22 The "Memory of War": Tribes and the Legitimate Use of Force in Iraq

Montgomery McFate

> *"Between tribes there can only be war, and through war, the memory of war, and the potentiality of war the relations between tribes are defined and expressed."*
>
> —E. E. Evans-Pritchard[1]

INTRODUCTION

In the Western philosophical and jurisprudential tradition, the use of force is considered legitimate when sanctioned by law. Law is generally considered to be the prerogative of the state, or the system of states known as the international community.[2]

But what if states are not the only source of law or the only source of legitimate violence? As legal anthropologist Leopold Pospisil has noted, "Any human society does not possess a single consistent legal system, but as many such systems as there are functioning subgroups."[3] Customary law within subgroups has the same basic characteristics of state law: authority of decision, *obligatio*, universal application, and sanction.[4] Like state law, customary law expresses social norms and constrains behavior.

In Iraq, tribes can be considered as subgroups of the larger society, possessing their own forms of coercion, law, and authority. Iraqi tribal customary norms for warfighting and conceptions regarding legitimate use of force derive neither from Iraqi civil law nor from sharia. Rather, they derive from the cultures of Iraq's tribes.[5] By understanding customary law and practice for the deployment of coercive force among tribes in Iraq, coalition forces can avoid unnecessary civilian and military casualties, more effectively defeat the insurgency and promote reconciliation and engagement within Iraqi civil society.

Montgomery McFate is a cultural anthropologist who works on defense and national security issues. Dr. McFate is currently the senior social science adviser for the U.S. Army's Human Terrain System. Previously, she worked at the U.S. Navy's Office of Naval Research (ONR), where she was awarded a Distinguished Public Service Award by the secretary of the Navy. Before coming to ONR, Dr. McFate was a social scientist in RAND's Intelligence Policy Center. Dr. McFate received a BA from University of California at Berkeley, a PhD in cultural anthropology from Yale University, and a JD from Harvard Law School. She has published in the *Journal of Conflict Studies, Military Review,* and *Joint Forces Quarterly,* and has held grants from the National Science Foundation, Mellon Foundation, and Smith-Richardson Foundation, among others.

WHAT ARE TRIBES?

Anthropologists have been arguing bitterly among themselves for many years whether or not tribes exist, and if so, what their relationship is to the state.[6] In 1897, Herbert Spencer posited a theory of social evolution, in which societies evolve from simplicity to complexity, from bands into larger polities.[7] Spencer's theory survives as the commonly held assumption among non-anthropologists that tribes evolve into states.[8] Having rejected the tribe as an evolutionary stage, however, many academic anthropologists treat tribes as a product of contact with more complex societies. The "contact" theory holds that political development of tribal societies in Africa, highland New Guinea, and Amazonia was driven by the need for states to create clear political boundaries in place of the multilayered anarchy of the "tribal zone."[9] Among some academic anthropologists, European expansion is sometimes viewed as the sole driver of tribalization, leaving many anthropology students with the preposterous idea "that Europe created the tribes."[10]

Another anthropological school of thought views state and tribe as "two opposed modes of thought or models of organization that form a single system."[11] In the words of Richard Tapper,

> As a basis for identity, political allegiance, and behavior, tribe gives primacy to ties of kinship and patrilineal descent, whereas state insists on the loyalty of all persons to a central authority, whatever their relation to each other. Tribe stresses personal, moral, and ascriptive factors in status; state is impersonal and recognizes contract, transaction, and achievement. The tribal mode is socially homogenous, egalitarian, and segmentary; the state is heterogeneous, stratified, and hierarchical. Tribe is within the individual; state is external.[12]

In Tapper's view, tribes and states exist in a perpetual "dialectical symbiosis: they mingle and sustain each other; each part changes owing to the other's influence; and sometimes they seek to destroy each other."[13] States have played a role in creating, transforming, and destroying tribal institutions and structures: governments have attempted to eradicate tribes or have created tribes for political and administrative reasons. Tribes have also played a role in state formation: tribes have usurped power within states; have developed into ministates; have acted as guardians of the state's frontiers against external marauders, or as buffers against powerful neighbors; and have founded and destroyed dynasties. In all of these cases, tribes exist in structural opposition to states, perpetually remaining outside of the state's control and threatening its order.[14]

But what exactly is a tribe? Tribes show so much variation that it is sometimes difficult to recognize what they have in common. The kinship rules, organizational structures, and types of political authority of tribes are highly variable.[15] For example, the egalitarian, acephalous tribes of the Arabian Peninsula are vastly different in their political authority systems from the hierarchical chiefdoms of the central Asian steppes.[16] Tribes, which exist in relationship to the social and natural environments, are not self-contained, and their organizational structures and social patterns are influenced by external factors such as local ecological factors and mode of production (pastoral, semipastoral, sedentary).[17] Similarly, the ethno-religious composition of tribes is highly variable: while some tribes may have members of diverse religious or ethnic backgrounds

(the Qashqa'i tribe of Iran, for example, has members of Turkish, Persian, Arab, and Luri origins), other tribes are composed of a single ethno-religious group.[18]

Given this variability in the form and structure, it is nevertheless possible to make some broad observations about tribes. Anthropologists generally define a tribe as "an autonomous, genealogically structured group in which the rights of individuals are largely determined by their membership in corporate descent groups, such as lineages."[19] Tribal groups are basically large networks, with a tendency to both aggregate and splinter extensively. This tendency is rooted in a kinship system where patriarchal lineage is grouped agnatically.[20] According to "pure" kinship theory, each kin group traces its descent back to a single patriarch, and a division of the lineage occurs among each set of brothers. Fathers transmit property and feuding to sons (agnates), causing such groups to be segmented.[21] Because a segmentary kinship system creates no hierarchy among brothers, the inheritance of property and sheikhdoms can result in competition among brothers and their families. The conflict among agnatic kin is expressed in the Afghan adage, "Do you have an enemy? I have a cousin."[22] While segmentation promotes competition among different factions, it may also create a balance of power within a society.[23] (And, of course, something entirely different may happen in reality as a result of local political, social, and economic factors.)

Every tribal system has many different levels of organization. In Iraq, the tribal system may have up to 14 levels of organization. In Iraq, generally, the smallest tribal unit is the *kham* (extended family), which may be aggregated into a *bayt* (house). Several houses make up a *fukhth* (clan), and a number of clans makes the *'asheera* (tribe), and a group of tribes constitutes a tribal confederation (*qabeela*).[24] The number of groups at each level of aggregation can vary greatly from country to country: in Yemen, for example, there are two major tribal confederations, each composed of dozens of tribes,[25] while in Iraq there are approximately 23 tribal confederations[26] and an unknown number of tribes.

Tribal genealogy is not based on actual lines of descent but on fictive kinship ties. As Claude Lévi-Strauss has noted, "A kinship system does not exist in the objective ties of descent or consanguinity between individuals: It exists only in human consciousness. . . ."[27] Fictive kinship is a type of social relationship between people who are not related by blood, involving emotional ties and social obligations similar to those between blood relatives.[28] Biological descent is often less important in a tribal society than genealogical descent, which can be invented or attributed as necessity demands. Thus, if a tribal unit (such as a clan) switches political allegiance, kinship ties will be manipulated to justify the basis for the new tribal association.[29] For example, according to a 1953 study of Iraqi Marsh Arabs "many lineages and even clans" belonging to the village's Beni Isad tribe "are known to be foreigners" and there "has been considerable adoption of lineages and segments of lineages."[30]

Tribes, however, are not just descent groups, but political actors. Evans-Pritchard, in 1940, described tribes as *political groups* with a genealogical structure that occupy discrete territories.[31] More recently, Dale Eickelman has characterized tribes as groups that have a shared concept of *political identity* derived from claimed patrilineal descent.[32]

Tribes seek power and resources, and within tribes, sheikhs seek power and re-sources. Generally, a sheikh is a senior male member of a tribal lineage group, with the ca-pacity to exert informal authority over members of that group. A sheikh's authority is not necessarily based on birth but on his ability to satisfy the political, economic, and security interests of his tribal members. Sheikhs provide patronage, in the form of political fa-vors, jobs, or money, to tribal members in exchange for loyalty. Tribal members expect to be rewarded by their sheikh with increased status and material gains, typically acquired through the sheikh's access to the central government. If he fails to provide material ben-efits, tribal members may support a rival within the tribe, or switch allegiance to another tribe.[33] Thus, a sheikh's authority is constantly reevaluated by tribal members and may be contested by others seeking to usurp his place. As one Iraqi sheikh noted, "A sheik has no power without contracts. If I do not provide for my people, they will not cooperate with me."[34]

Sheikhs do not wield absolute power but lead by consensus. Sheikhs can influence, but not control, their tribes.[35] According to Dawn Chatty, the sheikh "generally has no power to enforce a decision and has therefore to rely on his moral authority as well as the concurrence of the community with his point of view. Although ultimate authority rests with the sheikh, it is based almost totally on his meticulous evaluation of tribal sentiment."[36]

The sheikh acts as a judge, maintains law and order in the tribe, represents the tribe before government authorities, and mediates disputes within and between clans. In Iraq, the sheikh's ability to enforce law in the tribe seems to depend on the authority of the particular sheikh and varies greatly between urban and rural areas. Former British Coali-tion Provisional Authority (CPA) official Rory Stewart noted, "Almost every crime in the villages [in southern Iraq] was tried and settled by the sheikhs."[37] By contrast, the Ameri-can former deputy director of the CPA Office of Provincial Outreach, Lieutenant Colo-nel Alan King, stated, "The Iraqi people spoke often of tribal law, but I only witnessed its application in the most remote and rural areas of the country."[38]

TRIBE AND STATE IN IRAQ

In the Middle East, the relationship between tribes and states has been characterized by mutual antagonism, pragmatic cooperation, and occasional warfare.[39]

During the early Islamic era, tribal kinship threatened the state's consolidation of political power.[40] Traditionally, nomads had been the center of power in the Arabian Peninsula: the outcome of the conflict between Mecca and Medina, for example, depended on the mobilization of nomadic allies.[41] To break the power of the tribes, family allegiances were to be supplanted by the religious unity of the *umma* (community of believers). The Covenant of Medina stipulated that the Muslims "constitute one *Umma*" and that "all believers shall rise as one man against whomsoever rebels or seeks to commit injustice, aggression, wrong action or spread mutual enmity between the believers, even though he be one of their sons."[42] Expressing the view that *asabiyyah* (tribal solidarity; the *'asaba* are male patrilineal relations) was contrary to the spirit of Is-lam, the Prophet said, "Whosoever possesses in his heart *'asabiyyah* even to the extent of

a mustard seed, God will raise him on the Day of Resurrection with the [pagan] Beduins of the *Jahiliyyah* [the pre-Islamic era]."[43]

Although control over the tribes was maintained while Muhammad was alive, many tribal sheikhs refused to swear allegiance to his successor, Abu Bakr. During the Wars of Apostasy (*Ridda* Wars), tribes rose up across the desert, and 11 brigades of the Islamic army were dispersed to quell them. Following the reconquest of most of Arabia, the ruling elite co-opted the nomads by recruiting them into the Islamic armies and settling them in garrison towns away from their tribal territories. By rewarding the tribesmen with land in conquered territories, the Islamic state locked itself into a policy of expansion: to appease the tribes, the state was forced to acquire new lands, eventually leading to the conquest of Syria and central Iraq.[44]

Following the collapse of the Abbasid empire in the thirteenth century, Iraq's tribes had limited allegiance to the central government.[45] In 1702 the Ottomans initiated a policy of indirect rule, delegating authority to the *mamluks,* who were highly educated slaves who had been trained to rule.[46] Although the *mamluks* paid tribute to the Ottoman sultan, they retained considerable de facto autonomy,[47] and were responsible for raising the local armies with which they maintained the Ottoman borders.[48] *Mamluk* power, however, did not extend into the countryside, which was inhabited by self-sufficient tribes who frequently attacked settled areas. The *mamluk* governor of Baghdad, Hassan Pasha Al Jadid (1704–1723), for example, was engaged in continuous subjugation of rebellious tribes for the tenure of his rule.[49]

In 1808, the Ottomans began to reassert their control over the *mamluk* governors and consolidate power in the hands of the sultan in Istanbul as part of the *nizam i-cedid* (the new order).[50] Nomadic tribes were encouraged to adopt agriculture in order to increase tax revenue.[51] Sheikhs were granted title deeds to land, increasing their loyalty and transforming tribesmen into tenant farmers.[52] The Ottoman governors also began to divide and conquer, rewarding obedient sheikhs with land and punishing uncooperative sheikhs by confiscating their land and distributing it to rival tribes. Conflict over land rights created competition among sheikhs, weakened ties between sheikhs and tribesmen, and made the sheikhs dependent on the Ottoman state to enforce their rights and maintain order.[53]

Although the power of the tribes was subsequently weakened during the nineteenth century through the *tanzimat* reforms of 1832 (an administrative and legal reorganization of the Ottoman Empire),[54] the emergence of private property, development of capitalist markets, and urbanization of the country, tribal membership remained an important component of political mobilization and identity.

After World War I and the collapse of the Ottoman Empire, Iraq was established under a mandate entrusted to Britain. The British quickly discovered that ruling the new state of Iraq would not be an easy task: urban Iraqi nationalists rejected the mandate as unadulterated colonialism and Sunni and Shia tribal confederations soon joined the insurrection. For a time, the Great Iraqi Revolution of 1920 united Iraqis in a common effort against a mutual enemy.[55] The British restored order only with the assistance of Royal Air Force bombers and the use of chemical weapons.[56]

Like the Ottomans before them, the British discovered that the divide-and-conquer strategy was the most expedient means of governing a society dominated by tribes. At the Cairo Conference of 1921, Faisal was installed as Iraq's first king. The sheikhs opposed a strong central government and they possessed enough firepower to pose a credible threat: King Faisal wrote that "The tribes have more power than the government, they own more than 100,000 rifles, while we own only 15,000."[57] The British goal was to "keep the monarchy stronger than any one tribe but weaker than a coalition of tribes," thereby giving British administrators decisive authority in arbitrating disputes between the monarchy and the tribes.[58]

Following the Baathist consolidation of power in 1968, tribes were viewed as a major obstacle to political reform and economic modernization. Agrarian reforms were introduced, estates owned by tribal sheikhs were confiscated, and peasant associations were formed to undermine the sheikhs' position as intermediaries between the government and their tribesmen.[59] At the same time, however, Hussein consolidated his power within the Baath Party by placing his tribal relations in key state institutions, such as the Defense Ministry and the National Security Bureau.[60] The patronage system was used to guarantee the elite's loyalty to the regime.[61]

The Baath attempt to restructure Iraqi society along secular national lines was short lived. Weakened by the Iran-Iraq conflict and the Gulf War, buried by a $50 billion debt, and deprived of oil revenues by the sanctions, the central government began to lose control over provincial areas. In 1991, Hussein began integrating the tribes into the state in order to consolidate the ruling elite's power.[62]

The Baathist retribalization of Iraqi society was in many ways a perversion of the original system. As Faleh Jabar has pointed out, although Saddam reconstructed many real tribes, he also invented new ones. Unlike traditional tribes that were ethnically heterogeneous and organized around agnatic descent, the new tribes were divided along religious and ethnic lines.[63] Both new and old tribes were organized to operate as extensions of the state organs. Lesser tribes were made responsible for local tasks, such as maintaining law and order and collecting taxes.[64] Major Sunni tribes, supplied with arms by the government, became responsible for certain aspects of national security. The policy of arming certain tribes upset the traditional balance of power within the tribal system, leading to increased frequency and lethality of intertribal warfare.[65]

The overthrow of Saddam Hussein's regime in April 2003 created a power vacuum that was quickly filled by resurgent tribes, accustomed to political and legal autonomy. As a young tribal leader observed, "We follow the central government. . . . But of course if communications are cut between us and the center, all authority will revert to our sheik."[66] Because coalition forces are unable to provide security to Iraqi civilians in most areas of Iraq, tribes have filled the void.[67] Similarly, tribes are also guaranteeing the economic well-being of their members. According to Faleh Jabar, "The only way to get a job for many Iraqis today is by returning to the tribe. . . ."[68] Residents of Baghdad have increasingly begun identifying with their tribal groups, sometimes choosing the places they shop and eat by the owners' tribal affiliations.[69]

The fall of Saddam Hussein and the Baath regime further tribalized Iraq. Yet the CPA showed an unwillingness to engage with the tribes. According to a former

intelligence officer whose plan to leverage traditional authority systems in Iraq was rejected by the CPA, "The standard answer we got from Bremer's people was that tribes are a vestige of the past, that they have no place in the new democratic Iraq."[70]

In Iraq, various central governments have created, weakened, or destroyed tribes according to their political goals, yet tribal identity and membership remain an important element of social organization to this day. The role and power of the tribes, however, should not be overemphasized;[71] tribes should be seen as an element within the larger social structure. Indeed, as noted above, Saddam Hussein irrevocably altered the tribal landscape, modernization detribalized much of the country, and tribal identity now competes with other forms of identity (such as ethno-religious and political). As Rory Stewart, former CPA deputy governor of Maysan province, has observed, "Most urban Iraqis perceived the sheikhs as illiterate, embarrassing, criminal, powerless anachronisms who should be given no official recognition. . . . They were [however] still the most powerful men in the rural areas, where about half the population remained; they owned much of the land, and agriculture was the only half-functioning element of the shattered economy. Almost every crime in the villages was tried and settled by the sheikhs. . . ."[72] Although the Sunni Arab insurgents in Iraq represent different political and religious ideologies—nationalists, Islamo-nationalists, and jihadists—all are influenced to some degree by the tribal ethos, which remains a core component of contemporary Arab political and military culture.

BLOOD FEUD

Governing a tribal territory presents a unique challenge to any state. In a letter to his parents during the Arab revolt, T. E. Lawrence wrote, "in their smallness of number (which is imposed by their poverty of country) lies a good deal of their strength, for they are perhaps the most elusive enemy an army ever had, and inhabit one of the most trying countries in the world for civilized warfare."[73] In his diary, Lawrence concluded, "their real sphere is guerilla warfare."[74]

Yet tribal use of force follows predictable patterns that, if understood, offer opportunities to states engaged in conflict with tribes. One such norm is the blood feud.

Although the segmentary nature of tribes tends to produce internal schisms, tribes tend to unify against a common enemy in response to external threats. A bedouin proverb expresses this principle: "Me and my brother against my cousin, and me and my cousin against the stranger." The lowest level of tribal organization at which individuals are bound by blood and marriage is usually the highest level at which sustained collective action occurs.[75] Because the internal balance of power within a segmentary system is inherently unstable, power can quickly crystallize around a strong sheikh, especially in response to external factors such as conflict with states and other tribes.[76] Thus, clans of the same tribe may spend years fighting one another, and then suddenly unite against an outside aggression, only to return again to internecine warfare.

This pattern has been borne out in recent events in Iraq, where tribal militias have been rapidly mobilized to confront a common enemy. As William McCallister points out, in response to the U.S. presence in Falluja a *mujahideen shura* (council of holy warriors) representing resistance forces, local dignitaries, and tribal sheikhs was formed to guide

the insurrection. "The segmentary nature of tribes facilitated the activation of widely dispersed military networks and unified clans and tribes in a shared religious belief that the Americans are invaders and that every Muslim's duty was to fight the unbelievers."[77]

The most common form of tribal collective action is the blood feud. When an outsider kills a tribal member, tribesmen are obligated to seek revenge in proportion to their closeness to the victim.[78] Such a structure of reciprocal violence may result in a cyclical escalation of violence,[79] especially when the reprisal is seen as disproportionate to the original crime. On the other hand, because a kin group will avenge the death of any member, each group has the incentive to restrain its members.[80] Such a system acts as a strong deterrent to violence, particularly if a sheikh appears to be prepared to avenge harm to the tribe. Thus, the appearance of posing a credible threat is just as important as vengeance itself.

Blood feuds can take place within, between, and external to tribes. When government forces kill a tribal member, those soldiers may become the target of a blood feud. An Ottoman deputy observed in 1910, "the tribe, no matter how feeble it may be, as soon as it learns that an injustice has been committed against one of its members readies itself to exact vengeance on his behalf."[81] Coalition forces refer to this as "bloodline" attacks. According to an Army captain in Samarra, "It's the Arabic rule of five. If you do something to someone, then five of his bloodlines will try to attack you."[82]

Bloodline attacks do not just threaten the coalition but any group that harms a tribal member, including Al Qaeda. In September 2005, a local sheikh from Samarra named Hekmat Mumtaz al-Baz asked Iraq's defense minister for assistance in ridding his lands of Al Qaeda operatives. A few weeks later, Al Qaeda gunmen murdered Sheikh Al-Baz in his yard. Subsequently, the sheikh's kinsmen captured the three Al Qaeda members and tried them in a local farmhouse. During the sheikh's funeral, a foreign Arab blew himself up with a suicide belt, killing one guest and wounding two. As a warning to others involved with the sheikh's death, the tribe used machine guns to execute the three men who carried out the assassination.[83] More recently, as Dave Kilcullen has observed, tribes across Iraq turned against Al Qaeda in objection to the practice of cementing political alliances through marriage of key operatives to local women from prominent tribal families.[84]

RAIDING

Raiding, one of the most common types of violence among tribal people, is characterized by surprise, shock, and rapid withdrawal after a comparatively brief period of action. Raiding is primarily a symbolic form of warfare, the purpose of which is to acquire booty and honor and impose shame on the enemy.[85] Neither annihilation nor capitulation is the goal of a raid,[86] and, in most societies, raiding is governed by rules limiting stock theft and prohibiting wanton killing.[87] Although the raid lacks a political or territorial object, it can often have a political or territorial outcome.[88]

State military forces can use the warfighting methods of their adversaries, such as raids, to counter tribal insurgency. Unfortunately, U.S. forces did not adopt this approach in Falluja. When the 1st Marine Expeditionary Force replaced the U.S. Army's 82nd Airborne Division in 2003, they initially conducted targeted reprisals with minimum use of

force. After Marines killed four Falluja residents in a gunfight, four Blackwater contractors were mutilated and burned by a mob. From the perspective of many Iraqis accustomed to tribal raids and reprisals, the killing of the contractors was a form of vengeance that satisfied the cultural demands for honor. During the assault, for example, a *mujahid* shouted, "I avenged my brother who was killed by the Americans!"[89] U.S. officials, however, made no attempt to see the killings from the perspective of the adversary. Rather, they saw the assault as an evil, primitive form of violence, without cause or logic. Bremer, for example, called the killers in Falluja "human jackals" and the battle for the town part of a "struggle between human dignity and barbarism."[90]

After the murder of the Blackwater contractors, 2nd Battalion, 1st Marines was initially considering a series of raids in Falluja to capture or kill the men who had slain the contractors.[91] This probably would have been effective, since the Marines had established a certain level of trust and cooperation with the citizens of the town. General Conway, however, was instructed by General Ricardo Sanchez (apparently acting on instructions from the White House) to prepare for a direct assault on Falluja.[92] This decision unchained the dogs of war: Major General James N. Mattis, commander of the 1st Marine Division, commented to a reporter, "You know my rules for a gunfight? Bring a gun, bring two guns, bring all your friends with guns."[93]

The decision to launch an assault followed by a siege, rather than to conduct a limited raid, was perhaps an error. After retreating, the Marines left Falluja in the hands of a local force called the Falluja Brigade. Many of those who enlisted were actually insurgents. While the city was under the brigade's control, it became a magnet for insurgents, a base for suicide bombers, and a headquarters for Abu Musab Zarqawi. The assault on Falluja also unexpectedly boosted the reputation of Muqtada Sadr, who sent supplies to the town during the siege and then used the events to help spark an uprising in An Najaf. General Abizaid said regarding Falluja, "I know major military action could implode the political situation," and indeed, it did.[94]

COLLECTIVE SELF-DEFENSE

After the Hussein regime was overthrown, tribal sheikhs lined up at the presidential palace for an audience with Ambassador Bremer, the new sheikh of sheikhs. The sheikhs were prepared to swear allegiance to the ambassador in return for light arms and ammunition, communications equipment, vehicles, and logistics support in order to ensure security and stability in their tribal areas.[95] Although accepting the sheikhs' allegiance may have alleviated much of the chaos in rural areas, by his own admission, Bremer knew little about how things worked in Iraq: "I was a businessman until more or less 10 days before I got here."[96] Ambassador Bremer and his staff apparently did not understand the principle of tribal self-defense, and thereby missed an early opportunity to improve the security situation for Iraqi civilians.

Historically, tribes guaranteed the security of members in the absence of a strong central government. Scorning those who rely on the government to guarantee their rights, an old Iraqi proverb advises "take your rights by the sword—only the weak need witnesses." Alliances were formed among tribal pastoralists on the basis that "anyone who commits an act of aggression against any one of us must expect retaliation from us

all, and not only will the aggressor himself be likely to suffer retaliation, but his entire group and all its members will be equally liable."[97] Reliant on themselves for protection from outside threats, tribes acquired knowledge of warfare and weapons.[98] As Faleh Jabar describes Iraq's history,

> Each strong tribe was a miniature mobile state, with its patriarchal headship usually head[ed] by a warrior household; its own military force; its customary law, which was preserved by the *'arfa* (literally, 'the knowledgeable', actually tribal jurists or adjudicators); its non-literate culture; its territoriality in the form of *dira* (tribal pastures) or, later, arable lands; and its mode of subsistence economy, i.e. pastoralism, commerce, and conquest.[99]

In Iraq, cooperative self-defense among tribal groups still persists and can be effectively employed by the government when its interests coincide with those of the tribe. Under Saddam Hussein and his predecessor, President Ahmad Hasan al-Bakr (1968–1979), Sunni, Shiite, and even some Kurdish sheikhs were given weapons, lands, and money for monitoring the borders with Iran and preventing their own tribesmen from joining anti-Baath insurgents. More recently, the 82nd Airborne employed 2,200 Iraqi border police to patrol the western borders. Following the suggestion of one sheikh, the border security force was primarily composed of tribal bedouin, "who are able to navigate the desert at night and spend long stretches there."[100] The coalition might have been able to use this trial self-defense function to control the overall security situation in Iraq. According to Sheikh Mudher Al-Kharbit of the Dulaimi tribe, who have traditionally been responsible for security in the Al-Anbar province, "if I advised my people to settle down, the foreign fighters would have nowhere to go. I'm not responsible for the violence—but I can stop it if the Americans agree to our terms. . . ."[101]

RESTORATION OF HONOR

Collective honor, based on a system of patrilineal clans, is a common element in traditional communities throughout the Middle East.[102] In these societies, the family is the central unit of social organization, followed by the lineage or clan. Because honor always derives from the group, an individual's conduct also reflects back on the group and its honor.[103] If an individual acts shamefully, the whole tribe is shamed. In Middle Eastern tribal societies, for example, women must demonstrate *hashama* (modesty) because any threat to established bonds of sexuality is a threat to the loyalties of this hierarchical society.[104]

Honor and shame are like commodities in a cultural system that can be exchanged between people and groups. As Halvor Moxnes points out, "Traditional societies have clear rules for this kind of exchange. A proper challenge can take place only among people who are equal or almost equal in honor. A challenge always implies recognition of the honor of the other person; thus challenge and riposte are played like a game with a set of rules. Exchanges frequently lead to competition. The winner of such a competitive exchange has defended his honor, while the loser experiences shame and his standing in the community is damaged."[105]

In Iraq, there are many varieties of honor: avenging the blood of a relative (*al-tha'r*), demonstrating one's manly courage in battle (*al-muruwwah*), upholding one's manly honor (*al-sharaf*)[106]—hence the Arab saying "It is better to die with honor than live with humiliation."[107] Coalition activities in Iraq have stripped ordinary Iraqis of their honor. According

to one elderly Iraqi, "In Saddam's time, when he repressed us, he put a gun to our head and fired a bullet. Now, [U.S. soldiers] put us on the ground and step on our head. . . . Would you accept that? It's more dignified to put a bullet in my head."[108]

When honor is lost, it must be regained. The most expedient means to restore lost honor is through violence, and this is exactly what the Sunni insurgents have been doing. For example, in Ramadi a U.S. soldier who frequently urinated from the top of his Bradley offended the citizens' honor so deeply that local insurgents twice tried to destroy the vehicle, first with a rocket-propelled grenade and then with a Russian C5K missile. After their attacks failed, they requested the services of an insurgent sniper for hire, who described the assassination as follows: "[T]the Bradley stopped and the soldier stood on it ready to relieve himself. He was relaxed. He put his hand on his trousers. I took aim and fired one shot and saw him drop dead."[109] As one insurgent in Falluja observed, "America has invaded us and insulted us and so it is legitimate for us to fight. It is our honour and our duty and we know that it will be a long fight."[110]

In addition to acts of violence, honor can be restored through peaceful means such as *sulh* (settlement) and *musalaha* (reconciliation).[111] As Amatzia Baram has noted, endless blood feuds are the exception rather than the rule in contemporary Middle Eastern societies. "The whole mechanism of arbitration, blood money, and honor money . . . was introduced in order to circumvent endless feuds (usually not between whole tribes but, rather, between kin-based groups of five generations, or khams)."[112] The exercise of persuasion, mediation, reconciliation, and negotiation is more important to contemporary dispute resolution than the use of force. According to Islamic legal scholars, "the purpose of *sulh* is to end conflict and hostility among believers so that they may conduct their relationships in peace and amity. . . . In Islamic law, *sulh* is a form of contract (*'aqd*), legally binding on both the individual and community levels."[113] Although *sulh* is restricted to believers, the payment of blood money by non-Muslims as compensation for injury or death can lessen resentment and avert violence. In Falluja, for example, coalition commanders were using discretionary funds to pay blood money to families that suffered losses, which seems to have been effective in reducing attacks on coalition forces.[114] Although compensation payments are now officially restricted to cases of clear-cut negligence or wrongdoing by soldiers,[115] informal payments are still being offered as an expression of sympathy and condolence.[116]

The algebra of honor in Iraq is very complex, and often does not work as external Western observers might expect. On 11 April 2003, for example, U.S. forces dropped six joint direct attack munitions (JDAM) guided bombs on a villa outside Ramadi in an attempt to kill one of Saddam Hussein's half brothers. Instead, the bombs killed Malik al-Kharbit and 21 members of his family, all of them members of the powerful Dulaimi tribe. One so-called expert on tribal culture warned shortly after the event, "If the family doesn't take revenge against the U.S., it will lose face. The tribe is going to pick up a very high-ranking American as revenge for Malik's death."[117] Despite the lack of restitution for the death the Dulaimi tribal members,[118] the tribe did not seek revenge.[119] Policy makers in Washington never asked why, but there is a reason. According to a senior member of the tribe, one of Saddam's personal bodyguards was hiding in the house: "He came for shelter and, according to Arab tradition, we could not refuse." In the view of

the Dulaimi tribe, honor was preserved because they sacrificed themselves to save a guest: "History will remember that the Al-Kharbits [a Dulaimi subclan] sacrificed 22 family members for the sake of a guest. It's the tribal way."[120]

CONCLUSION

Neither modern sociopolitical ideologies nor the rise of the state has eliminated the kinship group or tribal ethos as a social organizing principle. Despite the weakening of the tribal system during the twentieth century through urbanization and the development of a market economy, individuals throughout the Arab world retain their tribal names, kinship networks, value systems, residency patterns, and solidarity commitments.[121] Phebe Marr notes in *The Modern History of Iraq* that the particular legacies of tribalism in Iraq are personal honor, factionalism, and an intense individualism that resists central authority.[122]

These cultural patterns influence how the Sunni insurgency is being conducted in Iraq today. Given these cultural patterns, what is the appropriate government response? A number of defense intellectuals have recently argued that the coalition's response has been too "soft." For example, Edward Luttwak recently faulted the U.S. military for its "principled and inevitable refusal to out-terrorize the insurgents," which he describes as "the necessary and sufficient condition of a tranquil occupation."[123] Similarly, Ralph Peters recently wrote in *Armchair General* that "killing has been the *only* effective tool against insurgencies—especially those rooted in religious or ethnic passion."[124]

On the contrary, as this paper has argued, traditional U.S. and British COIN doctrine that stresses limited use of force, minimization of collateral damage, and cultural understanding is very well suited to the social complexities of conflict in Iraq. Collateral damage in an environment where vendetta and blood feud are common social practices is likely to have negative consequences—in particular, the creation of an endlessly regenerating supply of motivated adversaries. Those who argue that the U.S. military ought to increase the level of lethal violence are advocating a counterproductive approach given the sociocultural environment of Iraq. Only by understanding how tribes are mobilized for war against the state, and by understanding the unwritten (but highly formalized) norms by which they fight, U.S. forces can adapt their own warfighting to that of their adversary. As Sun Tzu observed, "success in warfare is gained by carefully accommodating ourselves to the enemy's purpose."[125]

NOTES

Early drafts of this paper were written in 2004, before the author had been to Iraq. Thus, this paper does not cover the Sunni reconciliation movement known as the Anbar Awakening in any detail. Portions of this paper were presented earlier by Isaiah Wilson in "Tribes, the State, and (Postmodern) War: Bringing Containment Back In" at the annual meeting of the American Political Science Association, 31 August 2006. Unfortunately, I was not given credit for coauthorship.

1. E. E. Evans-Pritchard, *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People* (Oxford: Oxford University Press, 1940), 161.

2. State deployment of physical force inside its territory is controlled by civil law, which may include constitutional law, statutory law enacted by legislative bodies, administrative law adopted by governmental agencies, and common law based on the decisions of judges. The use of force against other states is controlled by civil

law in addition to international law, which can include treaties between governments; international agreements; and customary international law as evidenced by national legislation, accepted practices, and the interpretations of various international tribunals, among other sources.

3. Leopold Pospisil, "Legal Levels and Multiplicity of Legal Systems in Human Society," *Journal of Conflict Resolution* 11 (1967): 3.

4. Ibid.

5. There is a considerable body of literature on the Islamic law of war. See, for example, Youssef H Aboul-Enein and Sherifa Zuhur, *Islamic Rulings on Warfare* (Carlisle, PA: Army College, 2005); Shaheen Sardar Ali and Javaid Rehman, "The Concept of *Jihad* in Islamic International Law," *Journal of Conflict and Security Law* 10 (2005): 321–43; James Turner Johnson and John Kelsay, eds., *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition* (New York: Greenwood Press, 1990); Majid Khadduri, *War and Peace in the Law of Islam* (New York: AMS Press, 2005). There is less literature on tribal customary law in the Middle East. For an overview, see Frank H. Stewart, "Tribal Law in the Arab World: A Review of the Literature," *International Journal of Middle East Studies* 19 (1987): 473–90. There is even less on tribal customary laws of war. See, for example, Louise E. Sweet, "Camel Raiding of North Arabian Bedouin: A Mechanism of Ecological Adaptation," *American Anthropologist,* n.s., 67 (1965): 1132–50; Henry Rosenfeld, "The Social Composition of the Military in the Process of State Formation in the Arabian Desert," *Journal of the Royal Anthropological Institute of Great Britain and Ireland* 95 (1965): 174–94; Ashraf Ghani, "Islam and State-Building in a Tribal Society: Afghanistan: 1880–1901," *Modern Asian Studies* 12 (1978): 269–84. Customary tribal law (*qada urfi*) differs considerably by region and is usually applied alongside sharia and civil law. During the process of tribal sedentarization in the Middle East, much of bedouin law and custom has been Islamicized, albeit incompletely. See Aharon Layish, "The *Fatwa* as an Instrument of the Islamization of a Tribal Society in Process of Sedentarization," *Bulletin of the School of Oriental and African Studies,* 54 (1991): 449–59.

6. See, for example, June Helm, ed., *Essays on the Problem of the Tribe: Proceedings of the 1967 Annual Spring Meeting of the American Ethnological Society* (Seattle: University of Washington Press, 1968); M. Godelier, "The Concept of 'Tribe': A Crisis Involving Merely a Concept or the Empirical Foundations of Anthropology Itself?" in *Perspectives in Marxist Anthropology,* ed. Maurice Godelier (Cambridge: Cambridge University Press, 1977); Emanuel Marx, "Back to the Problem of Tribe," *American Anthropologist* 81 (1979): 124–25; Philip Carl Salzman, "Tribal Organization and Subsistence: A Response to Emanuel Marx," *American Anthropologist* 81 (1979): 121–24.

7. Herbert Spencer, *Principles of Sociology* (New York: D. Appleton, 1897).

8. For example, there are many Web sites espousing the view that tribes evolve into states: Bill Melton, "Hope, Despair, Neanderthals, and Nation States," The Melton Foundation, www.meltonfoundation.org/mainsite/ b_2001.htm; "Social Evolution," www.transcend7.com/TR/Social.htm. For a more sophisticated approach to the general theory of social evolution, see David F. Ronfeldt, *Tribes, Institutions, Markets, Networks: A Framework about Societal Evolution,* P-7967 (Washington: RAND Corporation, 1996). Some anthropologists also continue to express the view that tribes evolve into states. See Spencer Heath MacCallum, "The Quickening of Social Evolution Negotiating the Last Rapids, Perhaps," *The Independent Review: A Journal of Political Economy* 2 (1997).

9. See Leroy Vail, ed., *The Creation of Tribalism in South Africa* (Berkeley: University of California Press, 1989); Andrew Strathern, "Let the Bow Go Down," in *War in the Tribal Zone: Expanding States and Indigenous Warfare,* ed. R. Brian Ferguson and Neil L. Whitehead (Santa Fe: School of American Research Press, 1999); N. E. Whitten, ed., *Cultural Transformations and Ethnicity in Modern Ecuador* (Urbana: University of Illinois Press, 1981).

10. R. Brian Ferguson and Neil L. Whitehead, "The Violent Edge of Empire," in *War in the Tribal Zone: Expanding States and Indigenous Warfare*, ed. R. Brian Ferguson and Neil L. Whitehead (Santa Fe: School of American Research Press, 1999), 13.

11. Richard Tapper, "Anthropologists, Historians and Tribespeople," in *On Tribe and State Formation in the Middle East*, ed. Philip Khoury and Joseph Kostiner (Berkeley: University of California Press, 1991), 68.

12. Ibid.

13. Philip Khoury and Joseph Kostiner, introduction to *Tribes and State Formation in the Middle East*, ed. Philip Khoury and Joseph Kostiner (Berkeley: University of California Press, 1990), 7.

14. Ibn Khaldûn, *The Muqaddimah*, ed. and trans. F. Rosenthal (Princeton: Princeton University Press, 1967).

15. Marshall D. Sahlins, *Tribesmen* (Englewood Cliffs: Prentice Hall, 1968), 20–27, 48–55. Thanks to Michael Eisenstadt for this reference.

16. Charles Lindholm, "Kinship Structure and Political Authority: The Middle East and Central Asia," *Comparative Studies in Society and History* 28 (1986): 334–55.

17. Samira Haj, "The Problems of Tribalism: The Case of Nineteenth-Century Iraqi History," *Social History* 16 (1991): 49–52.

18. Thanks to Michael Eisenstadt for this observation.

19. Kenneth Brown, "A Few Reflections on 'Tribe' and 'State' in Twentieth-Century Morocco," in *Tribes and Power: Nationalism and Ethnicity in the Middle East*, ed. Faleh Jabar and Hosham Dawod (London: Saqi, 2001), 205–14.

20. Ernest Gellner, "Political and Religious Organization of the Berbers of the Central High Atlas," in *Arabs and Berbers: From Tribe to Nation in North Africa,* ed. E. Gellner and C. Micaud (Lexington: Heath, 1972), 59–66; D. M. Hart, "The Tribe in Modern Morocco," in *Arabs and Berbers: From Tribe to Nation in North Africa*, ed. E. Gellner and C. Micaud (Lexington: Heath, 1972), 25–58.

21. Evans-Pritchard, *The Nuer*.

22. Richard F. Nyrop and Donald M. Seekins, eds., *Afghanistan Country Study* (Washington, DC: Library of Congress, 1986), available at lcweb2.loc.gov/frd/cs/aftoc.html.

23. Charles Lindholm, *Frontier Perspectives: Essays in Comparative Anthropology* (Oxford: Oxford University Press, 1996), 197. The exaggerated politeness, generosity, and hospitality in Arab society have been characterized as a means of curbing the propensity for conflict and competition in tribal society. Dawn Chatty, *From Camel to Truck: The Bedouin in the Modern World* (New York: Vantage Press, 1986), 52.

24. There are other levels as well, but for the sake of simplicity they are omitted here. In Iraq, the larger tribal confederations have both Sunni and Shia branches, and some even have Kurdish branches.

25. Paul Dresch, *Tribes, Government and History in Yemen* (Oxford: Clarendon Press, 1989).

26. Susan Sachs, "The Sheik Takes Over: In Iraq's Next Act, Tribes May Play the Lead Role," *New York Times,* 6 June 2004.

27. Claude Lévi-Strauss, *Structural Anthropology* (New York: Basic Books, 1963), 50.

28. Julian Pitt-Rivers, "Kinship III: Pseudo Kinship," in *International Encyclopedia of the Social Sciences,* vol. 8, ed. David L. Sills (New York: Macmillan, 1968), 408–13. Pitt-Rivers differentiates three subtypes: (1) the figurative use of kin terms; (2) the attribution (rather than ascription) of ordinary kin status, often called "fictive kinship"; and (3) institutionalized relationships resembling kinship, which use kin terms yet are recognized as being entirely distinct. In Iraq, tribal groups organize themselves according to invented relationships. Tom Nieuwenhuis, *Politics and Society in Early Modern Iraq* (Boston: Martinus Nijhoff, 1981); Daniel Bates and Amal Rassam, *Peoples and Cultures of the Middle East* (Englewood Cliffs: Prentice-Hall, 1983), 261.

29. Kinship manipulation is an old pattern among tribes in the Middle East. See Alexander H. Joffe, "The Rise of Secondary States in the Iron Age Levant," *Journal of the Economic and Social History of the Orient* 45 (2002). This appears to be the case in most tribal societies. See Laura Zimmer-Tamakoshi, "Development and Ancestral Gerrymandering: Schneider in Papau New Guinea," in *The Cultural Analysis of Kinship: The Legacy of David Schneider,* ed. Richard Feinberg and Martin Ottenheimer (Chicago: University of Chicago Press, 2001); J. Van Velsen, *The Politics*

of Kinship—A Study in Social Manipulation among the Lakeside Tonga of Nyasaland (Manchester: Manchester University Press, 1964).

30. S. M. Salim, *Marsh Dwellers of the Euphrates Delta* (New York: Humanities Press, 1962), 45. According to Salim, "The usual reason for leaving a clan and joining a new one are desire for more effective military protection, and disputes over land or compensation, the two latter being preponderant in more recent years."

31. Evans-Pritchard, *The Nuer.*

32. Dale F. Eickelman, *The Middle East: An Anthropological Approach* (Englewood Cliffs: Prentice Hall, 1989), 126–50. Most Arab (and Kurdish) tribes in the Middle East are patrilineal, but tribes may also be organized around matrilineal or cognatic descent.

33. Richard Tapper, introduction to *The Conflict of Tribe and State in Iran and Afghanistan*, ed. Richard Tapper (London: Canberra, 1983), 56.

34. Sheikh Hamid Rashid Mahenna of the Albu Alwan tribe, quoted in Rajiv Chandrasekaran, "In a Hostile Land, Try Whatever Works," *Washington Post,* 23 December 2003, A1.

35. According to Bing West, "Gen Abizaid . . . met with the sheikhs, demanding that they show leadership and stop the violence. There were as many attacks on the outskirts of Fallujah, where the sheikhs had power, as inside the city, where the clerics dominated. . . . In a separate meeting with the sheikhs Major General Charles H. Swannack, commander of the 82nd, was equally forceful. 'I am not going to tolerate these attacks anymore,' he said. 'I know the sheikhs have the ability to control their tribes.' . . . The sheikhs protested that the 82nd didn't appreciate the limits of their power. Threatening them would do no good. Improvement projects made no difference to the men with the guns. In the eyes of the sheikhs, power had shifted from them to the young clerics in Fallujah preaching that America was waging a war against Islam and was bringing in Jews to rule Iraq." Bing West, *No True Glory: A Frontline Account of the Battle for Fallujah* (New York: Bantam Books, 2005), 33.

36. Chatty, *From Camel to Truck,* 55.

37. Rory Stewart, *The Prince of the Marshes* (Orlando: Harcourt Books, 2006), 219–20.

38. R. Alan King, *Twice Armed: An American Soldier's Battle for Hearts and Minds in Iraq* (St. Paul, MN: Zenith Press, 2006), 178. Thanks to Michael Eisenstadt for this reference.

39. The Islamic historian Ibn-Khaldun (AD 1332–1395) first noted the conflict between tribe and state. In Ibn-Khaldun's cyclical theory of the rise and fall of dynasties, nomadic tribes possessing *asabiyyah* attack and conquer degenerate urban societies. The ruling dynasty is thus vanquished and the tribe from the wilderness assumes control. Over time the *asabiyyah* of the successor tribe is weakened, allowing a new tribe from the desert to challenge the existing dynasty, defeat it, and establish its rule in the city. Ibn Khaldûn, *The Muqaddimah*, 124. For an interesting insight on the complexity of governance in Iraq, see Michael Hechter and Nika Kabiri, "Attaining Social Order in Iraq" (revised version of paper presented at the Conference on Order, Conflict and Violence, Yale University, New Haven, CT, 30 April–1 May 2004), available at faculty.washington.edu/hechter/AttainingSocialOrderInIraq.pdf.

40. As the Hadith indicates, the early Islamic ruling elite was quite hostile to the nomads: the third caliph, Uthman (ca. AD 574–656), once called an important tribal chieftain an "imbecile Bedouin." Fred Donner, *The Early Islamic Conquests* (Princeton, NJ: Princeton University Press, 1981).

41. The new Islamic state's survival depended on its domination of the tribal elements in Arabian society, accomplished through coercive force and a supervisory bureaucracy of tax agents. Ibid.

42. Montgomery Watt, *Muhammad at Medina* (Oxford: Clarendon Press, 1962), 221–25.

43. Al-Kulayni, *Usul al-Kafi* (Tehran: Intisharat 'Ilmiyyah Islamiyyah), vol. 3 [Arabic text with Persian translation by Sayyid Jawad Mustafawi], 419, hadith 3.

44. Donner, *The Early Islamic Conquests.* The last nomadic conquest was that of Abdul Aziz Ibn Sa'ud, who created Saudi Arabia in 1932.

45. Nieuwenhuis, *Politics and Society in Early Modern Iraq*.

46. Albert Habib Hourani, *A History of the Arab Peoples* (Cambridge: Belknap Press, 1991), 251; Nieuwenhuis, *Politics and Society in Early Modern Iraq,* 14. For a history of the Ottoman Empire, see Colin Imber, *The Ottoman Empire, 1300–1650: The Structure of Power* (New York: Palgrave Macmillan, 2003); Chase F. Robinson, *Empire and Elites after the Muslim Conquest: The Transformation of Northern Mesopotamia* (New York: Cambridge University Press, 2000); M. A. Cook, ed., *A History of the Ottoman Empire to 1730* (Cambridge: Cambridge University Press, 1976).

47. Charles Tripp, *A History of Iraq* (Cambridge: Cambridge University Press, 2002), 9.

48. Dina Rizk Khoury, *State and Provincial Society in the Ottoman Empire: Mosul, 1540–1834* (Cambridge: Cambridge University Press, 1997), 188.

49. Zeyad, "Iraq's Tribal Society: A State within a State," The Healing Iraq Blog, posted 18 June 2004, healingiraq .blogspot.com/archives/2004_06_01_healingiraq_archive.html. After he brutally repressed the Shammar and Bani Lam tribes in 1708, an alliance of several powerful Iraqi tribes rebelled against him under the leadership of the Al-Muntafiq tribal confederation.

50. Tripp, *A History of Iraq,* 14. See also Bernard Lewis, *The Emergence of Modern Turkey* (Oxford: Oxford University Press, 2001), 57. The reforms included regulations on provincial governorships, taxation, control of the grain trade, and other administrative matters. The reforms also provided for a new corps of regular infantry, modeled on European lines. Lewis notes that the term *nizam i-cedid*, which originally applied only to the regulations of the new system, came to be used almost exclusively to refer to the troops established under it (58).

51. Yitzhak Nakash, *The Shi'is of Iraq* (Princeton: Princeton University Press, 1994), 32.

52. Tripp, *A History of Iraq,* 15–16.

53. Nakash, *The Shi'is of Iraq,* 33; Suraiya Faroqhi et al., *An Economic and Social History of the Ottoman Empire,* vol. 2, *1600–1914* (Cambridge: Cambridge University Press, 1997); Nieuwenhuis, *Politics and Society in Early Modern Iraq*. The Ottoman practice of divide and rule "so changed the conditions of life in the affected regions as to attenuate the old tribal loyalties or render them by and large ineffectual." Hanna Batatu, *The Old Social Classes and the Revolutionary Movements of Iraq* (Princeton: Princeton University Press, 1978), 22. Resistance, including outright rebellions in 1849, 1852, 1863–1866, 1878–1883, and 1899–1905, occurred among tribesmen disadvantaged by the new system. Nakash, *The Shi'is of Iraq,* 34.

54. Christoph Herzog, "Corruption and Limits of the State in the Ottoman Province of Baghdad during the Tanzimat," *MIT Electronic Journal of Middle East Studies* 3 (Spring 2003), web.mit.edu/cis/www/mitejmes.

55. Batatu, *The Old Social Classes and the Revolutionary Movements of Iraq;* Tripp, *A History of Iraq*. The Sunni and Shia cooperated until August 1920, after which the Sunni ceased disobedience while the Shiite tribes of the south and the holy cities continued resistance. Philip Willard Ireland, *Iraq: A Study in Political Development* (London: Jonathan Cape, 1937).

56. Toby Dodge, *Inventing Iraq* (New York: Columbia University Press, 2003), 154; Peter Sluglett, "The British Legacy," in *U.S. Policy in Post-Saddam Iraq: Lessons from the British Experience,* ed. Michael Eisenstadt and Eric Mathewson (Washington, DC: Washington Institute for Near East Policy, 2003), 7.

57. May Ying Welsh, "US Trains Proxy to Quell Resistance," Aljazeera, 6 June 2004, english.aljazeera.net/NR/ exeres/771A6660-4D6C-462A-A987-BEF93FD2A14C.htm.

58. To ensure the king's dependence, the British cultivated the sheikhs, permitting tribal courts and granting huge estates. Thus, the 1924 Tribal Criminal Disputes Regulation granted sheikhs increased authority and permitted independent tribal courts in rural parts of the country. Another law in 1933 granted tribal sheikhs huge estates, legally binding the tribesmen to the land in a feudal manner. Helen Chapin Metz, ed., *Iraq: A Country Study* (Washington, DC: Library of Congress, 1988).

59. Faleh Jabar, "Rethinking Iraq: Tribal Identities" (speech, Middle East Institute Boardman Room, 25 April 2004), www.mideasti.org/articles/doc217.html.

60. Faleh Jabar, "The Path to War: How Saddam Keeps Power in Iraq," *Le Monde Diplomatique,* October 2002, available at mondediplo.com/2002/10/.

61. Keiko Sakai, "Tribalization as a Tool of State Control in Iraq: Observations on the Army, the Cabinets and the National Assembly," in *Tribes and Power: Nationalism and Ethnicity in the Middle East,* ed. Faleh Jabar and Hosham Dawod (London: Saqi, 2001), 136–64.

62. Faleh A. Jabar, "Sheikhs and Ideologues: Deconstruction and Reconstruction of Tribes under Patrimonial Totalitarianism in Iraq, 1968–1998," in *Tribes and Power: Nationalism and Ethnicity in the Middle East*, ed. Faleh Jabar and Hosham Dawod (London: Saqi, 2003), 71. The Baath Party invented a new ideology to justify the return of tribalism: hereditary descent should be the basis of Arab nationalism. Amatzia Baram, "Neo-tribalism in Iraq: Saddam Husayn's Tribal Policies 1991–1996," *International Journal of Middle East Studies* 29 (1997).

63. Jabar, "Rethinking Iraq."

64. Jabar, "The Path to War."

65. Baram, "Neo-tribalism in Iraq."

66. Melina Liu, "The Will of the Tribes," *Newsweek*, 17 March 2003, 31.

67. Shortly after the fall of Hussein's regime, for example, religious and tribal leaders in Falluja appointed their own civil management council, prevented looting, and protected government buildings. Nir Rosen, "Letter from Falluja: Home Rule: A Dangerous Excursion into the Heart of the Sunni Opposition," *New Yorker,* 5 July 2004.

68. Stephen J. Glain, "Stronghold Can Backfire: Iraqi Tribes Are Key Source of Loyalty, Rebellion," *Wall Street Journal,* 23 May 2000.

69. Rajiv Chandrasekaran, "Iraqi Wild Card: Tribal Loyalties Hard to Predict," *Washington Post*, 19 January 2003, A01.

70 Joe Klein, "Saddam's Revenge," *Time*, 26 September 2005.

71. Thanks to Michael Eisenstadt for clarification.

72. Stewart, *The Prince of the Marshes,* 219–20.

73. Cited in "Dances with Camels: The True Story of T. E. Lawrence," www.columbia.edu/~lnp3/mydocs/culture/lawrence.htm. See also Suleiman Mousa, *T. E. Lawrence: An Arab View* (London: Oxford Press, 1966); Phillip Knightley and Colin Simpson, *The Secret Lives of Lawrence of Arabia* (London: Nelson Press, 1969); Michael Asher, *Lawrence: The Uncrowned King of Arabia* (New York: Viking, 1998).

74. T. E. Lawrence*, The Diary* (New York: Doubleday, 1937), 41–45.

75. R. Fernea, *Shaykh and Effendi* (London: Oxford University Press, 1970), 110–11.

76. Akbar Ahmed and David Hart, ed., *Islam in Tribal Societies* (London: Routledge and Kegan Paul, 1984), 3.

77. William S. McCallister, "The Iraq Insurgency: Anatomy of a Tribal Rebellion," *First Monday* 10, no. 3 (March 2005), firstmonday.org/issues/issue10_3/mac/.

78. Thus, when a tribal member is killed, the closest relatives of the offender are at the greatest risk to be killed themselves. Dresch, *Tribes, Government and History in Yemen.*

79. Christopher Boehm, *Blood Revenge: The Anthropology of Feuding in Montenegro and Other Societies* (Lawrence: University of Kansas Press, 1984); Roger V. Gould, "Collective Violence and Group Solidarity: Evidence from a Feuding Society," *American Sociological Review* 64 (1999): 356–80; Roger V. Gould, "Revenge as Sanction and Solidarity Display: An Analysis of Vendettas in Nineteenth-Century Corsica," *American Sociological Review* 65 (2000): 682–705.

80. Ernst Gellner, "The Tribal Society and Its Enemies," in *The Conflict of Tribe and State in Iran and Afghanistan,* ed. Richard Tapper (London: Canberra, 1983), 441.

81. Batatu, *The Old Social Classes and the Revolutionary Movements of Iraq,* 21.

82. Michael Hirsh, "Blood and Honor," *Newsweek,* 2 February 2004.

83. Sabrina Tavernise and Dexter Filkins, "Local Insurgents Tell of Clashes with Al Qaeda's Forces in Iraq," *New York Times*, 12 January 2006.

84. Dave Kilcullen, "Anatomy of a Tribal Revolt," Small Wars Journal: SWJ Blog, posted 29 August 2007, smallwarsjournal.com/blog/2007/08/print/anatomy-of-a-tribal-revolt/.

85. As David Leo Gutmann notes, "Thus, the goal of the Bedouin raid is not to finally win a war, for such intertribal conflict is part of the honorable way of life, and should never really end. The essential goals of the raid are to take wealth—not only in goods, but also in honor—and to impose shame on the enemy." David Leo Gutmann, "Shame, Honor and Terror in the Middle East," *FrontPage Magazine,* 24 October 2003, www.frontpagemag.com/Articles/Printable.asp?ID=10489.

86. Intertribal raids often ended after a handful of casualties, so their raids seem much less harmful than interstate warfare. However, the *cumulative* effect of frequent raids on small populations was devastating. Lawrence H. Keeley, *War Before Civilization* (Oxford: Oxford University Press, 1996).

87. Thomas Barfield, "The Devil's Horsemen: Steppe Nomadic Warfare in Historical Perspective," in *Studying War: Anthropological Perspectives; War and Society,* ed. S. P. Reyna and R. E. Downs (Langhorne, PA: Gordon and Breach), 157–181, 163.

88. For example, the bedouin conquest of Iraq during the seventh century was essentially a prolonged raid.

89. Rosen, "Letter from Falluja."

90. Alissa J. Rubin and Doyle McManus, "The Fight for Iraq: Why America Has Waged a Losing Battle on Fallouja," *Los Angeles Times,* 24 October 2004.

91. David J. Morris, "Turning Point," Salon.com, 16 September 2004, dir.salon.com/story/news/feature/2004/09/16/fallujah/index.html.

92. Ibid.

93. Rubin and McManus, "The Fight for Iraq."

94. Ibid.

95. William S. McCallister, Christopher Alexander, and Charles Kyle, "The Iraqi Insurgent Movement" (unpublished paper), available at library.nps.navy.mil/home/Iraqi%20Insurgency%20Movement.pdf.

96. John Barry and Michael Hirsh, "Washington: A Grim March of Missteps," *Newsweek*, 7 February 2005, available at www.msnbc.msn.com/id/6885830/site/newsweek/.

97. Ernst Gellner, "Trust, Cohesion and the Social Order," in *Theories of Social Order: A Reader,* ed. M. Hechter and C. Horne (Stanford: Stanford University Press, 2003), 310–16, 311.

98. As General Aylmer Haldane wrote in 1922 after confiscating 63,000 rifles from Iraqi tribes, the Iraqis "not only rearmed themselves but acquired weapons of more modern type." Scott Peterson, "What the British Learned in 1920 by Not Leaving Iraq," *Christian Science Monitor,* 11 March 2004, available at www.csmonitor.com/2004/0311/p01s03-woiq.html.

99. Jabar, "Sheikhs and Ideologues," 73.

100. Amatzia Baram, *Who Are the Insurgents?* Special Report 134 (U.S. Institute of Peace, April 2005).

101. Paul McGeough, "Share Power or Lose Control, Iraq Warned," *Sydney Morning Herald*, 22 July 2004.

102. John G. Peristiany, ed., *Honour and Shame: The Values of Mediterranean Society* (London: Weidenfeld and Nicholson, 1966); John G. Peristiany and Julian Pitt-Rivers, eds., *Honour and Grace in Anthropology* (Cambridge: Cambridge University Press, 1992).

103. Halvor Moxnes, "Honor and Shame," in *The Social Sciences and New Testament Interpretation*, ed. R. L. Rohrbaugh (Peabody, MA: Hendrickson, 1996).

104. Lila Abu-Lughod, *Veiled Sentiments: Honor and Poetry in a Bedouin Society* (Berkeley: University of California Press, 1986).

105. Moxnes, "Honor and Shame."

106. Amatzia Baram, "Victory in Iraq, One Tribe at a Time," *New York Times,* 28 October 2003.

107. See David Pryce-Jones, "Shame and Honor, Terribly Twisted: A Central Truth of Arab Culture Is on Full Display in Iraq," *National Review,* 21 April 2003. Al Qaeda has also played with this traditional concept of honor. Zawaahri is quoted as saying, "if we want to live with respect, than we must be willing to die with honor." Dr. Ayman Al Zawaahri, interview, www.islamistwatch.org/texts/interviews/zawahiri01.html.

108. Anthony Shadid, "U.S. Detains Relatives of Suspects in Iraq Attacks," *Washington Post*, 6 November 2003, A21.

109. Hala Jaber, "A True Local Hero: Iraq's Sharpshooting Rebel Legend," *Sunday Times* (London), 22 February 2005.

110. Peter Beaumont, "Lethal Hatreds Spread in Iraq's Cockpit of Violence," *Observer* (London), 11 January 2004, available at observer.guardian.co.uk/worldview/story/0,11581,1120582,00.html.

111. George E. Irani and Nathan C. Funk, *Rituals of Reconciliation: Arab-Islamic Perspectives,* Kroc Institute Occasional Paper 19:OP:2 (Joan B. Kroc Institute for International Peace Studies, August 2000), 12, available at www.nd.edu/~krocinst/ocpapers/abs_19_2.html.

112. Baram, "Neo-tribalism in Iraq," 23.

113. Majid Khadduri, "Sulh," in *The Encyclopaedia of Islam*, vol. 9, ed. C. E. Bosworth, E. van Donzel, W. P. Heinrichs, and G. Lecomte (Leiden, Holland: Brill, 1997), 845–46. Bogac Ergene, "Pursuing Justice in an Islamic Context: Dispute Resolution in Ottoman Courts of Law," *PoLAR: Political and Legal Anthropology Review* 27 (2004): 51–71; Joseph Ginat, "The Role of the Mediator in Disputes among Bedouin and Arab Rural Societies" in *Israel Studies in Criminology,* vol. 7, ed. S. Giora Shoham (Sheridan House, Inc., 1986), 89–131; Joseph Ginat, *Blood Disputes among Bedouin and Rural Arabs in Israel: Revenge, Mediation, Outcast and Family Honor* (Pittsburgh: University of Pittsburgh Press, 1987); Government Accountability Office, *Military Operations: The Department of Defense's Use of Solatia and Condolence Payments in Iraq and Afghanistan,* GAO-07-669 (Washington, DC, May 2007).

114. Hamza Hendawi, "U.S. Military Uses Unorthodox Tactics to Woo Violent Iraqi City," Associated Press, 30 July 2003, available at www.sfgate.com/cgi-bin/article.cgi?file=/news/archive/2003/07/30/international1530EDT0644.DTL.

115. Robyn Dixon, "U.S. Limits Payments to Kin of Slain Iraqi Civilians," *Los Angeles Times,* 4 August 2003, available at www.latimes.com/news/nationworld/world/la-fg-pay4aug04,1,4828075.story.

116. David Zucchino, "U.S. 'Condolence Payments' Translate Iraqis' Losses to Cash," *Los Angeles Times,* 12 March 2005.

117. Paul McGeough, "Can Iraq Embrace Democracy?" *The Age* (Sydney), 20 March 2004, available at www.theage.com.au/articles/2004/03/19/1079199423948.html.

118. McGeough, "A Fatal Collision with Tradition," *Sydney Morning Herald,* 30 July 2004. No restitution was made for the death, although Major General James Mattis of the 1st Marine Division sagaciously sent a letter to the new sheikh of the Al-Kharbits in Amman. It reads, in part, "There has been trouble between the Kharbit family and the Americans in the past, but men of vision look to the future and put the past behind them. . . . We are using this opportunity to extend the hand of friendship to you and to your tribe. As a gesture of this friendship, we invite you to return to Al-Anbar province to live in peace."

119. McGeough, "Can Iraq Embrace Democracy?"

120. McGeough, "Share Power or Lose Control, Iraq Warned."

121. Jabar, "Sheikhs and Ideologues," 78.

122. Phebe Marr, *The Modern History of Iraq* (Boulder: Westview Press, 2004).

123. Edward Luttwak, "Dead End: Counterinsurgency Warfare as Military Malpractice," *Harper's Magazine,* February 2007, available at www.harpers.org/archive/2007/02/0081384. See the response by David Kilcullen at smallwarsjournal.com/blog/2007/04/edward-luttwaks-counterinsurge-1/.

124. Ralph Peters, "Myths of Counterinsurgency: How Pop Delusions Prevent Effective Operations," *Armchair General,* September 2007, 10.

125. Sun Tzu, *The Art of War* (New York: Delacorte Press, 1983), 71.