

Unprofessional vision? Politics, (video) evidence and accountability after the work of Michael Lynch

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Abstract

As part of an ongoing critical dialogue with Charles Goodwin's work on "professional vision" (1994), Michael Lynch has observed on a number of occasions that 'viral' videos—often those depicting instances of police and military misconduct—are publicly circulated artifacts that "vulgarise" and thus render perspicuous issues of 'evidence', 'expertise', 'accountability', and 'visibility' as matters of practical rather than philosophical concern (Lynch 1993, 146; see Lynch 1999, 2014, 2018, 2002; Lindwall and Lynch 2021). Alongside the video of Rodney King's beating and, more recently, the murder of George Floyd, one such video to have gained particular global notoriety is WikiLeaks' 2010 "Collateral Murder", which presented leaked gun camera footage from a 2007 US Army Apache helicopter combat patrol in a Baghdad suburb in the course of which, among others, two journalists were killed, two children shot and seriously wounded, and a building in a residential area destroyed with missiles. As with the King and Floyd cases, Collateral Murder, in the form of WikiLeaks' edited version of the video, was watched in revulsion by millions as a transparent example of egregious wrongdoing—the killing, wounding, and harming of innocents. In this contribution we revisit the unedited footage, extending consideration to its less examined second half in which the Apache team attacks and destroys a building, where we are among the first to do so in any detailed manner. We do that to explore Lynch's ethnomethodological insights into politics, evidence and accountability as they are rendered—or fail to be rendered—perspicuous by this case. Rather than seeking to establish our own form of 'professional vision' as a competitor to the Apache crews', we suggest that Lynch's work, if taken seriously, asks us to embrace its 'vulgar' counterpart by working through what

we can make of the video by drawing on our vernacular competencies as ordinary members and the problems we encounter in doing so. We will tease out what might be at stake ethnomethodologically—not an ‘unprofessional’ but practical understanding—with reference to the ‘raw’ Collateral Murder footage and what, as video, it does and does not make available to the viewer. We end by reflecting on “ethnomethodology’s program” (Garfinkel 2002) in light of the issues this strand in Lynch’s work raises, more specifically the care we need to exhibit when we seek to gain instruction in worldly practices and their equally worldly evaluation.

INTRODUCTION

As part of an ongoing dialogue with Charles Goodwin’s work on “professional vision” (1994), Michael Lynch has observed on a number of occasions that ‘viral’ videos—often those depicting instances of police and military misconduct—are publicly circulated artifacts that “vulgarise” and thus render perspicuous issues of ‘evidence’, ‘expertise’, ‘accountability’, and ‘visibility’ as matters of practical rather than philosophical concern (Lynch 1993, 146; see Lynch 1999, 2014, 2018, 2002; Lindwall and Lynch 2021). Emerging from Lynch’s foundational work with David Bogen on the contested production of history in the context of the Iran-Contra hearings (see Lynch and Bogen 1996, Lynch et al. 2009), Lynch suggests we can and should engage seriously with the ways in which viral videos become sites for disputes around the proper characterisation of action-in-context; more plainly, what could be said to have been done and how, here on the basis of the evidence the videos provide. These videos—which tend to quickly become highly morally or politically charged in their own right—are particularly consequential insofar as they commonly pit the ‘professional vision’ of some group of experts against the thousands or even millions of ordinary people who come to watch the videos and draw, and often share, their own conclusions about what they could be said to show.

Alongside the video of Rodney King’s beating and, more recently, the murder of George Floyd, one such video to have gained particular global notoriety is WikiLeaks’ 2010 “Collateral Murder”. This video presented leaked gun camera footage from a 2007 US Army Apache helicopter combat patrol in a Baghdad suburb in the course of which, among others, two journalists were killed, two children shot and seriously wounded and a building fired upon and destroyed with missiles. As with the King and Floyd cases, Collateral Murder, in the form of WikiLeaks’ edited version of the video, was watched in revulsion by millions as a transparent example of egregious wrongdoing—the killing, wounding and harming of innocents. In this contribution we revisit the unedited footage, extending consideration to its less examined second half in which the Apaches attack and destroy a building, where we are among the first to do so in any extended way. We do that to explore Lynch’s ethnomethodological insights into politics, evidence and accountability as they are rendered—or fail to be rendered—perspicuous by this case. Rather than seeking to establish our own form of ‘professional vision’ as a competitor to the Apache crew’s, we suggest that Lynch’s work, if taken seriously, asks us to embrace its ‘vulgar’ counterpart by working through what we can make of the video by drawing on our vernacular competencies as ordinary members and the problems we en-

counter in doing so. We will tease out what might be at stake ethnomethodologically—not an ‘unprofessional’ but practical understanding—with reference to the ‘raw’ Collateral Murder footage and what, as video, it does and does not make available to the viewer. We end by reflecting on “ethnomethodology’s program” (Garfinkel 2002) in light of the issues this strand in Lynch’s work raises, more specifically the care we need to exhibit when we seek to gain instruction in worldly practices and their equally worldly evaluation.

ETHNOMETHODOLOGY, POLITICS AND EX POST FACTO ACCOUNTS OF AND AS ACTION-IN-CONTEXT

The Spectacle of History

The end of the 1980s saw the publication of landmark work by Michael Lynch and David Bogen (e.g., 1989), who developed ethnomethodological studies of political practice and partisan contestation informed by Garfinkel’s studies of work programme. Lynch and Bogen’s (1996) *The Spectacle of History: Speech Text and Memory at the Iran Contra Hearings*, subsequently deepened and extended this initial work, showing how ethnomethodology could take up politics as a practical affair in illuminating ways without departing from its foundational concern for members’ methods. The book focuses on the work undertaken by Lt. Col. Oliver North and his counsel in the face of cross-examination from a Joint Congressional Committee in the United States (US) that had been convened to investigate alleged illegal government support for counter-revolution in Nicaragua through an equally illicit arms-for-hostages deal with Iran. By detailing North and his counsel’s efforts to derail the assembly of a “master narrative” of the Iran-Contra affair through the Joint Committee’s hearings, Lynch and Bogen provide a pointedly insightful account of *in situ* political struggles around what they term the “social production of history” (1996, 7).

One particular focus in *The Spectacle of History*, and something Lynch has continued to pursue since (e.g., 2009), was North’s brazen admissions concerning what came to be labelled “plausible deniability” (1996, 142–3). As set out in North’s testimony, plausible deniability was a politico-administrative practice which anticipated the discovery of the covert operations he was involved in and sought to minimise the political damage that any such discovery might cause. In the course of his testimony to the Joint Committee, North not only admitted that he had routinely engaged in shredding documents which might have implicated him and his superiors in wrongdoing (including documents carrying Reagan’s signed approvals for their operations), but also that he had sought to create false or misleading paper trails to deliberately misdirect future investigative efforts. The overall effect was to create “uncertainty, political division, etc., about the factual evidence—and also suspicions about whether the evidence was [itself] a nefarious production” designed to have precisely this destabilising and divisive effect (Lynch 2009, 93). This created doubt because ‘key’ documents could have been destroyed or concocted to disguise what was really going on and this doubt undermined attempts to get to “the facts”. Plausible deniability left investigators with the “conviction that wrongdoing had occurred, but they were unable to pursue legal or other formal sanctions because the evidence was insufficient” (Lynch 2009, 93). Conducted in plain sight, all of this made North’s

admissions concerning plausible deniability a highly locally effective form of what we might term ‘epistemic’ sabotage; a practical means of sapping the foundations upon which charges against the administration might otherwise have been laid.

Developing ideas initially broached in an interchange with Alec McHoul on “counter archives” (Bogen and Lynch 1988), of particular relevance here is that Lynch and Bogen claimed no special status for their analysis but, rather, pointed to its grounding in an “immense popular archive”, available to anyone, that consisted of “official and journalistic accounts, analyses, criticisms, testimonies, published transcripts, and evidential documents” (1996, 8). The existence and elaboration of that archive, given its open, public nature, meant people were able to arrive at their own conclusions, typically in line with their own partisan commitments, independently of the Joint Committee and its failure to produce a definitive account as a result, among other things, of North’s sabotage campaign.

Lynch’s Critique of Professional Vision

While Lynch and Bogen were developing this analysis, the early 1990s saw the publication of another landmark ethnomethodological study in Charles’ Goodwin’s (1994) “Professional Vision”. This study took a particular line on the contentious politics of evidence as it crystallised in one particularly controversial high-profile trial, again in the US, in which four white police officers from the Los Angeles Police Department (LAPD) were charged with the beating of Rodney King, a black American, following a failed car stop in 1991. The trial became especially charged following the public release of amateur video footage of the incident captured from a nearby apartment’s balcony which then aired repeatedly on US news media channels. That footage showed what many saw, and the prosecution presented, as a prone and thus defenceless man being savagely and extendedly assaulted by the officers in question. Widely condemned, the circulation of the footage drew out the fraught, racialised and discriminatory character of policing in the US system generally and Los Angeles in particular. Arguing that the release of the video, the media coverage and the public outrage it had generated would prejudice a Los Angeles jury, the officers’ lawyers managed to argue for the trial to be heard in Simi Valley, a predominantly white, middle-class suburb of Los Angeles. Goodwin’s analysis focused on the trial itself, specifically the officers’ lawyers use of testimony from a series of expert witnesses, including from the LAPD, who addressed the incidents on the tape directly. These experts worked through the video frame-by-frame to argue that what might look like a vicious beating to the ‘untrained’ eye was in fact a highly disciplined exercise in managing a dangerous suspect through controlled rather than excessive use of force. That ‘professional’ exercise in the use of force, they argued, could only be recovered when non-professionals were carefully guided through the video evidence by professionals, the expert witnesses, so they could see it correctly. This expert testimony seems to have swayed the jury, who found the of-

ficers not guilty, a verdict that helped spark the 1992 Los Angeles riots among an incredulous and outraged population.

Goodwin (1994, 606) argued the trial:

became a politically charged theater for contested vision. Opposing sides in the case used the murky pixels of the same television image to display to the jury incommensurate events: a brutal, savage beating of a man lying helpless on the ground versus [a] careful police response to a dangerous “PCP-crazed giant” ... By deploying an array of systematic discursive practices, including talk, ethnography, category systems articulated by expert witnesses, and various ways of highlighting images provided by the videotape, lawyers for both sides were able to structure, in ways that suited their own distinctive agendas, the complex perceptual field visible on the TV screen.

One upshot is that there could be no clear or unambiguous view to be had of the incident on the tape and that our capacity to see it one way or another was entangled with the communication of what Goodwin labelled “professional vision”, the “endogenous ... practices” associated with particular kinds of work, here policing and the socially sanctioned but also socially restricted use of force within it. That is, events would become definitively seeable in certain ways only when allied with instruction in the practices which underpin different forms of ‘professional vision’.

Drawing on his extensive body of studies of scientific and legal practices (e.g., 1993, 1998; Lynch et al. 2010) as well as his work on the Iran-Contra hearings, over more than two decades Lynch has entered into a critical dialogue with Goodwin about the status of these conclusions and their implications, a dialogue that has perhaps become more critical as time has gone on (see, e.g., 2018, 2020). The status of ‘popular archives’, as grounds for countering ‘expert’ reconstructions, has been a recurring theme within that dialogue. There are several strands to Lynch’s critique but, taking the Rodney King trial narrowly as the focus for the moment, Lynch disputes Goodwin’s implicit claim that the expert witnesses were drawing out the practical bases of the four officers’ orientation to King’s prone body in terms of their *in situ* “professional vision”. Rather than an ethnography of events as they happened, Lynch argues the defence were offering an *ex post facto* reconstruction of events designed to offer a focus for the “racialized vision” of the Simi Valley jury, a tenuous legal gambit designed to problematise what was available to the jurors and thus undermine the prosecution case in the process. Goodwin, for Lynch, far too meekly concedes the defence’s case, retroactively according it an internal credibility it did not and could not have possessed by treating it as an account of ‘professional vision’ in the first place.

However, Lynch’s concerns run deeper. This is because one of the background assumptions that seems to inform Goodwin’s analysis is that we would need mediating expertise, whether that of prosecution *or* defence lawyers in the King trial, to make out the events on the tape at all, that we could not arrive at an understanding of what happened for ourselves without *professional* instruction of one kind or another as organising perceptual schemes.

Drawing on work by Jayyusi and other ethnomethodologists as well as his own studies, Lynch has most recently developed this critique based on his engagement with ‘viral videos’, notably of extremely controversial police-involved killings in the US, contrasting the popular

archive and what he sometimes calls “transparent” or “ordinary” vision with the official archive and Goodwin-esque professional vision. As Lynch puts it (2020, 193):

Even if one supposes that “[a]ll vision is perspectival and lodged within endogenous communities of practice” (Goodwin, 1994, p. 606), the question remains as to whether a specialized analysis is required to supplement, instruct, or correct what members of an “ordinary” community sitting on a jury would otherwise determine through deliberation with one another. This dilemma is at the center of democratic politics, as well as particular institutions such as the jury system. Perched on the horns of the dilemma are the polar perils of populist demagoguery and what might be termed expert ‘technogoguery’. In this political context, evidence that “speaks for itself” is not an expression of naïve realism but an expression of trust in the entitlement of ‘anybody’ (any ‘reasonably competent’ member) to make sense of particular items of evidence.”

He elaborates further in his conclusion (2020, 200):

The upshot of such remarks is not that the “evidence speaks for itself,” but that it furnishes a surplus of materials for supporting or contesting contrary versions of it. There is no getting around the necessity of speaking for such evidence.

In what follows we want to work through these suggestions about what ‘anybody’ might make of controversial video evidence with reference to a particular case as part of thinking through the implications of this strand in Lynch’s later work.

THE POPULAR ARCHIVE AND THE PRACTICE OF WAR

As Lynch notes (e.g., 2018, 245), viral videos, as part of the popular archive, seemingly afford us opportunities to gain an understanding of practices typically shielded from our view without mediating expertise. In our work, the practices we have tried to gain an understanding of are those which surround contemporary military targeting, and the popular archives we draw on elaborate controversial cases in which the legitimacy of those practices have been publicly challenged following the release through one means or another of audio, video and transcript data capturing particular attacks as they unfolded (Holder et al. 2022). We want to return in what follows to a case we have examined before, probably the most notorious viral video of military operations, the footage WikiLeaks released under the title *Collateral Murder* after it was leaked to them by Chelsea Manning. Alongside the video WikiLeaks made available in edited and unedited forms, the popular archive in this case includes the official incident reports, termed AR 15-6s by the US Army, released to the public via Freedom of Information Act requests, and we will be drawing on that source material too. Like Lynch and Bogen, we wish to claim no special status for our examination. However, at the same time we do not want to present these materials as possessing a perspicacity or transparency they do not possess. Instead, we argue these materials are most effectively engaged with when we embrace the vulgar counterpart of professional vision and see how far we can get in making out what the evidence of the video could be said to be evidence of by drawing on our ordinary

competencies and making artful use of the official material, not as mediating expertise but aids to understanding the practices on display, something which takes us beyond the ‘theatre’ of the video’s narrow frame to the operational ‘theatres’ in which it was recorded and used.¹ This study of military practices as they are opened up by the video and the inquiries which made use of it offers an extension of Lynch’s arguments, not least because we want to argue there is a great deal to be gained not just from the video but also its subsequent internal assessment as a record of professional conduct. More specifically, we want to use the difficulties the video presents to the ‘untrained eye’ as a heuristic for understanding, a means of finding instruction in what was happening both as captured in the video and the investigation-elicited commentary that took it up. This is not to extend authority to the military view but to get a better measure of the practices that view is grounded in.

COLLATERAL MURDER, ETHNOMETHODOLOGICALLY SPEAKING

On the 12th of July 2007, US armed forces were involved in a series of clashes with armed “insurgents” or “anti-Iraqi Forces”/“AIFs”, as they were also labelled, in Al-Amin al-Thaniyah, a residential area on the East side of Baghdad. Starting at dawn, a US Infantry company charged with clearing the area of weapons had been under “sporadic small arms and rocket propelled grenade fire” (Department of the Army 2007b), and an Apache helicopter team—comprising, as is standard, two Apaches and their twin crews of pilots and gunners—had been tasked with providing “close air support”, i.e., aerial heavy weapons cover, for the under-fire infantry. From the moment we have video, the commanding officer on the ground authorised the Apache team, in relatively quick succession, to conduct attacks on three different sets of targets they had identified as hostile and had requested permission to engage based on those assessments. Those strikes ultimately led to the killings of upwards of twenty individuals, a group including what would later be confirmed to be two Reuters journalists, as well as serious injury to two children.

Despite Reuter’s efforts to uncover the details of the killing of the two journalists in the years that followed, it was not until the 5th of April 2010 that the incident became public as part of the publication of classified US government data by an until then relatively unknown organisation called WikiLeaks. As part of this leak, a website entitled Collateral Murder was shared by WikiLeaks which included a 40-minute video comprising gun-camera footage taken from one of the Apache helicopters involved, a shortened and highly edited 17-minute version, and a video containing the testimony of a soldier who had been present on the 12th of July. These videos were introduced as follows:

WikiLeaks has released a classified US military video depicting the indiscriminate slaying of over a dozen people in the Iraqi suburb of New Baghdad—including two Reuters news staff ... The video ... clearly

1 We owe this contrast between the political theatre of video and the operational theatre of combat missions to the reviewers and we would, more generally, like to thank them for their comments on an earlier draft, comments which have helped us to strengthen the analysis we offer.

shows the unprovoked slaying of a wounded Reuters employee and his rescuers. Two young children involved in the rescue were also seriously wounded.” (WikiLeaks 2010, np)

Shared across multiple news and social media platforms, the video was watched by millions across the globe either in its full or variously shortened forms. In response, the US military quickly released an internal Infantry investigation (henceforth the AR 15-6 investigation, according to the Army Regulations, ARs, they are named after) which had been conducted shortly after the strike had taken place to determine “the likelihood that the journalists had been killed by the United States” (Department of the Army 2007). That report concluded the journalists had indeed been killed and the children wounded by the US (and note the ‘corporate’ character of this acknowledgment) but that a) “the presence of the Reuters employees was not known to any of the US Forces operating in the area” and b) that children were “never seen” prior to the use of force (*ibid.*, 4). A second AR 15-6 investigation had also been conducted into the role of the Apache helicopter team within the ‘Cavalry’ Division they were part of, though *that* investigation did not enter the public domain until 2014 (Department of the Army 2007b). While it reached the same conclusions, it contained additional evidence, including testimony from the Apache crews about events.

The US military’s AR 15-6 investigations and the WikiLeaks Collateral Murder site constitute two divergent ways of describing the events of the 12th of July 2007, and in a certain sense they reflect a Lynchian distinction between a ‘professional’ and ‘popular’ version of events. While a “reality disjuncture” of the kind Lynch has described was in play (cf. Pollner 1975), with both sides elaborating asymmetric positions, crucially, however, it was not the outcome of the attacks (i.e., the deaths of journalists and the wounding of children) or even the sequence of actions involved that was disputed by the different parties, but instead whether the acts themselves were justified, legal and right. In previous work, we have illustrated the ways in which the divergent preoccupations of different investigators can lead to markedly different conclusions regarding the legitimacy of military conduct (e.g., Mair et al. 2012), but the Collateral Murder case is particularly conspicuous in this regard because of the unyielding character of those differences. What is of interest here is *how* the same incident came to be seen in such divergent ways, with the US military investigators focusing on the real-time work that led up to the strikes, whereas WikiLeaks worked backwards, starting from the established outcome not the work which produced it and focusing on what the Apache crews did not what they thought they were doing.

WikiLeaks’ accusation that the US military had engaged in “the indiscriminate slaying of over a dozen people in the Iraqi suburb of New Baghdad” (Collateral Murder 2010, np), one embedded in and elaborated via their edit of the original footage and the interview material they included alongside it, was intended to make what happened in that Baghdad suburb on the 12th of July 2007 available in a particular way. Although its language gestures towards legal concepts, it appeals largely to the moral aspects of the incident, channelling shock and outrage about the US military’s conduct as revealed by the video. As Christensen (2014, 2594) puts it, “Collateral Murder [is] visual evidence of the gross abuse of state and military power ... [exposing] arrogance ..., a disdain for human life, [and] a clear and systematic opposition to transparency”. WikiLeaks’ claims are based almost entirely on features of the Apache gun-ca-

mera footage which were only available after the fact. The two journalists who were killed are made clearly identifiable in their edit of the video using added annotations, as are the two children who were badly wounded, though they were not at the time. For reasons that will be addressed in more detail below, the claim that the strike constituted an “indiscriminate slaying of over a dozen people” is a legally contestable one but it is one that the edited and marked-up footage WikiLeaks produced guides viewers to (Mair et al. 2016).

By stark contrast, the US military’s investigations concluded that there was no way under the conditions, an important caveat we shall seek to revisit in our conclusion, for the US personnel to have known there were either journalists or children on the scene, and also that “the Apache team accurately assessed that the criteria to find and terminate the threat to friendly forces were met in accordance with the law of armed conflict and the rules of engagement” (2007b, 9). As with WikiLeaks, this ‘professional’ account of the incident also makes use of the gun-camera footage from the Apache, but that data was supplemented by retrospective written and oral testimony by US personnel involved in the incident; photographic evidence displaying the weapons which had been carried by individuals in close proximity to the Reuters journalists; and a wealth of additional material including, for instance, the orders the different units were supplied with and the governing ordinances setting out the parameters of their roles and responsibilities. Each of the two internal investigations conducted deals with the incident sequentially (or chronologically), focusing on what unfolded, how it happened, and what those involved saw and heard *in situ*. This viewing has a prospective sense in which the projectable future intent of enemy ‘combatants’ and potential risk to friendly forces are given extended and specific consideration as situated concerns in the moment (cf. Boudeau 2007). By examining events sequentially as they unfolded, this organisational process privileges what the military personnel collectively would “reasonably” have known or have been able to see on the ground at any specific moment given their understanding of the operational context as a situation of some jeopardy, ‘kill or be killed’, in which serious risks to life were posed to the Apaches and the infantry they were supporting. Despite all this—and this lies at the heart of Lynch’s critique of Goodwin’s account of professional vision—all of this is used to substantiate a case which seems to stand in some tension with the fatal outcomes of their actions. A lot rides on what is deemed “reasonable” under such conditions, therefore.

We have here, then, a canonical example of the kind of epistemic stand-off Lynch (2020, 190) has sought to bring into view, where “official findings do not necessarily settle the public dispute, ... [but do] allow accused parties and official spokespersons to dismiss what “everybody knows” as the untutored and partisan impressions of a rabble”. It is not and could not be our role as ethnomethodologists to resolve such impasses. Nonetheless, we do, following Lynch, want to take up the matters the impasse in this particular case centred upon. As we hope to have shown in our sketch above, the politics of evidence as it played out around Collateral Murder was also, for those involved, about the politics of accountability, and in a double sense. On the one hand, the dispute raised questions of answerability: that is, who was to answer, who was to be held to account and on what terms if at all, for the events shown on the tape? On the other hand, the dispute was also about how the events on the tape ought to be seen and both WikiLeaks and the AR 15-6s sought to make them “observable-and-reportable, i.e., available to members as situated practices of looking-and-telling”, in Garfinkel’s (1967,

1) terms, in specific though divergent ways. Notably, however, the US Army's internal accounting practices on both scores proved—as they generally do—highly effective in resisting external retellings and attempts to move them to further action. Despite the public outcry following the release of the Collateral Murder materials, the official version remained largely untroubled. No new investigation, for instance, was convened. Instead, the US Army simply restated the robustness of their existing routine procedures for investigating such incidents via the AR 15-6 process.

It is the 'stickiness' of this official account that has led us back to these materials in an attempt to reconsider not only the *in situ* military practices such investigations recoverably put on display, but also the practical understandings on display in those investigations. While ethnomethodologists have often drawn a line between *in situ* doings and post-hoc retellings of those doings (see, e.g., Mueller, Whittle and Addison 2023), we want to take both together and explore their grounding in and working up as part of the same "procedural culture" (Kolanoski 2022, 52–62). That is, adapting Garfinkel's work with Bittner on clinic records, we suggest "that [the investigative] ... procedures and results, as well as their uses ... [in the AR 15-6s], are integral features of the same orders of ... activities they describe" and that these, in turn, take up records like the gun-camera videos as documents of the "procedures and consequences of ... [real-time operational military] activities as a ... [politico-legal] enterprise" (Garfinkel 1967, 197–8). On that basis, we argue that both the prospective work of identifying *and* engaging targets and the work of institutionally accounting for it are best seen as directed towards the production and maintenance of a particular kind of recognisable action, namely the accountably *lawful* use of force, and involve shared practical understandings of that as their central joint task. That is, under the auspices of this shared politico-legal enterprise, AR 15-6 investigations do not address themselves to "what should have happened as opposed to what did happen" based on the available evidence but instead seek to establish the terms in which what did happen was what was supposed to happen and, indeed, should have happened when viewed as localised outworkings of a broader *corporate* undertaking (i.e., as an act of "the United States" and not, say, as a product of *individual* failings). The very same standards drawn on in prospectively identifying and striking targets lawfully during operations are thus employed retrospectively by military investigators internally to assess their propriety after the fact. The video footage and the internal inquiries together thus make the corporate enterprise of military operations available in ways it is typically not and we want, therefore, to examine 'internally' paired materials from both so as to open that up as far as we can.

As our way in, we want to use troubles we have encountered in following and making sense of the material as heuristics for instruction in that corporate enterprise, an enterprise where the actions of one come to stand as the actions of all through the situated accomplishment of 'chains' of authorisation for the use of force. That process has disabused us of certain misconceptions about the nature of the practices involved in aerial targeting, misconceptions which had to be abandoned in order to follow events on the video *and* the lines of questioning pursued—or not pursued—by the AR 15-6 investigations. On the basis of our vernacular inquiries, we will point to three things the materials make available.

First, the attribution of hostile status to proposed targets requires: the identification of adult males in close proximity—and thus posing a potential 'threat'—to US forces (where

proximity is an index of ‘threat’); the confirmed presence of weapons somewhere in the immediately observable scene; and, at least, the presumed *absence* of recognisable non-combatants (i.e., women or children) as not identifiably present. These criteria provide good enough grounds for engaging in the lethal use of force irrespective of the outcome. Under these conditions, identification does not have to be certain, i.e., military personnel do not need to know for sure that someone is indeed an enemy combatant and that there are no civilians around. They can instead proceed when they have good grounds for assuming such matters based on what is immediately available to a ‘live reading’ of their situation.

Second, the extension of hostile status to newly encountered persons from there can accountably be carried forwards even in circumstances where at least some of those on the scene have already been found not to be hostile and without the need for any additional checks over and above those standardly conducted.

Third, and as becomes clear on the basis of the treatment of the first and the second at the time and after the fact, legal considerations play a constitutive rather than disabling role within this practice, forming part of the practical reasoning through which targets are collaboratively arrived at rather than an external body of supervening constraints (see Jones 2020; Kolanoski 2022; Holder 2022). Leading us beyond the video’s narrow frame, the materials therefore lay bare a cat’s cradle of collaboratively interwoven action-and-interaction, for producing, when it works, legal strikes against those targeted independently of the question of who ultimately might turn out to have been targeted. Under these conditions, the live ‘reading’ of the scene, when undertaken according to the military’s corporate standards, informs the subsequent military investigations as a “production account” in Garfinkel’s terms (Hill and Crittenden 1968, 211–20) by laying out the practical work in and through which a lawful strike was accomplished.

TARGETING’S WORK IN THE COLLATERAL MURDER CASE

As Lynch, Livingston and Garfinkel (1983, 230) once observed, studies in ethnomethodology begin from “an engagement with ... activities, in their midst”. This is certainly the case with the Collateral Murder incident—and indeed the other military operations we have investigated—as the ‘beginnings’ and ‘endings’ of our materials are the product of edits undertaken by persons unknown. Those editorial cuts are not random, however: typically, the videos begin at a point where someone has deemed the immediate envelope of the relevant action to begin—sometimes with the sighting of persons who are about to be designated hostile, sometimes simply with the arrival of air support with cameras on the scene. By the same token, they generally end once ‘the action’ has been deemed to have relevantly concluded given the specific investigative concerns in play.

In the case of the Collateral Murder strike, we are thrown from the outset into a complex ‘counter-insurgency’ operation in which the Apache helicopters feature as a ‘special’, i.e., heavy weapons team, who have been called in to kill opposing forces while minimising risk to the infantry they are supporting. This was urban warfare, fought street to street, and involved ongoing skirmishes between smaller groups on both sides over the 12th July rather than battle between massed ranks of clearly designated combatants. While that operation had

been running for some time prior to the beginning of the publicly available video, viewers of the unedited footage are required to pick things up moments prior to the first of three strikes carried out by the Apache helicopter team. As the lead Apache's camera flicks to an open area with around a dozen men, the twin Apache unit almost immediately identify a number of men carrying weapons (a group which included the journalists as we learn). Having informed an infantry commander that they had 'eyes on' armed men in close proximity to US personnel who were around a residential block away, they were quickly authorised to engage and subsequently attacked with 30mm autocannons, killing most of the people in the group.

The sole survivor (later identified as the remaining Reuters journalist, the first having been killed in the initial strike), lying a considerable distance from the other bodies, sought to crawl to safety in the aftermath of that attack. As he did so, the Apaches watched from above, stating: "We have one individual moving. We're looking for weapons. If we see a weapon, we're gonna engage". The Apaches did not subsequently identify further weapons. Nevertheless, circumstances changed suddenly when an unidentified black van arrived on the scene and two men—also unidentified—sought to carry the injured man to safety. Informing the infantry commander that they could see individuals "possibly uh picking up bodies and weapons", they again sought and received permission to engage. This second strike killed the surviving journalist, the two unidentified men, and critically injured two children who were sitting in the back of the black van. Around ten minutes later, when the Apache crews were informed that they had injured children, one offered the following observation: "Well, it's their fault for bringing their kids into a battle".

The injury to non-combatants meant the Apaches were delayed at the scene while preliminary investigations were conducted and the children taken to safety, a process which took around 20 minutes more. Once that initial investigative work was done, however, the Apaches were freed to move again and were summoned to a nearby area where further small arms fire had been directed at the US infantry. Upon their arrival a short while later, they observed at least six individuals with weapons entering a building. For a third time the Apache team sought permission to engage, this time for firing directly on the building. Clearance received, the building was then fired upon with three missiles, following which the video comes to an end. According to the internal investigations conducted by the US military, the bodies of ten Iraqi "insurgents", i.e., unidentified men between the ages of 16 and 75 and so of military age on their criteria who were treated as involved by association, were recovered from the site of the missile strikes. The video, including WikiLeaks' edit, as well as the testimony given during the AR 15-6 investigations only minimally open up questions about the building and its destruction.

The video we have access to was taken from the gun camera of the lead Apache, callsign Crazy Horse One-Eight. Apaches patrol in pairs and while we never see them directly (because they are trained never to be in each other's line of sight or in direct line to minimise the scope for both 'friendly' and hostile fire), they are coordinating closely with a second aircraft, callsign Crazy-Horse One-Nine (and see Broth 2009 for a parallel in the situated choreography of camera operators' work). There is regular communication between pilot and gunner within each aircraft and, on a different channel, between the aircraft. Additionally, both crews coordinate with ground forces through 'attack controllers', in this incident Hotel Two-Six and

Bushmaster Six, who command the joint forces and give authorisation for all their activities in the local organisation of the chain of command. That coordination in this case was via an open channel through which all forces liaised with the relevant ground commanders involved.

While the video provides a single view, the audio track, by contrast, is composed of multiple separate layers of communications involving multiple parties talking to one another about separate issues the video provides no access to at all. This is an interactional setting of considerable complexity, then, which the parties themselves had to manage and work through on an ongoing basis in real-time. The working division of communicative labour makes what is being said—and what done through being said—extremely difficult to follow on the basis of the video and the rough transcript WikiLeaks supplied. As a result, in the course of research into this incident spanning a number of years (e.g., Mair et al. 2016; Elsey et al. 2018; Holder et al. 2022), we have sought to disentangle some of the strands of communicative work involved through a re-transcription that attends to speaker-hearer relationships as they are made relevant by the parties themselves. By employing ‘next relevant turn’ as a marker of who is speaking and who is responding to whom about what, we have sought to explore the layered interactions involved and situate the camera feed in that wider, locally managed contexture of activity. While we cannot provide them here due to space considerations (but see Elsey et al. 2018), what we learned in painstakingly working through that re-transcription using our ordinary natural language competencies is the basis for the analysis offered in what follows. Much of what transpires on the tape remains opaque even then, however, so the AR 15-6s have provided invaluable context too and we have drawn on them as a resource for making sense of what was happening when the WikiLeaks resources alone couldn’t resolve certain ambiguities. By pairing transcript with investigative material we hope to tease out the understandings which informed these practices in “taken for granted” ways (Garfinkel 1967, 13, and see Jenkins 2018, 2023 for a wider discussion).

Stated broadly, the level of attention applied to and controversy surrounding the three sets of strikes captured on the unedited version of the Collateral Murder video diminishes in accordance with their chronological appearance. Notably, the third and final set of strikes against the building has received almost no public scrutiny and was largely ignored by both WikiLeaks and the US inquiries. This is also true of our own published work on the case, something we intend to address as far as we can here by widening consideration to it. In order to properly contextualise what followed, we will begin with the first strike nonetheless and work through the following two from there.

THE FIRST STRIKE: THE GROUP ATTACK

The US Rules Of Engagement (ROEs) for the war in Iraq stipulated that the use of force in self-defence required the positive identification (PID) of targets either engaging in ‘hostile acts’ or demonstrating ‘hostile intent’. Though PID refers to different things in different contexts, in the case of all three sets of Collateral Murder strikes it refers to the “reasonable certainty” that the proposed target was demonstrating hostile intent (International and Operational Law Department 2017, 105), here rendered as a matter of the potential threat individuals posed to US forces in the vicinity. In this case, although the journalists’ long-lens came-

ras *were* misidentified as weapons, there were individuals alongside them who were correctly identified as carrying weapons by the Apache patrol. The AR 15-6 investigations state that the infantry who arrived on the scene after the strike found several guns as well as a rocket propelled grenade launcher (RPG) and these are visible in the video too. As such, not knowing there were journalists on the scene, the first strike was compliant with the rules of engagement insofar as the Apache patrol could proceed on the basis that the men, given the weapons they carried, constituted an imminent threat to nearby US infantry. This was because they could be accountably grouped together as part of the same ‘force’ US troops understood themselves to be in combat with. This is a form of practical inference we shall say more about below though we would note here that it is not a matter of whether those firing on the US understood themselves to be a unified force as their understandings are not the issue.

THE SECOND STRIKE: THE VAN ATTACK

The ROE compliance of the second strike was not nearly so straightforward, though the AR 15-6 investigations ultimately concluded that there were no concerns about its lawfulness either. As noted above, following the first strike the Apache team began to monitor the efforts of the surviving individual, the journalist whose status was still unknown, as they tried to get to safety. At this point the Apache crew noted specifically that the individual was not visibly in possession of a weapon, but that they would engage again if they caught sight of a gun nearby. This initial reluctance to re-engage the injured man without having first identified a weapon can likely be attributed to the following line in the US ROEs: “Do not engage anyone who has surrendered or is out of battle due to sickness or wounds” (*ibid.*), itself an echo of International Humanitarian Law (IHL), sometimes referred to as the Laws of Armed Conflict (LOAC), of which the Geneva Conventions are a subset.

After approximately a minute, however, two things happened simultaneously. The nearby US infantry announced that they were pushing towards the scene, and the unidentified black van arrived beside the injured individual. Attending to and linking both developments, Crazyhorse One-Eight informed the infantry commander: “we have individuals going to (.) the scene, looks like uh picking up bodies and weapons” and subsequently requested permission to engage. Once that permission was granted, the resulting strike killed the surviving individual and the men in the van, and seriously injured the children sitting unseen in its backseats.

Video excerpt 1: The Van Attack

Source: WikiLeaks - <https://www.youtube.com/watch?v=is9sxRfU-ik>

Start time: 07m 07s

End time: 08m 41s

Transcript: <http://dx.doi.org/10.13140/RG.2.2.15373.96480>

The concern here is relatively straightforward: if the Apache crew had stated that they could not see any evidence the injured individual was carrying a weapon, then why did they tell the infantry commander, as they did, that the individuals who arrived on the scene just moments

later looked like they were picking up weapons? Here is a point where our ‘vernacular’ vision runs up against that of the Apache crews in that we cannot see their grounds for the strike. Yet, the Apaches at the time and the AR 15-6 investigators after the fact *found* legal grounds. How so?

As mentioned, in order to support the infantry involved in the operation, the Apache crew were required to prospectively establish and communicate the lawfulness of any instance of the use of force in terms of potential threat to US personnel ahead of seeking authorisation to strike. As it emerges, the most straightforward way to engage what they believed to be a hostile force was to identify *possible* hostile intent; and the most straightforward way to identify hostile intent was to identify a *possible* connection to weapons. Since the Apache crew had already seen weapons on the scene, it required only a small step to suggest that the newly arrived black van could be projectably treated as if, i.e., ‘looked like’, it was there to re-secure those weapons. On this basis, the hostile status which had been attributed to the initial group they had engaged—amongst whom there *were* armed individuals—could be and was extended to the newly arrived vehicle. Indeed, within a setting characterised by a collaboratively produced and maintained urgency and a pervasive readiness to engage *first* (Wedelstaedt 2020; Meyer and Wedelstaedt 2022), if the van and its occupants were seeable as a possible threat, any prevarication around eliminating it could be treated as increasing possible harm to the forces they were there to protect. Under these conditions, the looks of things furnished more than adequate grounds.

Except, of course, there were no weapons, the injured man on the ground turned out to be an unarmed journalist, there was no concrete evidence that the black van had any affiliation with opposing forces, and its passengers included two young children. As such, what would have been an internally unproblematic inferential leap had the *right* people been killed became a legally answerable matter, something that necessitated initial investigative work on the scene once the children were discovered by the infantry. Did the Apache crew adequately establish that the black van was a threat before engaging and what standards could that be assessed against? As, we have seen, the ‘professional’ (military) answer to that question was as follows: “The [Apache team] accurately assessed that the criteria to find and terminate the threat to friendly forces were met in accordance with the LOAC and rules of engagement” (2007b, 9). Looking more closely, however, the AR 15-6 investigations make available the negotiations by which the military investigators drew that conclusion. Here is the investigation interview with the pilot of Crazy Horse One-Eight, here referred to as ‘CW3’ in dialogue with the investigator ‘LTC’ (Exhibit A (II) CH-18 CW3):

LTC: Did you see anything in the van?

CW3: I couldn’t see inside the van, but they ran around right after I had seen them extract weapons and individuals.

LTC: As you saw on the tape, they didn’t have any weapons. So, what drove you then? What threat made you want to engage the van?

CW3: Well the friendlies were 300 meters away and from the initial report that a black car, sedan had been coming in and dropping off insurgents, taking them out, moving them into different locations. That was my whole thought process.
 ((interview ended))

This interview is telling with regards to the forms of reasoning that provide the practical foundations for the corporately sanctionable, that is lawful, use of force. Notably, the pilot does not seek to further specify the grounds for his belief that they were “extracting” weapons. Instead, he simply emphasises that his “whole thought process” was the fact that friendly infantry was moving towards that location and that there were hostile forces present in the area. This is hardly a legal justification at all, and does nothing to further substantiate the claim that the individuals were there to load weapons into the black van. Nevertheless, the interview concludes and the AR 15-6 states that the strike was conducted lawfully.

As we find out, and as is rendered perspicuous here, the Apaches’ stated grounds, the potential threat, were thus ‘good enough’ at the time and they proved ‘good enough’ after the fact whatever difficulties the strike presents to us as viewers even after repeated views. We will expand further on this below but it is enough for now to point out that the use of force, like “plausible deniability” as discussed by Lynch and Bogen, anticipates its own future interrogation. The Apache crews here did not just claim legal grounds, in other words, they produced them and showed how they arrived at a strike through their actions in the moment. Pointing back to that in-the-moment work was enough to satisfy the investigators of its propriety even though the ‘wrong’ people had been killed and injured in the strike.

THE THIRD STRIKE: THE BUILDING ATTACK, AN ‘ORPHAN’ EPISODE IN THE COLLATERAL MURDER DOSSIER

The third and final Apache strike might be described as an ‘orphan’ episode in the context of the Collateral Murder incident, by which we mean that no one seems to have had a great deal to say about it or its lawfulness during the attack or afterwards. As discussed above, despite the overarching claim that the strike had killed a number of non-combatants, the Collateral Murder site contains little commentary on the third strike and neither of the two AR 15-6 investigations makes any particular effort to assess whether it was lawful or not. Nevertheless, it is this final strike’s very ‘routineness’ (Garfinkel, 1967) which sets it apart from many of the strikes we have considered, and which motivates us to further consider its details.

Video Excerpt 2: The Building Attack

Source: WikiLeaks - <https://www.youtube.com/watch?v=is9sxRfU-ik>

Start time: 30m:08s

End time: End of recording

Transcript: <http://dx.doi.org/10.13140/RG.2.2.35506.62405>

In the aftermath of the second strike, US infantry on the scene quickly discovered that the black van had been carrying two children who were now in urgent need of medical care. Although this discovery did not seem to trouble the Apache team, it did lead to a period of inactivity. Around twenty minutes later, once the initial investigations put in train by the children's discovery had concluded, the ground commanders were told that further small arms fire had been received by US infantry nearby and the Apache crew were immediately re-tasked with identifying and eliminating its source as they were now free to do so. After a cut in the footage during which a further 30 minutes had passed, the Apache's gun camera focusses on two individuals—one of whom was carrying an AK-47—entering a two-storey building. Though the building was structurally complete, it did not have doors or windows and the Apache pilot characterises it as “under construction”. At this point, the Apache crews arrive at a summary together, “at least six individuals in that building with weapons”, and conclude that the best course of action would be to “put a missile in it [the building]”. Accordingly, Crazyhorse One-Eight informs Bushmaster Six, as the Ground Commander for this area (Hotel Two-Six being the Ground Commander for the area in which the first two sets of attacks were conducted), that six individuals from a previous unrecorded engagement in that specific area had entered an abandoned building and requested permission to engage the building with missiles. That authorisation was provided and, following some manoeuvring to ensure that the missiles did not present a risk to friendly forces, the Apaches fired three missiles into the building as part of an extended joint attack run.

The first thing to note about this set of strikes is that the armed men spotted entering the building were immediately and unquestionably seen (and described) as being linked to the previous engagements by the Apache crew members. Their hostile status—again evidenced by their being armed men in close proximity to US forces—is treated as an extension of hostile intent that the Apaches had established prior to the previous strikes. Insofar as US personnel were taking fire from opposing forces in this area, it is difficult to question the claim that the armed men who entered the building were combatants, even though the video feed alone does not provide the viewer with categorical proof. What is notable about this, however, is that the building the men were seen entering was described and oriented-to as *abandoned*, even though none of the US forces could see inside. Legally speaking, this distinction is extremely important because their rules of engagement—indeed the LOAC—prohibited attacks on what are known as ‘civilian objects’. As noted earlier, Al-Amin al-Thaniyah is a residential area on the East side of Baghdad, and many of the buildings in the area were home to its civilian population, a population which had woken to a surprise attack by these US forces beginning at dawn. What is more, the previous two attacks had shown them there were civilians on the scene, including identified civilians they had already fired upon. For the Apache team, this fact presented a legal problem, just not one that would delay them or give them much pause, turning out to be straightforwardly resolvable for their practical purposes.

Once again, this problem can be approached from our perspective as ordinary viewers seeking to understand the engagement. If an armed combatant enters a building, and it remains to be established whether that building might be occupied by non-combatants, what is the most straightforward way to do so? The answer which is plainly available in the Collateral Murder video is that one should search for evidence that the building is not in use as a resi-

dence. In this case, the fact that the building looked unfinished—i.e., that it lacked windows and doors—was immediately noted by the Apache team and was communicated to the infantry commander as part of the request for permission to engage (in a localised elaboration of Sacks's 1995 *possessibles/possessitives* distinction, see, e.g., Bjelić 2023). Here, the issue we want to raise is not whether the building was, in actual fact, either under construction or abandoned. Instead, we want to bring into view the plainly visible and situatedly reasoned practices by which the Apache crew were demonstrably engaged in ensuring the procedural adequacy of targeting and the use of force. Crucially, although the Apache's discussion was not framed in terms of the rules of engagement, this was undoubtedly a legal negotiation, one conducted in natural language (see Mair et. al. 2012). That specific references were made to an 'abandoned' building 'under construction' in the build-up to the strike was in this sense constitutive of its unproblematic lawfulness, i.e., its very 'routineness'.

This third set of strikes remained 'routine' despite the fact that people without weapons can be seen fleeing the area after the first of the three missiles hit the building. As they are readying for the third and final missile strike, when Crazy Horse One-Eight moves back to position the aircraft for what will be the final run in (when they are completely satisfied they have collapsed the building internally), what looks to be a younger and an older man, with no discernible connection to hostilities that we can make out, can be seen in the Apache's crosshairs arriving at the building in question following the strikes and making phone calls, unlikely conduct by 'combatants' knowing they were being actively targeted by US air units. Their presence in the crosshairs goes unremarked, however, despite their plain availability, and Crazy-Horse One-Eight proceeds uninterrupted into the strike after which the individuals are not seen again.

As it turns out, the 'routine' (Garfinkel 1967) or 'ordinary' (Sacks 1984) character of the strike was confirmed soon after by the infantry based on an assessment of the dead, as 'AIFs KIA', 'anti-Iraqi Forces Killed in Action'. Nor did the investigator conducting the follow-up interview with Crazy Horse One-Eight's pilot mention the building, focusing instead on the initial group attack and the attack on the van. This attack also went specifically unmentioned in many of the written statements and interviews conducted. Put bluntly, the AR 15-6 investigations were not concerned with interrogating the lawfulness of this strike as its lawfulness was not in question. As far as the US military were concerned, the correct people had been killed and they had been killed in the correct way. As such, there was nothing to be raised by the investigation. So routine were its constitutive features, in other words, it was barely worth touching upon. For us, however, there is a great deal about this strike which seems worth looking at, not least the matter of who gets to decide what counts as an abandoned building and on what basis?

From the military perspective, what is significant was that nothing 'notable' was found in the days and weeks immediately after the attack when the AR 15-6 investigations took place. As with the initial assessment of the perceived threat involving the Reuters staff ("Hotel Two-Six, Crazy Horse One-Eight. Have five to six individuals with AK47s. Request permission to engage"), this later engagement treats close 'association' and intermingling within the armed group in the general area the Apaches were patrolling as displaying the duplicative organization of all military aged males on the scene as working 'together', unless and until in some

demonstrable way they were shown to be otherwise (Sacks 1974). It is the aggregated intent (members of ‘the group’, i.e., anyone on the scene, openly carrying/using weapons or close to those who are) that is assessed as demonstrating an on-going or future threat to the ground troops.

As with the van, the supposedly unfinished or abandoned (both characterisations are employed) and thus projectably unoccupied building, was not itself the target, where treating it as the target in itself would have been unlawful. It *became* the target as it was where armed combatants were seen to be gathering, re-grouping or hiding together on the assumption they had heard the helicopters overhead and/or had come under fire from them earlier. Equally, the lack of visual access to the inside of the building (from above or on the ground) meant that the US Forces cannot have known in real-time if any civilians were present. The same explanation used to account for the unintended wounding of the children in the van could thus again be drawn on as part of producing the local grounds for this strike; i.e., civilians could not be and were not known to be there. However, to be pointed, a lack of knowledge we might regard as providing good reasons to *refrain* from action—‘we don’t know if there might be civilians around, indeed we have good reason to assume the opposite, so don’t fire’—here gets reconstituted as its adequate legal grounds and accountably so, even, we might say especially, where such assessments rest on what can only be entirely cursory and surface readings of a scene (‘we haven’t seen anyone else around’).

Following the strikes, we hear immediate assessments on the communications channels (‘good hits’). The AR 15-6 investigations would then gloss the outcomes. For example, Crazy Horse One-Eight’s written sworn statement (Exhibit A (II)) summed up the sequence of three engagements as having an ‘end result [of] 21 KIA [killed in action], 3 WIA [wounded in action], 1 van destroyed, 1 building destroyed’. Included in the count under these summary terms, the journalists, young children and the potential users of the building were not specifically mentioned. As they were not know-able or visible to the Apaches at the time, they reported on what they did have access to and what was immediately available to them as they had conducted the strikes. In their own terms, they did not (knowingly) kill or injure innocent civilians even if they took no steps to anticipate their presence. As no non-combatants were to be seen, the Apaches, as part of the wider military operation underway, were not just clear but right to attack.

CONCLUSIONS: LEGALITY, ETHNOMETHODOLOGICALLY SPEAKING?

What do we learn from this exercise? What comes from pursuing the troubles we had in following the attacks and their subsequent internal assessment? Once we follow the action as far we can outwards beyond the narrow frame of the video into the organisational contextures both the attacks and the investigations in all their contingencies were reflexive elaborations of, a great deal, as it turns out. Aside from anything else, we learn that concerns we, as ordinary

2 Compare this here with the drone operations discussed by Holder (2020, 2022; Holder et al. 2018, 2022ab) where the extent of intelligence gathering over extensive time periods and technological distance from the scene, provides a very different set of orientations to military attacks through close observation.

viewers, might have—how could the wounded man and the van be said to be connected to armed hostilities in the area? how could anyone know for sure the building was abandoned? what about the people who turned up to the building after the first two strikes?—have no military relevance in this context, they are not an accountable part of the practice whether *in situ* or after the fact and in terms both of answerability and the observable-and-reportable character of what came to be done. What is more we come to learn that the question of the legality of these strikes is not a free-floating one. Rather than an external standard that can be appealed to in independently assessing the work of targeting, strikes have their legality built into them in their course; standards of legality are internal to the practice as one of its constitutive features with strikes worked up in legal terms.

In terms of that local constitution and thus accomplishment of legality, based on a return to the video we also come to realise that we are not looking at the work or decisions of individuals in any narrow sense. The actions of Apache crews, no more or less than any of those they are working alongside, do not and never do stand alone. Continuous narrators of their own activity, they are ceaselessly engaged in making what they see and what they plan to do—based on what is relevantly available to them and what they make of it—available to relevant others, in procedurally required and perspicuous ways, so those others can remain aware of and authorise their work, something those others have received authorisation to do in turn. While they are immediately accountable in terms of this local weave of action and interaction, they are also prospectively accountable too. Apache units themselves review the tapes of all incidents they engage in and they know those tapes are available for others at later times and for various purposes to audit and assess their actions, their grounds and thus their propriety too. Their *in situ* work is thus oriented to and anticipates its future reassessment as it unfolds.

Finally, we come to a better appreciation of the scope of the relevancies which define these activities and which they are demonstrably oriented to. Analysts of immediately visible orders encountered in the course of live combat operations in which there is a preference to attack threats first, they can confine their inquiries into what they are looking at to any given scene's directly available surface features without having to ask what else might be going on besides what they have immediate access to. Indeed, given the standing orientation to act quickly to prevent casualties to the US side, further deliberation is disapproved. Good enough grounds under these circumstances, established according to minimal thresholds of adequacy and with considerable internal elasticity, enabling all those encountered to be treated under similar categories in the absence of immediately clear counter evidence, are all that are needed or asked for. That this is an assumed feature of the work—that such practical understandings and relevancies are assumed on all sides—is clear in the AR 15-6s, which employed the same criteria used to clear and launch the strikes to work through and assess them after the fact. If we ask then what the Collateral Murder video and the AR 15-6s are evidence of, we can say they show an Apache patrol working as it *ought to* in these circumstances and that, in turn, enables us to better understand the troubles we encounter in viewing it. That the AR 15-6s found no issues with the strikes is itself a measure of the 'professionalism' the Apaches demonstrated, understood in the military's corporate terms (cf. Garfinkel 1967, 206), in furnishing a "production account" of their activities as they went about them that could be more or less unproblematically recovered from the video. To return to Garfinkel (and Bittner), the

video, as a record of methodic activities, could thus “testify ... to questions pertaining to ... [politico]-legal responsibility ... as having been in accord with expectations of sanctionable performances” (1967, 199).

As Kolanoski has noted,

Applying the law” and “following the rules” in these collaborative [military] settings is ... not done in a single act. It is not done by a single actor. It is achieved through a systematic, and prescribed, chaining of collaborative actions. The fact alone that the action is collaboratively achieved provokes a shift of attention: investigators (and researchers) ... can no longer be concerned with what went on inside people’s heads, what personally motivated them to do this or that. The matter of “subjective perception” loses relevance as here action itself is something which was interactionally accomplished in being prepared *together* ... Within these work processes, perception is (jointly) accomplished and jointly oriented to and (differently) accessible through the records, which document the collaborative accountability of *organised action*. (Kolanoski 2022, 157)

Treating certainty as a jointly and sequentially achieved accomplishment, as a matter of “knowing enough”, we come to learn that military targeting involves “*radical ways of producing certainty*” (Kolanoski 2022, 152). “Radical” to us as ordinary viewers, and we would imagine other too though we are not generalising here, since the most serious of decisions, decisions about who lives and who dies, are combined with the minimal standards of evidence as thresholds for action that it becomes clear are being oriented to here. Military certainty is not, then, the result of raising and working through doubts—no doubts are voiced by the Apaches—but from their successful professional exclusion.

Returning to Lynch’s work as inspiration for a study of this kind, we would note that “ethnomethodology’s program” does not furnish us with the means to resolve political disputes about the status of such practices. Nonetheless, studies in ethnomethodology can, perhaps, clarify what more we can learn about those practices via the disputes which flare up around them. In the case of viral military videos we would suggest the questions they pose viewers, and here we do generalise, have less to do with adjudicating whether some action was legal, or this or that call justified, and more to do with the ways in which they make available how warfare is legally conducted, and conducted ‘well’ in the military’s own terms. Working with the popular archive, efforts to discover, in praxeological terms, just what the lawful use of force consists in extend understandings of military conduct in that regard. While it is not within our gift as ethnomethodologists to determine whether the actions of the Apache pilots were lawful or the conclusions of the AR 15-6 investigation correct, we have hopefully begun, at least provisionally, to clarify how their activities could, as a corporate matter of military routine, be conducted in an accountably adequate way by US military standards. It is this *way of war*, we suggest, which is brought into question by professionally unmediated engagement with these videos, and that includes such issues as whether residential neighbourhoods should be turned into battlefields at all or whether the need for immediate action should outweigh all other considerations, i.e., issues precisely of the conditions military personnel understand themselves to be working under and seek to respond ‘professionally’ to. These issues are not something video evidence itself alone can or could settle however. The disputes that surround

these videos, in other words, are not primarily evidential in character but moral and political and, ‘in the midst of things’, that at a praxeologically foundational level, a ‘finding’ Lynch’s work in this area helps us arrive at.

Vulgar analyses of the kind we have offered, which use the popular archive to open these incidents up in non-specialised ways by moving beyond the video to the activities it partially discloses and the forms of assessment those activities are subjected to as work, have some modest contributions to make in a context of this kind. They may specify more concretely the nature of the practices that ordinary viewers were recoiling from but also, given the unapologetic manner in which they are acknowledged as displays of military work in routine operational flow, communicate a sense of what moral and political challenges to those practices are up against. More specifically, the materials in the popular archive and the analyses we have offered all help us arrive at something like the following insight into targeting as a practice: the US military, at least on the basis of the evidence we have available, does not set out to knowingly kill civilian non-combatants and to knowingly do so would attract the highest censure internally within it as an act outside of and antithetical to its proper workings. However, because of the settings within which recent wars have been fought, especially urban settings, and the very nature of the methods by which combatants are locally identified and discriminated from non-combatants in practice, many civilian non-combatants are killed in their operations. Where such killings occur, they are regretted. Nonetheless, the US military, as a corporate body, is organisationally indifferent to them. That is, their occurrence in no way leads them to alter their practices or their assessment of those practices. This renders the *unknowing* killing of civilians a matter of routine.

We are definitively not saying that anything that happens on the battlefield will be found to have been in accordance with the rules nor do such practices rule out the identification of misjudgements, mistakes and wrongdoing; investigations of other incidents show us that is not the case (cf. Mair et al. 2012). Rather, when examined in their details, viral videos of military operations show us that military operatives are involved in making not just the sanctionable but locally *sanctioned*, i.e., *authorised*, character of their methodic activities available as they go. Insofar as that work has been done in the right way, they have done their jobs correctly and by extension lawfully, even if we may wish to question what gets to count as sanctionable within that corporate politico-legal enterprise. Providing opportunities to gain that insight into the way in which the US military orients to those it targets, i.e., its ways of war, could be seen as the principal service WikiLeaks performed in making these materials public. Ethnomethodologically, we would suggest, that is ‘good enough’.

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