political order. This approach toward asymmetric warfare quickly became enshrined as the status quo with the development of FM 3-24: Counterinsurgency and subsequent counterinsurgency campaigns based upon its doctrinal principles. However, these theories have been strongly critiqued from multiple scholarly traditions which have produced cross-cutting debates about asymmetric war. The most prominent critics argue that fighting insurgencies is like all other kinds of war and requires coercion to overthrow the will of an adversary, including civilians.¹ A second critique is made by scholars of the ‘New Wars’ tradition, who agree with counterinsurgency theorists that shifts in warfare have made winning civilian loyalties highly significant but argue that US counterinsurgency within the War on Terror merely reproduces justifications for continued war and limits the freedom of civilians in war.²

These theoretical positions define contemporary debates about asymmetric war but contain overlapping assumptions which make it difficult to determine the merit of counterinsurgency theory and its critiques. Both persuasive counterinsurgency and New Wars theorists argue that asymmetric war does challenge conventional military theory’s assumptions about the decisive role of violence against an enemy. At the same time, both coercive and
persuasive counterinsurgency theorists still maintain a theoretical foundation in the work of Carl von Clausewitz that New Wars theorists are more willing to challenge. If debates about asymmetric conflict theory are to advance, we need some way to make sense of these seemingly disjointed positions that enable us to reformulate our theories about these wars in ways that are historically accurate and politically relevant to national security professionals.

In this paper, I seek to advance these debates by using sociological theory to reframe our understanding of counterinsurgency theory. I do so by analyzing post-9/11 US military doctrine through two theories of rational action based on the social theory of Jürgen Habermas: 1) instrumental strategic action, which seeks to provide positive and negative incentives to change an adversary’s behavior and achieve pre-established objectives, or 2) critical communicative action, which seeks to engage other actors in a reflexive dialogue that produces a shared understanding about the basic assumptions of political reality and establishes collective interests. A textual analysis of US doctrines and military theory indicates that communicative action has been incorporated in planning and stability doctrines, but civilians are still treated as an object to be instrumentally manipulated for the achievement of US objectives in counterinsurgency. Civilians are a means to an end rather than the end itself. Since US counterinsurgency operations have largely failed to defeat transnational insurgencies that threaten its national interests, this analysis demonstrates that counterinsurgency theory should be reformed to prioritize communicative action with civilians by and refrain from rationalizing military action with reference to enemies of the United States.
The paper is organized in three sections. First, I explore the sociological assumptions of instrumental and communicative theories of warfare and how they have been articulated in classical military theory and in the New Wars tradition. Second, I show how US military doctrine for asymmetric conflict has adopted both theories of military action in contradictory ways that remain rooted in the classic strategic focus on achieving the national interest at the exclusion of non-members of the national community, namely civilians threatened in war. Third, I use Carl Schmitt’s *Theory of the Partisan* to demonstrate how civilian protection and the defeat of enemies in asymmetric wars are incompatible goals. To resolve this contradiction, civilians should be included in operational planning processes to allow them to define the purpose of war and the rules by which military operations are executed, thereby providing a new foundation for domestic law within an emerging global civil society.

**Theories of Action in Modern and Contemporary Approaches to War**

*Instrumental Action in Traditional Strategic Studies and Clausewitzian War*

Instrumental strategic rationality is at the heart of Clausewitzian military theory, which establishes the purposive relationship between war and the reason of the sovereign. Gray argues that strategy is a bridge between a state’s political objectives and the actions taken to change aspects of reality to realize those objectives. Strategy has three elements: ends (the political objective), ways (an operational concept that directs actions toward the achievement of a single goal), and means (applications of resources through tactical action). Clausewitz explains the rational instrumentalization of war by dividing it into three ideal variables: emotional violence,
battlefield uncertainty, and state reason. In the political context of the early 19th Century, these were embodied by the people of national society, the military commander, and the sovereign statesmen. The sovereign with a ‘strong character’ is the most important role here, as it translates the emotions of civilians aroused by war and mobilizes them toward a rational policy implemented end through the application of professional technique by the military commander.

Clausewitz develops his instrumental strategic theory of war at the end of the Enlightenment, following the establishment of modern political theory and the emergence of a secular system of European states ruled by sovereign princes. This period saw displacement of religious dynastic empires by states which could better mobilize human and technological resources into military bureaucracies to ensure their survival. Tilly’s bellicist theory of state formation (‘war made the state and the state made war’) suggests that the rationalization of war was directly related to the rationalization of state authority in legal institutions. These processes also resulted in a broader reorganization of society based on the positive law and authority of the sovereign, whose legitimacy became uncontested as homogenous national communities linked by language and culture were cultivated by European monarchs. Processes of interstate military competition, state formation, and internal nation building provided the sociological context in which Clausewitz theorizes war as an instrument of the state, although they are originally linked together by Machiavelli. He argues that the Prince’s survival is best guaranteed by a patriotic citizen-militia, whose loyalty and discipline will enable the Prince to direct military force against adversaries on the battlefield, while war itself can promote stronger bonds between loyal citizens.
and the sovereign.\(^10\) War can function as an instrument of state authority because *raison e’tat* functions as the collective interest of national society, which itself is unified by nationalist allegiances heightened in war and cultural direction of the sovereign.

The fact the rationalization of the nation requires war and *vice versa* is a point mostly ignored by Enlightenment social theorists but is at the heart of German political philosophy. Carl Schmitt has famously argued that the essence of politics is the friend-enemy relationship, one that defines the boundaries of a sovereign political community ruled by law and establishes a right to violence by the state against those outside of the community in pursuit of its national interest.\(^11\) That is, all individuals outside of the domestic community who exist in the Hobbesian state of nature are to be instrumentally manipulated by the state in the practice of political reason. Sovereignty thus establishes an ethic of absolute exclusion in which interaction with non-citizens as ‘adversaries’ obstructing state objectives is guided by instrumental self-interest and cannot be bound by any ethical or moral concerns.\(^12\) The construction of the enemy thereby makes all instrumental strategic thought and action possible, as it simplifies problems of state security by socializing citizens into defending the nation, defines interests and goals, and produces unity and consensus that forms the basis of strategic reasoning.\(^13\) This strategic logic was quite explicitly approved by Clausewitz, who rejected cosmopolitan liberalism and the prospect of social unity across nations. Since sovereign states divided the national communities of Europe, no transcendent social ethic of community, or law, could be developed among national communities.\(^14\)
Communicative Action and “New Wars” Theory

Instrumental strategic action is only one form of rationality. Habermas identifies an alternative form of reasoning known as communicative action which emerges out of the Frankfurt school tradition of critical theory. Communicative action is less concerned with the achievement of self-interested objectives and instead seeks to develop a new understanding of reality through an open dialogue with others that promotes human freedom and emancipation. Rather than treat others as instruments of individual rationality, communicative action requires that agents adhere to an ethics of discourse in which each participant can freely critique other’s validity claims about the world until they arrive at a shared consensus about the meanings of social phenomena. As a process of collective reasoning, communicative action promotes social integration and establishes identities that rationalize the pursuit of instrumental objectives. Communicative action is thus not a competitor with instrumental action, but rather complements it as a form of human reason.¹⁵

Communicative action and emancipatory approaches to asymmetric conflict can be located in the work of scholars of the ‘New Wars’ tradition, which emerges from the failures of applying traditional military theory to insurgencies and civil wars. These theorists argue that Clausewitzian theory is no longer applicable due to the rise of insurgencies, which rely on asymmetric strategies developed by Lenin and Mao that prevent state combatants from identifying the enemy and provoke violence against civilians.¹⁶ According to Van Creveld, insurgent strategies enable the mobilization of ethnic or sectarian groups as a form of...
nonsectarian war, which breaks the essential political relationships embodied in the
Clausewitzian trinity. Instead, war functions as a ‘mutual enterprise’ among combatants who
perpetuate conflict to legitimize their own rule as opposed to a struggle of wills that ends
conclusively.

New Wars theorists claim that these strategic conditions have caused a paradigm shift
from modern to postmodern war, in which conflict takes place within and across divided
societies as opposed to between internally coherent nation-states. The relevant political
community of such operations is not the nation, but either subnational or transnational
communities united by specific identities linked together through globalization. The purpose of
such operations is not to enhance state security but instead focuses on providing human security
to populations at risk consistent with emergent norms of human rights. In this new paradigm,
winning the support of the population in which the conflict takes place becomes the strategic
objective, not the destruction of an enemy that obstructs the rational policy of the state. Military
forces are deployed multilaterally on the basis of a broad international consensus codified in
international law. Thus, Kaldor argues that multilateral deployments engage in cosmopolitan law
enforcement, not war, and should be conducted in an impartial manner consistent that relies on
the consent of civilians affected by conflict. The actual implementation of such operations
requires ‘bottom-up’ engagement by an international coalition with civil society and civilian
participation in the design of peace operations. Since globalization is breaking down national
boundaries, the relevant political community for cosmopolitan law enforcement becomes an
emergent global civil society united not just in dense interactions but rules and norms that promote order and freedom across the world.22 This vision of postmodern war rejects the ethic of absolute exclusion inherent in traditional security studies and instead fosters ‘common participation in law’ as the basis of legitimate intervention.23

By conceptualizing the purpose of war as the protection of human rights on the basis of international law, New Wars theorists seek to articulate a liberal theory of intervention that advances human progress for all people, regardless of their nationality. However, employing military force in defense of human security requires an alternative theory of action that defines goals without reference to an exclusive community or non-nationals who are subject to instrumental manipulation. If so, then political objective of such cosmopolitan law-enforcement cannot be established a priori by an already formed sovereign will, but must be politically negotiated with civilians whose security is threatened in the midst of conflict. Articulating the will of civilians is an emergent political process which requires that military forces critically engage the local perspectives of the civilian population and align their own perspective on the legitimate uses of coercion with non-combatants while recognizing relevant social differences.24 It further necessitates that military forces overcome their own ethnocentrism and practice empathy, but not merely as a means to achieve one’s own national objectives.25 Instead, military forces must adopt a global rather than national ontology of security that refuses pre-existing state exclusions inherent in classical strategic theory.26

New Wars theory has been heavily criticized for ignoring how contemporary asymmetric
conflicts possess characteristics common to both pre-modern and civil wars fought during the wars and civil conflicts during the modern era.\textsuperscript{27} Other critics attack its sweeping claims that classical military theory is irrelevant. They remind us of Clausewitz’s distinction the nature of the war and its character, of which the former is timeless while the latter’s character changes throughout history.\textsuperscript{28} These critiques are correct, but they do not invalidate the main sociological and historical arguments of New Wars theorists. The contemporary existence of globalization creates negative implications for states that wage asymmetric conflicts which did not exist during the colonial period. This new context in which war takes place suggests a need to think the relationship between the state, society, and the military commander originally established by the Clausewitzian trinity. If war targeting an enemy can no longer serve as a rational instrument of the state as the collective agent of society, then the practice of war must be reoriented toward the reconstitution of civil society itself. War within society can be rational only if it simultaneously constructs a shared understanding between civilians and external military forces. This understanding can only be generated by communicative action, in which civilians themselves define how military force ought to be used to restore social order. Once established, military forces can rationally implement military operations consistent with ends articulated by civilians by virtue of their membership in global civil society.

**Instrumental and Communicative Action in US Doctrine during the War on Terror**

The above discussion establishes two theories of action articulated in different approaches to strategy and conflict. In this section, I use this theory of action framework to
evaluate the theory and practice of US asymmetric warfare since 9/11. I perform a textual analysis US doctrine for Operational Design, stability operations, and counterinsurgency and then briefly examine how these operations were implemented in US counterinsurgency campaigns in Iraq and Afghanistan. Specifically, I focus on how the US military attempts to win the ‘hearts and minds’ of the civilian population. Are military forces instructed to win popular loyalties as a means of achieving American objectives? Or, does the US military engage in a communicative and participatory dialogue with civilians which enables them to define the rational purpose of military action and establish the rules by which violence can be to promote their security? By investigating implicit theories of action in US doctrine and operations, we can determine whether or not US counterinsurgency is different from traditional warfare or if fails to truly prioritise the security of civilians in conflict.

Context of American Foreign Policy after September 11

Examining US theory and practice of asymmetric war requires that we first establish the strategic context of post-9/11 US foreign policy. US objectives are established in National Security Strategy (NSS) statements issued by the Office of the President. The 2002 NSS clearly articulated that the United States was engaged in a global war against al-Qaida, an enemy that manifested itself across the world and within domestic and transnational civil society, including even the United States. This strategic objective has remained constant in both Bush and Obama administrations, as evident in the 2009 Terms Sheet defining objectives for an expanded Afghan campaign and the 2010 NSS. In both documents, the objective is to ‘disrupt and defeat al-Qa’ida...
and its affiliates. All the elements of the classic Clausewitzian paradigm are evident in these statements. A 'war' against an enemy – 'al-Qaida' – fought using unilateral force based on the US's own internally formed national interests. While international law is recognized with reference to standards that limit the use of force, the right to unilaterally use force is reasserted despite those restrictions. Thus, any limits on military action are conceived separately from how the United States understands its own sense of national security and is not integrated into the security of global civil society, which would constitute states with collective security interests. This understanding of US security retains the ethic of absolute exclusion and thus justifies the use of instrumental strategic action to achieve the national interest.

*Communicative Action and Instrumental Action in US Doctrine and Theory*

So how does contemporary doctrine and military theory conceptualize how counterinsurgency and stability operations should be planned to achieve these objectives? There are certainly communicative aspects of *FM 5-0: The Operations Process* and *TRADOC Pamphlet 5-525-500: Commander’s Appreciation and Campaign Design*. Both documents explain a planning approach that precedes operational preparation and execution called Operational Design. Design theorists begin from the assumption that a commander’s ability to understand a problem depends on her cognitive biases as well as the problem’s causal structure and complexity. The causal structure of traditional military problems (like ‘defeat the enemy’) is well-structured as causal connections about the achievement of objectives and can be established by technical military knowledge. However, problems facing commanders in stability

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operations tend to be ill-structured or complex problems and cannot be solved through the application of such widely accepted professional knowledge. Design theorists propose that commanders can improve their perception of a problem through critical reflection their own subjective understanding of a problem and develop a new interpretation or ‘appreciation’ of the environment in which it is situated.

Design is performed as a three-step process that allows the commander to engage in framing, or the process of making observations about a complex reality based on the critical perspectives of others to form hypotheses about how it might change. Design Methodology begins with the formation of an environmental frame, or the discursive development of a systemic understanding of the relationships that characterize the operational environment. The commander proceeds to elaborating a problem frame, which “defines…the areas for action that will transform existing conditions toward the desired end state” and enables the articulation of a problem statement, or a clear definition of the problem to be solved. The final step is the creation of a campaign design concept, which provides the commander’s intent and communicates to subordinates how they should intervene to resolve the problem and promote systemic transformation. Because the entire design process has incorporated the perspectives of relevant actors and partner organizations, the design concept should foster ‘mutual understanding and unity of effort’ about how to best achieve their common goals and permit detailed operational planning to realize a collectively defined end state.
As an interactive process which generates a consensus on the purpose of coercive action, applying Design to counterinsurgency can provide the basis for legitimate governmental rule. According to Sitaraman, counterinsurgency can be a form of constitutional design, the process whereby ‘equal individuals [create] a social contract through reflection and choice.’ While counterinsurgents do not participate in the formal process of establishing a state’s foundational legal text, the practice of counterinsurgency does shape and can be shaped by the norms and values governing how power is used within society. This ‘informal constitution’ can thus serve as the foundation for a formal constitutional document. Design’s frame-reflective discourse is precisely the vehicle that can link the use of authoritative coercion to local expectations about the appropriate use of violence. By providing for discursive exchanges where each actor can challenge validity claims regarding the when force is appropriate from an equal social position, Design can anchor counterinsurgency operations within emergent expectations about how to establish civil society. In effect, Design enables counterinsurgents to organically reconstitute a normative consensus about the legitimate use of force that serves as the future basis of the rule of law.

Design is recurring theme in US doctrine for both stability operations and counterinsurgency, namely FM 3-07: Stability Operations and the two editions of FM 3-24: Counterinsurgency and Insurgencies and Countering Insurgencies. To wage counterinsurgency, commanders should engage in ‘critical discussion [to provide] an opportunity for interactive
learning’ that ‘depends on shared understanding and leverages the collective intelligence and experiences of people.’  

*41* *FM 3-07* is more explicit in its introductory chapter, as it instructs commanders to pursue a ‘comprehensive approach’ integrating military, non-military, non-governmental, and private actors who ‘participate out of a shared understanding and appreciation for what [their] goal represents.’  

*42* The practice of Design in these operational contexts enables the commander to learn how to best fulfill the objectives of counterinsurgency and stability operations. *FM 3-24* states that ‘[t]he primary objective of any [counterinsurgency] operation is to foster development of effective governance by a legitimate government’ and protect the civilian population.  

*43* Understanding the problem to be solved requires determining how the civilian population ‘defines as effective and legitimate governance.’ By establishing legitimacy through a reflective discourse, military actors can achieve ‘conflict transformation’, which ‘seeks to resolve the root cause of conflict and instability while building the capacity of local institutions to forge and sustain effective governance, economic development, and the rule of law.’  

*44* The constitutional and legal potential for Design and counterinsurgency requires that civilian members of civil society are actively included in a frame-reflective discourse. Using the field of architecture and industrial design as an example, CACD describes the purpose of Design as framing a problem to serve the needs of a ‘client’ whose desires are not intuitively known by the designer.  

*45* Yet it is unclear if civilians are considered simply part of the operational environment that the commander and his staff must understand, or as key partners in the process
of Design Methodology. In the context of modern military bureaucracies which function as a non-political instrument of the state and manage the state’s monopoly on violence, the primary client is the civilian policy-maker who is enshrined with state sovereignty. While commanders are encouraged to achieve unity of effort through dialogue and collaboration with ‘civilian partners’, Design Methodology is still fundamentally oriented toward linking tactical military actions to strategic objectives established by US policy-makers. If those objectives do not prioritize the security of civilians, then commanders do not have to critically synthesize civilian perspectives and include them into the discursive process of Design, and thus Design can be practiced without serving as a constitutional-legal foundation for the emergence of stable norms and values governing the use of legitimate violence.

Instrumental Action in Counterinsurgency and Stability Doctrine

Although the above communicative concepts suggest that asymmetric military operations will be based on local perspectives and aim to resolve conflict, the strategic context of a war against al-Qaida and the Taliban reduce them to an instrument of US statecraft. Whatever structural transformations which occur within society will be bounded by US objectives, which simultaneously limit the degree to which commanders can practice reflexivity using a comprehensive approach. This contradiction is clearly evident in contemporary counterinsurgency doctrines and theories which make assumptions about the relationship between the US military and civilian populations based on a classic instrumental-rational theory of action. The 2007 edition of FM 3-24 demonstrates its adherence to instrumental action by

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claiming that ‘[i]nterests refer to the core motivations that drive behavior.’ Kilcullen further argues that ‘winning hearts and minds’ is about ‘calculated self-interest, not emotion.’ This is a utilitarian model of social behavior that conceptualizes politics as a game of strategic interaction, in which actors aim to achieve their own self-interests by convincing other actors to behave in a specific way either through persuasive or coercive threats. FM 3-24’s discussion of power adopts this same instrumental theory of action by stating that ‘[u]nderstanding power is the key to manipulating the interests of groups within a society.’ If civilians are to be treated as an object of manipulation, then they are excluded from a reflexive dialogue that defines the purpose of counterinsurgency operations consistent with Design Methodology.

Schön and Rein demonstrate how this interactive strategy remains consistent with the assumptions of traditional security practitioners like Henry Kissinger, who argued that an ‘image manager’ must understand how others ascribe meanings to one’s own actions ‘in order to manipulate them more effectively.’ Such limitations are also inherent in Kilcullen’s work, who argues ‘[t]he aim in counterinsurgency is to return the parent society to a stable, peaceful of interaction – on terms favorable to the government.’ This objective leaves out the most important group in counterinsurgency, namely local civilians. It assumes that the Host Nation government embodies the will of the people and represents their interests as a legitimate state which wields violence through popular consent. If this were true, then the social and political conditions that make insurgency possible would not exist in the first place.

While the 2014 version of FM 3-24 is a new text, it sits coherently within the traditional
logic of strategy by stating that counterinsurgency is an operational tool to achieve the strategic end of US policymakers, namely the defeat and containment of an insurgency.\textsuperscript{55} A key difference between the 2006 and 2014 versions is the inclusion of two approaches to counterinsurgency, ‘indirect’ (supporting local security forces in executing counterinsurgency operations) and ‘direct’ (US military forces actively conducting their own counterinsurgency campaign). But both forms of counterinsurgency are tools to fulfill US national security interests as established by the President.\textsuperscript{56} Regarding its theory of culture, the new manual does devote a six-page chapter to the topic, yet its discussion provides much less detail compared to the earlier edition. It argues that commanders should organize subordinates to understand local culture and ‘inject this understanding into their unit’s plans and operations.’\textsuperscript{57} The doctrine retains a strong emphasis on legitimacy and the need for the host nation to possess some degree of popular consent,\textsuperscript{58} yet it does not explain how different levels of consent relate to US national interests. This includes the formation of a ‘green cell’ during problem framing to include the cultural perspective of civilians, host nation government, and other relevant stakeholders. Yet this too merely contributes to the instrumentalization of civilians as an object for commanders to use in achievement of US objectives.

\textit{Practical Applications of Asymmetric Military Operations in Afghanistan}

While the above analysis demonstrates that new US doctrine prioritizing the protection of civilians relies on an instrumental logic, how it is put into practice is another story. We can examine the application of the above US doctrines for asymmetric warfare in the recent
counterinsurgency campaign in Afghanistan, which was conceptualized and developed in 2009 by NATO ISAF Commander Stanley McChrystal and CENTCOM Commander David Petraeus, who is considered the intellectual father of counterinsurgency given his leading role in producing the 2007 version of FM 3-24. In emphasizing the need to ‘understand the people and see things through their eyes’ and ‘get the people involved as active participants in the success of their communities’, McChrystal’s own commander’s guidance fully embraces a culturally informed understanding of local perceptions to secure the population. Yet even during the post-2009 counterinsurgency surge, civilians were still highly vulnerable to the violence of the war. According to UNAMA, civilian casualties in Afghanistan rose every year from 2010 to 2014 except for 2012, when they declined 12 percent but increased 14 percent the next year. Tactical adaptations by insurgents in response to the new counterinsurgency campaign, including the increased use of improvised explosive devices (IEDs) and attacks against civilian targets, ultimately increased civilian casualties. Simply escalating the conflict put civilians in more danger than could be offset by protection measures.

Not all aspects of the campaign were focused on protecting civilians either. After McChrystal’s departure in April 2010 due to insubordinate comments made by staff about the Obama administration, he was replaced by Petraeus, who dramatically escalated Special Forces operations against suspected Taliban operatives. These ‘night raids’ were intended to decimate the Taliban insurgency, not protect Afghan civilians or support the emergence of legitimate governance. Petraeus justifies this operational adaptation due to the perception that the Taliban
had ‘momentum’, saying ‘the best way to do something about [the Taliban] is to use every tool available to you, and that includes everything from the very soft end of things all the way to the hardest of the hard end, which is, of course, targeted raids.’\textsuperscript{62} Petraeus further permitted the dramatic escalation of airstrikes in late 2010, with three times as many strikes in November 2010 compared to the same month of the previous year.\textsuperscript{63} Both of these operational shifts were conducted in late 2010 and demonstrated a greater reliance on a counterterrorism approach rather than counterinsurgency, which was fully consistent with the strategic terms established by President Obama as well as the political need to demonstrate military success and set favorable terms for a faster withdrawal.\textsuperscript{64}

Further, US military has not successfully developed the capacity to learn about the perspectives of civilian populations in a communicative fashion. Take Human Terrain System (HTS) as an example, a US Army program which embeds anthropologists and sociologists in counterinsurgency brigades to ‘to enable sociocultural understanding across the operational environment,’ according to its own website. The very metaphor of understanding society as ‘terrain’ is drawn from Clausewitz, who argues that geographic terrain will determine the character of all military operations and must be understood by the commander whose forces will engage in combat upon it to achieve the political objective. If we conceive of the population as terrain, then this discursive element suggests that the population exists as something to be studied and navigated to achieve one’s own goals rather than actually integrate oneself with the people and develop a shared worldview.\textsuperscript{65}
US doctrine advocating a ‘comprehensive approach to winning hearts and minds suggests that military forces should work with non-governmental organizations focused on delivering humanitarian aid, yet relief workers and their organizations have argued that waging counterinsurgency has led to the militarization of aid. Organizations like the International Red Cross provide aid based on the principle of neutrality. Aid is provided regardless of the loyalties of the recipients of that assistance, and in no way should humanitarian organizations subordinate the delivery to the imperatives of states.66 Yet using aid and development assistance to win hearts and minds implies an attempt by the military to persuade civilians to support them if they otherwise did not do so, thereby instrumentally altering their behavior. The neutrality of relief organizations is further compromised by the US military’s deployment Provisional Reconstruction Teams (PRTs), which were small units of mostly military personnel who distributed assistance to the civilian population through quick-impact programs as a means of gaining the support of local populations. For the Red Cross, PRTs, restricted their own activities as civilians began to see any organization offering relief as part of the military mission and thus a non-neutral participant in the war.67 Ultimately, militarizing aid and relief work limits the capacity of humanitarian organizations to alleviate human suffering without any expectation of a shift in behavior.

Bureaucratic obstacles also remained that prevented ISAF from executing counterinsurgency. The US Marines developed its own campaign plan separate from that of McChrystal which led to expansive counterinsurgency operations across Helmand province,
despite the fact that ISAF leadership saw Kandahar province as the campaign’s center of gravity. The Marines simply maintained their own bureaucratic autonomy, as they had done since World War II.\textsuperscript{68} The doctrinal shift from conventional combat operations to counterinsurgency was even ignored by the commander of a US Army Stryker brigade deployed to Kandahar’s Arghandab district, generally considered the gateway to the Kandahar city. Rather than engage the local population with development assistance and participate in local \textit{shuras}, the brigade’s leadership fought constant battles with insurgents and failed to make any political progress.\textsuperscript{69} This merely reflects what Greentree has described as an inability to ‘[reverse] the conventional version of the so-called American Way of War’.\textsuperscript{70}

A final obstacle to implementing doctrines focused on stabilization and protecting civilians was the ideological construct of the US military at war in Afghanistan. In mourning soldiers who killed in combat, some officers rationalized their deaths in Manichean terms, against an enemy that ‘cannot be deferred - only defeated. Compromise is out of the question.’ Or, as another officer says, ‘This is a global war on terror, and if we’re not there, they’re going to be right back here’.\textsuperscript{71} The loss of American soldiers and their actions within the broader war in Afghanistan is thus understood in defense of the American nation and part of a continuous overseas military response to the terrorist attacks of 9/11. As Gilmore notes, this warfighting narrative reduces any overseas military engagement as the instrumental protection of a homeland that excludes local civilians, who themselves must be instrumentally manipulated as a means to the broader end of achieving US national security.\textsuperscript{72} Nonetheless, it is consistent with the overall
strategic direction established by President Obama in both the 2009 terms sheet and the 2010 NSS, discussed at the beginning of this section.

This brief discussion regarding the practice of US asymmetric warfare in Afghanistan reveals how securing civilians on their own terms was not possible. Both policymakers and military commanders subordinated the imperative to protect civilians to political and bureaucratic interests that were justified in the ideological context of war against a threat to national security. Although this undermined what seems to be the core mission of counterinsurgency, such an outcome is entirely conceivable given the instrumental strategic logic of US policy and military doctrine. The civilian population was understood as a tool of American will to be manipulated for the achievement of self-interests and protected only to the extent that such activity fulfilled US interests. Practically, waging instrumental counterinsurgency while engaging in warfighting led some commanders to simply abandon civilian protection and engagement altogether in pursuit of enemies that obstructed strategic objectives.

Rethinking Asymmetric Conflict Theory after Counterinsurgency

Given the inability of instrumental US doctrine and asymmetric military operations to protect civilians, we can consider how such modes of warfare might be reconceptualized as communicative military action that generates security for civilians and more stable political conditions. Design’s emphasis on a frame-reflective discourse with civilians as the basis for military operations must reconciled with the dynamics of enmity in asymmetric war. According to Carl Schmitt’s *Theory of the Partisan*, these two imperatives are irreconcilable because of the
character of such conflicts. If we want to theorise about how to protect civilians in military operations, we must rethink the basic concepts of military theory (operations, strategy, and policy) without *a priori* reference to an enemy that serves as the object to be manipulated for the achievement of national self-interests.

*The Problem of Enmity in Asymmetric Warfare and the Expansion of Civil Society*

The US adoption of counterinsurgency doctrine has left it unable to reconcile the twin demands of defeating adversaries that threaten the nation from an adversary and protecting non-civilian populations. Why this is so can be understood by examining the role of enmity in partisan war, ‘the logic of a war of *justa causa* [just cause] without recognition of a *justus hostus* [just enemy].’

Partisan war refers to conflicts defined by an irregular combatant fighting against a regular state military that defends territory from occupation by maximizing mobility and organizing the population around a new political community. According to Schmitt, the degree of enmity in partisan war is more intense than in the conventional conflicts of Western military theory, in which warfare and enmity was limited (‘bracketed’, as Schmitt says) by European public law and membership in what English School theorists have called an international society of states.

War itself became a rule-bound institution that defined the boundaries of war and peace, the roles of soldiers and civilians as legitimate or illegitimate targets of violence yet still possess rights of protection, and recognized the sovereign’s legal right to war and peaceful existence following the conclusion of hostilities via a treaty agreement. Instead, partisan war recognizes no such modern boundaries that contain the destructive potential
of war nor acknowledges any rules that would limit conflict between members of society. On this basis, the partisan understands the occupying power as ‘the real enemy’ and seeks to mobilize the entire population as an exclusionary national community in opposition to its territorial control and presence.

The dynamics of enmity and dehumanization in partisan war further make impossible the simultaneous protection of civilians and the pursuit of enemies. Irregular partisan combat violates the rules of war and cannot be traced to clearly identifiable actors, leaving states unable to discriminate between legitimate targets and civilians as required by the expansion of rights codified in the Hague and Geneva Conventions of 1907 and 1949. Its occupying military forces will then perceive civilians as insurgents, as if all members of the local population are enemies opposed to their very existence within that territory. In this dynamic, providing genuine protection to civilians completely inverts any military action because ‘protection of such an indigenous population is also protection of the partisan’. To defeat the partisan, then, requires controlling civilians as untrustworthy political actors in the name of state security. Faced with the problem, states seeking to defeat their enemies have two choices: either completely annihilate civilian populations as if they were battlefield adversaries or instrumentally manage their social interactions in such a way to isolate and defeat partisan opponents. Both forms of counterinsurgency remain consistent with the instrumental assumptions of classic military theory and represent what Arreguin-Toft has described as the current major debate of asymmetric conflict theory. Yet no position in this debate offers a theory about how to truly protect
civilians due to the continuing primacy of the enemy as the object of military action, regardless of any doctrinal statements indicating that protection and stability are operational goals.

If we want to develop a theory of asymmetric warfare that does prioritize civilian protection, then sovereign policymakers must ‘rebracket’ war and impose new limitations on its conduct that restore rationality to its practice. Operational Design provides a point of departure to suggest how such engagement might take place, namely by including civilians in a frame-reflective discourse that may challenge core assumptions made by military forces. However, avoiding the manipulative ‘reframing without reflexivity’ inherent in the US military’s existing understanding of counterinsurgency requires that commanders accept that civilians can challenge their validity claims about the rational purpose of military action. Commanders must accept civilian definitions of the enemy, and this includes recognition of adversaries as *justa hostus* that possess legal standing and a right to existence as members of the political community who may possess *justa causa*. Commanders must also accept civilian limitations on ‘just conduct’ of military operations in pursuit of human security objectives to maintain legitimacy. Accepting these limits on the conduct of war would constitute its ‘rebracketing’ on the basis of relinquishing *a priori* assumptions about the enemy as the rational objective of military operations and logically undermine the political and exclusionary effects of partisan warfare.

What are the strategic and policy implications of adopting communicative approaches to warfare that prioritize population protection based on local legitimate norms about the use of violence? Doctrines that complement Operational Design, such as *FM 3-07*, suggest that
communicative military action is part of a broader strategy of political and social reconciliation which seeks the development of stable state institutions as a policy objective. Since communicative action makes possible the emergence of what Sitaraman referred to as the ‘organic rule of law,’ the principles and norms developed in such a frame-reflective discourse without first identifying an enemy can be inclusive of civil society actors within the territorial bounds of the nation, and thereby initiate a resolution of violent political conflict that otherwise relies on a priori social exclusions. At the same time, reconciliation at the ‘domestic’ level which produces a new political community simultaneously implies integration into a global civil society composed many nations whose citizens are all equal in terms of human rights, as well as states who acknowledge obligations to protect their citizens as well. The adoption of policy and strategy is longer a task solely executed by individual sovereigns acting on the basis of their individual national interest, but instead becomes a collective and multilateral endeavor of states acting under international law and through international organizations. Communicative military action which is rationalized without a pre-existing enemy thereby enables us to conceptualize forms of warfare which are consistent with liberal cosmopolitanism and the development of a universal political community.

While engaging civilians in a frame-reflective discourse without pursuing an enemy makes sense in light of Schmitt’s Theory of the Partisan, it challenges some of the basic assumptions of Clausewitzian military theory. To interact with civilians in a truly frame-reflective discourse without first prioritizing an enemy of the nation requires that the sovereign
loses the otherwise exclusive ability to define the rational purpose of war. Instead, the communicative relationship between civilians and the military force becomes the source of rationality and thus defines the purpose of military operations. If the objective is the protection of civilians and is realized operationally by virtue of a frame-reflective discourse, then the sovereign cannot establish a complete logic of rational military action and mediate between the passion of the nation and the military commander who applies instrumental techniques to deal with battlefield uncertainty. This conceptual shift is coherent if we reject the distinction between inside and outside that defines social exclusions. A distant homeland is no longer the object to be secured and instead is replaced by an emergent global civil society, whose boundaries are extended through communicative military action. All human beings, whether civilians threatened by war in a conflict theater or civilians living in peace, have joint interests in the outcome of such operations and cannot treated as distinct populations whose well-being can be weighed against each other. In this new formulation of the trinity, it is the communicative and participatory relationship forged between local civilians and intervening military forces that rationalizes the purpose of military and not the intervening government acting to protect only the nation. The hierarchical Clausewitzian trinity, in which the sovereign rationally mediates between the nation and the military, is then replaced by a horizontal model, in which the military communicatively rationalizes war on behalf of a threatened population and maintains its legitimate use of force by appealing to global norms and identities that include both ‘foreign’ and ‘domestic’ communities.
This position also enables us to make constructive refinements to Kaldor’s most recent interpretation of Clausewitz from the perspective of New Wars theory. She claims asymmetric wars are less a ‘conflict of wills’ between adversaries and more of a ‘mutual enterprise’ among combatants for whom defeating an adversary is not the goal of war but instead functions as a justification.\(^78\) However, engaging in asymmetric war based on communicative military action can also be conceived mutual enterprise, one that intervening forces must wage together with civilians. Through a frame-reflective discourse, both military commanders and members of local civil society can forge a collective will which specifies how individual actors will work together to produce legitimate social order. By establishing a mutual enterprise with civilians as the operational objective (as opposed to instrumentally manipulating them), this interpretation of Kaldor retains the ‘conflict of wills’ element of Clausewitzian theory but adapts it to war amid global civil society.

If communicative military action no longer prioritizes the defeat of the enemy as the achievement of strategic objectives, then the kind of operations that would embody this form of warfare can no longer be called counterinsurgency. That term itself designates that the purpose of such operations is to ‘counter’ an enemy organization. Designing military operations on the basis of a communicative action is most consistent with what Newman has described as ‘transformatory peacebuilding,’ which assumes that ‘durable peace and stability rest upon the achievement of positive peace and giving free expression to local voices, desires and forms of politics’.\(^79\) Imposing one’s own will on a situation to achieve self-interests, as consistent with the
classic assumptions of Western military theory, will thus fail to achieve transformation because it prevents local actors from comprehensively resolving conflicts and perpetuates structures that restrict freedom. On this basis, counterinsurgency cannot be used to describe any kind of military operation with the goal of protecting civilians and restoring peace and security. Labelling such communicative operations as transformative peacebuilding is more accurate.

Finally, it is important to recognize the existing obstacles to the US military’s shift from instrumental to communicative military action. US security institutions will not embrace reflexive approaches to asymmetric warfare unless they move beyond a narrow understanding of national security that privileges the unilateral pursuit of national interests over cosmopolitan objectives within a framework of international law. Neoconservative ideologies, which have been highly influential in the United States over the past 15 years, call for a ‘heroic return to the national interest’ defined by the morally superior virtues of the United States. The failures of American intervention during the War on Terror provide good reasons for rejecting such conceptions of the national interest as well exceptional definitions of American identity. Yet shifts in national identity and interests are historical processes that take a great deal of time and will be a product of new crises and challenges that cannot be foreseen today. On this basis, we should not expect that the US military will conceptualize truly reflexive military operations based on communicative action anytime soon. The emergence of a communicative understanding of war that expands international law and global civil society will likely proceed in fits and starts, and not from a moment of transcendent progress.
Conclusion

This article has shown that the emphasis on ‘winning hearts and minds’ in US doctrine for asymmetric conflict relies on an instrumental theory of action that manipulates civilians for American national interests rather than truly provide long-term sustainable human security. By failing to engage civilians in Operational Design’s frame-reflective discourse and incorporate local cultural knowledge into the purpose of counterinsurgency and stability operations, US military action in asymmetric conflict will fail to resolve its structural causes and merely perpetuate political instability. These outcomes suggest that the US military should develop a more participatory approach to asymmetric conflict that prioritizes communicative action with civilians. Rather than instrumentalize civilians and their culture to achieve US national security, a participatory communicative approach would allow local civil society to define the purpose of military operations as an instrument of their own security and establish new normative rules governing the legitimate use of force that constitute the emergence of stable political institutions. However, making this shift from instrumental to communicative military action will be constrained as long as the United States continues to define policy and strategy in terms of exclusionary national interests in opposition to a pre-existing enemy.

This analysis is important because it expands the boundaries of debate within asymmetric conflict theory. While the current debate regarding counterinsurgency is divided between ‘hearts and minds’ and ‘civilian terror’ approaches, comparing US doctrine to instrumental and communicative theories of action demonstrates that the two sides of this debate are more similar
than different. Both types of counterinsurgency are instrumental and should instead be counterposed by transformative approaches which require a communicative and reflexive approach toward civilians and refrain from defining objectives in terms of a priori enemies. Communicative military action may still reproduce boundaries of exclusion, yet how those boundaries are drawn are left up to civil society actors rather than intervening nation-states pursuing their own narrow self-interests. While this alternative understanding of asymmetric conflict challenges Clausewitzian assumptions, it does not completely invalidate them.

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References


Banach, Stefan and Alex Ryan. ’The Art of Design: Design Methodology’, *Military Review*. 


http://www.pbs.org/wgbh/pages/frontline/afghanistan-pakistan/kill-capture/transcript/


----. “Human terrain: past, present and future applications.” *Anthropology Today* 24, no. 1


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Williams, Michael C. ‘What is the National Interest? The Neoconservative Challenge in IR Theory,’ *European Journal of International Relations* 11, no. 3 (2005), 307-337.


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1 Luttwak, ‘Counterinsurgency as Military Malpractice’; Gentile, ‘Freeing the Army from the Counterinsurgency Straightjacket’ and Wrong Turn. For a full review of this debate, see Arreguin-Toft, ‘Asymmetric Conflict Theory in Historical Perspective.’


3 Habermas, *Theory of Communicative Action, Vols. 1 and 2*.

5 Ibid., 89.

6 Strachan, ‘Clausewitz and the Dialectics of War.’

7 Tilly, ‘Warming and Statemaking as Organized Crime.’

8 Malesevic, The Sociology of War and Violence.

9 Gellner, Nations and Nationalism; Anderson, Imagined Communities.


11 Schmitt, The Concept of the Political.

12 Walker, Inside/Outside, 77.


14 Gat, The Origins of Military Thought, 241. However, this does not preclude law between sovereign states which have legal standing in the post-Napoleonic Concert of Europe.

15 See Habermas, Theory of Communicative Action, Vols. 1 and 2.

16 Mao, On Guerrilla Warfare.

17 Van Creveld, The Transformation of War.

18 Kaldor, ‘Inconclusive Wars.’

19 The concept of human security is first introduced by the 1994 United Nations Human Development Report, which argues that global security can be achieved by focusing on individuals as the referent of security rather than states. Human security is thus defined as freedom from fear and freedom from want.

20 Kaldor, New and Old Wars.

21 Chopra and Hohe, ‘Participatory Intervention’.

22 Kaldor, Global Civil Society.

23 Nussbaum, Kant and Cosmopolitanism, 32.

24 Richmond, ‘Beyond liberal peace: responses to backsliding.’


28 Schuurmann, ‘Clausewitz and the “New Wars” Scholars.’


32 Dept. of the Army, *Commander’s Appreciation and Campaign Design*, 9-10.

33 Dept. of the Army, *The Operations Process*, [2-6]-[2-7]. The order ‘establish a safe and secure environment’ is used as a historical example in FM 5-0 as an example of an ill-structured problem that required critical thinking applied through Operational Design. See page [3-3].


35 Dept. of the Army, *Commander’s Appreciation and Campaign Design*, 14.


40 Ibid., 244.

41 Ibid., *Counterinsurgency*, [4-3].

42 Ibid., *Stability Operations*, [1-5].

43 Ibid., *Counterinsurgency*, [1-21].

44 Ibid., [1-6].
Schön first explains the work of an architect as a metaphor for Design in *The Reflective Practitioner*, Chapter 3.

Huntington, *The Soldier and the State*.

Dept. of the Army, *The Operations Process*, [1-6]-[1-7].

Ibid., [3-6].

Ibid, *Counterinsurgency*, [3-9].

Kilcullen, *Counterinsurgency*, 37.

Schelling, *Strategy of Conflict; Arms and Influence*.

Dept. of the Army, *Counterinsurgency*, [3-9].


Kilcullen, *Counterinsurgency*, 216.

Dept. of the Army, *Insurgency and Countering Insurgencies*, [1-5].

Ibid., [1-6].

Ibid., [3-4].

Ibid., [1-10].


Freisendorf and Müller, ‘Human Costs of the Afghanistan War,’ 141.

Frontline, ‘Kill/Capture’.

Ackerman, ‘Afghan Ultraviolence’.

Chandrasekaran, *Little America*, 211-212.

Williamson, ‘Using Humanitarian Aid to Win Hearts and Minds,’ 1050.

Ibid., 1045.

Greentree, ‘Bureaucracy Does Its Thing’, 337.

Chandraesekaran, Little America, 152-160.


Chandraesekaran, Little America, 250.

Gilmore, ‘A Kinder, Gentler Counterterrorism’.

Schmitt, Theory of the Partisan, 30.

See Bull, The Anarchical Society, for the classic statement of the English School position.


Ibid., 26.

Arreguin-Toft, ‘Contemporary Asymmetric Conflict Theory in Historical Perspective.’

Kaldor, ‘Inconclusive Wars.’

Newman, ‘Liberal Peacebuilding Debates.’

Williams, ‘What is the National Interest?’ 323.