
Editorial

The death of the civilian?

At the close of *The Order of Things*, Michel Foucault provided an elegiac reflection on the idea of ‘man’, the modern human subject: “Man is an invention of recent date”, he wrote, “and one perhaps nearing its end.” He suggested that, once the ground on which it was built crumbled, then “man would be erased, like a face drawn in sand at the edge of the sea” (1970, page 387).

As the Israeli military machine pursued its ferocious assault on Gaza and Lebanon, I found myself wondering whether the same might not be said of the civilian. In the craters on the beach at Gaza, in the dust of the shattered village of Qana, in the rubble of Beirut’s suburbs, and above all in the broken bodies filling the mortuaries, are we witnessing not only the deaths of hundreds of civilians but also the death of the idea of the civilian?

Constructing the civilian

The civilian, too, is an invention of recent date. In the English language, the use of ‘civilian’ as the opposite of ‘military’ emerged in the second half of the 18th century—it was closely tied to colonial military adventures, and referred to European servants employed by the East India Company—and it became a commonplace in the course of the 19th century.

In international law, whose genealogies are no less invested in colonialism and imperialism, the figure is of even more recent date. The convention with respect to the laws and customs of war on land (Hague I) of 29 July 1899 (reaffirmed in Hague IV, 18 October 1907) prohibited the bombardment of undefended towns. The Rules of aerial warfare, drafted at the Hague in February 1923 (but never formally adopted), explicitly proscribed “Aerial bombardment for the purpose of terrorizing the civilian population, of destroying or damaging private property not of military character, or of injuring non-combatant.” On 30 September 1938 the League of Nations unanimously accepted that the bombing of civilian populations was forbidden by international law and called for new regulations to protect them. And the Fourth Geneva Convention of 12 August 1949 was addressed explicitly to “the protection of civilian persons in time of war”.⁽¹⁾

But it was not until the 1977 Protocols additional to the 1949 Geneva Conventions, “relating to the protection of victims of international armed conflicts” that a formal definition of the civilian was established. This made the distinction between permissible and impermissible targets turn on the distinction between combatants and civilians, but Helen Kinsella (2006) has shown that it did so by turning a Janus face. On the one side, the distinction was made into an indistinction: combatants had only to distinguish themselves from civilians during military deployment and engagement (Article 44.3), and civilians were no longer entitled to protection while they engaged in hostilities (Article 51.3). This recognition of the shifting roles assumed by those involved in modern warfare has a particular significance for Israel—which, like the United States, has not ratified the Protocols—because its military operations rely on the mobilization of thousands of reservists who “shift from civilians to soldiers in a day” (King, 2006). On the other side, however, Kinsella shows that in order to fix these shape-shifters, to give the figure of the civilian a clearer outline, the

⁽¹⁾The standard historical account is by Geoffrey Best, *War and Law* (1994).

Protocols drew directly on the original Fourth Geneva Convention whose commentaries fastened on the shared “suffering, distress or weakness” that rendered civilians—“by definition”—incapable of taking an active part in hostilities (Article 13). But, Kinsella emphasizes, it is only women who are supposed to bear these signifiers permanently: the others, the sick, the wounded, the old, do so transiently.

Kinsella’s analysis is more nuanced than I can convey here, but it is relevant to ‘the death of the civilian’ in two ways. First, it shows how discourses of gender are mobilized not only to denote but also, crucially, to *produce* the distinction between combatant and civilian. This is only a holding operation, because it has become increasingly difficult to sustain a separation between feminized civilian and masculinized military spaces, as more women serve in militaries and as ‘new wars’ are fought through nonlinear spaces (Giles and Hyndman, 2004, page 5). But its humanist rhetoric is retained in horrified media reports of the deaths of women and children, which thus works to render the deaths of men and teenage boys somehow less worthy of remorse or grief. Think, for example, of the cordon thrown by the US military around Fallujah, which allowed only women, children, and the elderly to pass through. Men and teenage boys were trapped in the beleaguered city, which was then levelled. The war machine marked them as insurgents without discrimination and their deaths were dismissed as being of no account (Graham, 2005; see more generally Carpenter, 2006).

Second, Kinsella concludes that the marking of the civilian by these signifiers means that:

“To be innocent in war, in the terms set by the laws of war, is to be deficient or lacking in a multitude of ways that in the end, implicitly if not explicitly, cites an incapacity for politics.... Equally significant, an incapacity for politics is also, at least for Aristotle, an incapacity to become fully human. This is not benign, for it shows how the rights and protections of international humanitarian law are genealogically derived or grounded in what some might call ‘subhumanity’. What this portends is that international humanitarian law requires and produces ‘subhumanity’ as the predicate for extending recognition of its rights or offering its protections” (page 185).

‘Subhumanity’ here means those placed outside the political community, and classically, as Giorgio Agamben (1998, pages 7–8) reminds us, those placed outside the *polis*. They retain voice—they can certainly express pain—but they are denied language. More prosaically, the protections of international law are extended to ‘innocent civilians’ on condition that they are placed outside the political process. They cannot represent themselves, it seems, they must be represented.⁽²⁾ Others must act on their behalf.

What does all this have to do with Lebanon?

Deconstructing the civilian

On 21 July 2006 John Bolton, Bush’s ambassador to the United Nations, rushed to the defence of Israel’s war in Lebanon. He declared that there was no “moral equivalence” between “civilians who died as the direct result of malicious terrorist acts”—the rocket attacks launched on northern Israel by Hizbollah in retaliation for Israel’s aerial assault on Lebanon—and “the tragic and unfortunate consequence of civilian deaths as a result of military action taken in self-defence.” To be sure, the Iraq war showed how strained the White House’s sense of self-defence was, but Bolton was doing more than endorse the Israeli claim that its exuberantly disproportionate response to two of its

⁽²⁾This is, of course, Marx writing in the *Eighteenth Brumaire*. Edward Said uses it as the opening epigraph to *Orientalism* (1978) and the colonizing force of its paternalism will surely be clear to all readers.

soldiers being taken hostage by Hizbollah—‘Operation Just Reward’, the largest operation by the Israeli Defence Forces (IDF) in Lebanon since 1982—was a defensive act. He was also endorsing the views of Harvard professor Alan Dershowitz who, several days earlier, had railed against what he called “the increasingly meaningless word ‘civilian’”.

Dershowitz urged “a reassessment of the law of war” to recognize “a continuum of ‘civility’”.

“Near the most civilian end of this continuum are the pure innocents—babies, hostages and others completely uninvolved; at the more combatant end are civilians who willingly harbor terrorists, provide material resources and serve as human shields; in the middle are those who support the terrorists politically or spiritually” (2006a). The laws of war must adapt to these new realities, he insisted, a refrain that is all too familiar in the Bush league where the ‘war on terror’ is supposed to have installed a new paradigm that trumps international law. Dershowitz also wanted casualty figures to be recalibrated, which I suppose might count as a minor advance over the Bushite refusal to ‘do body-counts’ at all. Arguing that those who voluntarily remained in southern Lebanon had “become complicit” and that “some—those who cannot leave on their own—should be counted among the innocent victims”, he demanded: “How many of the ‘civilian casualties’ fall closer to the line of complicity and how many fall closer to the line of innocence[?]” (Dershowitz, 2006a; 2006b).⁽³⁾

Lebanon and the zone of indistinction

These are obvious attempts to minimize the hundreds of people killed during Israel’s assault on Lebanon. ‘Civilians’ were readily and rapidly erased from the vocabulary of the Kadima government, the IDF, and its apologists. The IDF dropped leaflets throughout southern Lebanon instructing the civilian population to leave their homes and move north of the Litani River: “Pay attention to these instructions! The IDF will intensify its activities and will heavily bomb the entire area from which rockets are being launched against the State of Israel.” By the last week of July Israel’s Minister of Justice had concluded that “Everyone in southern Lebanon is a terrorist and is connected to Hizbollah” (2006). Accordingly, the IDF was given permission to “expand its target envelope”, another of those grotesquely sanitizing terms that Tom Engelhardt (2006) has dissected with such clarity. This one renders the landscape empty of ordinary people, an abstract and disembodied space: a kill-box. The IDF’s own website records its “aerial activity in Lebanon” in dispassionate terms. During the night of 29 July, for example, it reported that sixty attacks were carried out on “structures, headquarters and weapon storage facilities”, on “vehicles, bridges and routes”. In this optic, the combat zone is instantly transformed into a space of objects, empty of all subjects (de Quetteville, 2006).⁽⁴⁾

The next night a single ‘precision-guided’ missile smashed into a house on the edge of the village of Qana, killing at least twenty-eight people, most of them children; another thirteen are still missing.⁽⁵⁾ The IDF repeated its un-apologia: “Residents in

⁽³⁾ For a devastating critique of the terminus of these reductions, see Juan Cole (2006). Dershowitz is a regular defender of Israel’s actions (compare Dershowitz, 2003; Finkelstein, 2005).

⁽⁴⁾ Elsewhere, I have discussed the logic of ‘targeting’ and its production of an abstract, disembodied space (Gregory, 2006).

⁽⁵⁾ Israel’s deployment of precision-guided missiles and its repeated claim that its strikes were ‘surgical’ were intended to draw a distinction between its military machine and Hizbollah. But this raises two troubling questions. If the IDF was so careful in its selection of targets, how did its barrage kill so many more civilians than Hizbollah’s crude Katyusha missiles? And if precision-guided missiles make it possible to discriminate between permissible and impermissible targets (a claim that raises another series of questions), does this not restrict legitimacy to the most advanced militaries? This is not to object to discrimination but to invite reflection on “a discursive technology of validation to which only a privileged few have recourse” (Beier, 2003).

this region and specifically the residents of Qana had been warned several days in advance to leave.” But it now added a callous tag: “We don’t know what people were doing in the basement. It is possible they were being used as shields or being used cynically to further Hizbollah’s propagandist purposes” (see Abdul-Ahad and others, 2006; de Quetteville, 2006). The IDF routinely mobilizes the rhetoric of ‘human shields’ to defend its actions, though it is not above using them itself on occasions, but journalist Mitch Prothero insists that the claim is almost always false. He argues that Hizbollah’s paramilitary wing avoids civilians for fear of being betrayed by informers. And survivors from Qana insisted that there was nothing there to be shielded. If rockets had been fired from the village, one man explained, “all of us would have left because we knew we would be bombed” (Jamail, 2006; Prothero, 2006).⁽⁶⁾ In fact, the two extended families that had sought shelter in the house had repeatedly talked about leaving, but there were too many of them and they were too poor to be able to afford the \$1000 for a taxi to take them to the less dangerous but hardly safe north of the country. They were also afraid of becoming targets if they left their basement shelter. Even clearly marked Red Cross ambulances had been attacked, including the convoy that set off after Qana was hit. An IDF leaflet was explicit: “You must know that anyone travelling in a pickup truck or truck is endangering his life.” Soon after the war began, twenty-one refugees were killed when their convoy was hit by an Israeli missile. The IDF retorted that the villagers had not coordinated their movement with the military, but nobody had told them they had to do so. Few of them had phones, and even then it was virtually impossible to call Israel from Lebanon (Tavernise, 2006b). As Robert Fisk put it, “the people of these villages are terrified to leave and terrified to stay” (Fisk, 2006; see also Blanford and Parker, 2006; Shadid, 2006; Tavernise, 2006a).⁽⁷⁾

Similar scenes were repeated across southern Lebanon and beyond (see Human Rights Watch, 2006). Around 970 000 people were displaced by the fighting, one quarter of Lebanon’s total population, and hundreds of thousands more were trapped in the indistinction between combatant and civilian. But this indistinction is more than a clause in the ledgers of international law. It was given starkly material coordinates. Zionism has long cast envious eyes on the lands south of the Litani River, which several of its political cartographers saw as the ‘natural’ northern border of Israel, but Israel’s attack on Lebanon turned this whole area into a vast zone of indistinction.

The status of its inhabitants was constantly thrown into doubt. Israel’s Deputy Ambassador to the United Nations echoed the recalibrations of Bolton and Dershowitz: “We cannot for sure prove that all the civilians in southern Lebanon were purely innocent civilians.”⁽⁸⁾ If any ‘innocent civilians’ were glimpsed within those contorted contours, they were denied agency: ordered to run, only to find roads destroyed and bridges blown up; ordered to run, only to be shelled from the air and the ground.

⁽⁶⁾ Human Rights Watch reached similar conclusions; its on-the-ground researchers found “no cases in which Hizbollah deliberately used civilians as shields” and reported detailed, credible, and consistent testimony from witnesses who affirmed that Hizbollah was not present in their homes or in the vicinity when IDF attacks took place (Human Rights Watch, 2006, pages 3, 15).

⁽⁷⁾ Later, the Chief of Staff of the Israeli Air Force suggested that it may not have been responsible for the deaths at all, and deliberately left dangling the suggestion that the building may have collapsed because the bombing triggered an explosion of weapons stored inside. Right-wing websites in the United States have been overflowing with bilious claims that the deaths were staged by Hizbollah: see, if you can stomach it, “Hezbollah? Evidence mounts that Qana collapse and deaths were staged” (<http://www.israpundit.com>, 31 July 2006). Fox News repeated the same allegations, which were refuted by Associated Press, Reuters, and Agence-France Presse (Bauder, 2006).

⁽⁸⁾ <http://www.democracynow.org/article.pl?sid=06/08/24/1425218>.

One refugee who survived an Israeli attack on his convoy said he felt “that human beings had no value.... The human became like animals” (Tavernise, 2006b). They were denied the means to support the most minimal kind of ordinary, everyday life. As in previous IDF incursions into Gaza and the West Bank, civilian infrastructure was systematically targeted and destroyed. This knowingly increased the number of indirect civilian casualties as food, water, and medical supplies were compromised and the delivery of aid was severely restricted (Amnesty International, 2006).⁽⁹⁾ In Kinsella’s terms, these civilians were forcibly removed from the political process, and yet those who were required to act on their behalf, to uphold the strictures of international law, conspicuously failed to do so. Britain, Canada, France, and the United States scrambled to evacuate their own citizens, but displayed a chilling indifference to the fate of the Lebanese (in Canada there were howls about the cost of rescuing ‘Lebanese-Canadians’ who apparently did not count as ‘really Canadian’). Non-Lebanese had to be removed from the firing line with all possible speed, but a cease-fire for the Lebanese was stalled for weeks as somehow ‘premature’.

As for the rest, those who support Hizbollah (and who have been bombed back outside the political process Hizbollah had entered in 2005, when it won fourteen seats in the Lebanese Parliament and secured two ministerial appointments), they were turned into spectral figures in a shattered landscape where they could be killed with a click or a shrug—and above all, as Patrick McGreevy (2006) reported, with seeming impunity (compare Agamben, 1998). They were targets, shields, terrorists. Often they were even less than that. “There are still villages that aren’t clean”, one senior IDF officer declared, “and in the coming days we will apparently have to continue to clean them” (Strucke and Fickley, 2006). The rebarbative language speaks for itself. Placed outside the protections of international law, they did not even qualify as ‘subhumanity’ but were reduced still further to what Paul Gilroy calls “infrahumanity”:

“These fine ethnic distinctions effectively revive a colonial economy in which infrahumanity, measured against the benchmark of healthier imperial standards, diminishes human rights and can defer human recognition. The native, the enemy, the prisoner and all the other shadowy ‘third things’ lodged between animal and human can only be held accountable under special emergency rules and fierce martial laws. Their lowly status underscores the fact that they cannot be reciprocally endowed with the same vital humanity enjoyed by their well-heeled captors, conquerors, judges, executioners, and other racial betters” (Gilroy, 2004, page 263).

The death of the civilian

And so at last it becomes clear. This systematic assault on the laws of war—all too familiar from the carnage in Afghanistan, Iraq, occupied Palestine, and now Lebanon—wasn’t about ‘the death of the civilian’ at all.

It was about the death of *their* civilians.

According to our new masters of war, *they* don’t have any.

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⁽⁹⁾ See the cumulative sequence of maps of Israeli attacks on Lebanon and its infrastructure at <http://www.lebanonmaps.org>. Compare this assault with the IDF’s ‘Operation Defensive Shield’ in the West Bank, which I describe elsewhere (Gregory, 2004, chapter 6).

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