

# Why protect civilians? Innocence, immunity and enmity in war

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The war in Iraq has raised the question of the protection of civilians to an extraordinary degree. Just as they were in Afghanistan and Kosovo, British and American forces and their political leaders have been at great pains to point out that the Iraq war has in fact been a war all about civilians: a war waged pre-emptively to protect civilians in the western world from potential widespread atrocity from the terrorist use of weapons of mass destruction and chemical or biological weapons; a war conducted with the utmost care to respect humanitarian norms and protect civilians from military engagement; and also a war intended to liberate civilians from a regime that has consistently committed massive violations against them since it came to power, in both its domestic and its international use of force.

The centrality of the civilian in the justifications and conduct of this war stand in stark contrast to the many civil wars of the 1990s in which the idea of the civilian was often totally rejected by state and non-state forces alike: in many parts of the Balkans, West Africa, Central Africa and Central Asia. In the Israeli–Palestinian war of the past two years, the question of civilians has also been very much to the fore but its discussion has been deeply ambivalent. The high profile of civilians in this conflict has arisen because the idea of ‘the civilian’ is a deeply contested one in both Israeli and Palestinian society. Several groups on both sides of the conflict reject it outright or find it so ambiguous in the context of two ‘militarized societies’ as to be virtually meaningless. In other quarters, among Israelis and Palestinians alike, the idea is persistently held on to and argued for.

For humanitarian agencies that have worked through the so-called ‘new wars’ of the past ten years, it has been almost incredible through the Iraq war to hear the Geneva Conventions and their Additional Protocols discussed in detail on prime-time TV and referred to constantly by belligerents on all sides. In many ways, it is like a dream come true. If only this could have happened in Sierra Leone, in Georgia and in the Democratic Republic of Congo. The intent and scale of atrocities perpetrated against civilians have been breathtaking in many

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recent wars. The numbers of civilians killed, displaced, made destitute and impoverished in these conflicts run into tens of millions. The millions of women brutally raped as a strategic part of these wars has been officially recognized and documented more fully than ever before.

To an unprecedented degree, the United Nations has addressed itself formally to the question of civilian protection in the last few years, in reports by the Secretary-General and Security Council resolutions that are quite explicit on the subject. In many of these documents, it is the experience of women and children that has received particular attention and priority.<sup>1</sup> UN policies of civilian protection now combine with international humanitarian law to set clear international standards for civilian protection. But throughout this period the chasm between the declarations on UN paper and the actual belligerent practice in most wars has remained vast.

So far, it seems that in the military practice of US and UK forces there is concern about civilian protection as never before. But can it last? And can a similar international concern be carried into other wars? Or is the protection of civilians really only a luxury for those with 'smart' weapons who are engaged in foreign wars of choice rather than domestic wars of survival? After all, the Iraqi government is not so obviously concerned about the civilian idea other than to exploit it by forcing a street fight in their cities and using irregular forces in civilian clothes. Would not any state do similar things if it were fighting for its very survival? Have not British and US forces disregarded the civilian ethic many times in their history?

The civilian idea can be a very difficult one to sustain in practice, but it is a deeply important moral idea and one that needs championing at all times in situations of conflict. It can never be relied on as a given. The current primacy of the idea in international consciousness, therefore, makes it a particularly critical moment for politicians, soldiers, journalists, humanitarian agencies, ordinary citizens and scholars to use the momentum now behind the idea to elaborate and maintain the arguments in its favour. To do this means grasping the nettle of the many objections that have always been made against the civilian idea and dealing with them one by one as they arise.

At root, there seem to be three quite obvious reasons why civilians should be protected in war. These spring respectively from arguments of morality, prudence and self-interest. First, because all life is precious, it is morally right to limit violence as much as possible. Second, prudential arguments suggest that it is wise not to kill and wreck more widely than necessary, because this will mean you leave less to conquer and the extremity of your violence may raise new enemies and make peace more difficult to make. Finally, because the conduct of war can often be reciprocal, it is in your interest not to do certain things to your enemy lest he then do them to you in return.

Of these three, the arguments of prudence and self-interest are perhaps the simplest to make. Strangely, perhaps, it is the moral reasons behind the civilian

<sup>1</sup> See S/2001/331; S/1999/957; S/Res/1296 of 19 April 2000; S/Res/1265 of 17 Sept. 1999.

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idea that have proved least simple in human understandings of violence. While instinctively appealing, the idea of the civilian is in fact a difficult moral idea for those inside a war and needs determined argument and leadership to sustain it. The long history of human violence shows that many (probably the majority) who have engaged in war have found it either an unreasonable idea in theory or an impossible one to pursue in practice. Using Martin Wight's famous and alliterative distinction between revolutionists, rationalists and realists in international affairs, it is fair to say that revolutionists and realists usually reject the idea while rationalists embrace it easily in theory but struggle with it in practice. Revolutionists tend to find no place for civilians in their dramatic projects that prioritize a greater future good of social or religious revolution. Realists will usually drop the idea when their power is seriously threatened. Rationalists will do their best to keep the idea as a basic good, but feel bound to abandon it on occasion by dint of circumstance.

Essentially, the civilian idea argues for what social psychologists call a 'superordinate identity'—a belief that all of us, no matter what side we are on, have a greater common identity as human beings than the particular identities that war bestows on us as 'enemies' or 'allies'. Belief in the idea of the civilian turns, therefore, on issues of personal identity and social relationship. It requires us to allow people a fundamental and vulnerable human identity that is not determined by their immediate relationship with the politics, economics or social structure of the war. Their human value transcends their social connections with the war. Critics of this idea claim that each one of us has many identities and many functions that we embody simultaneously. They claim that describing people with an overly simplistic meta-label as 'civilians' is a *reductio ad absurdum*. The notion of trumping a person's several identities—including their political views and their various economic roles in war—with one overriding characteristic that then excuses them from all these traits is nonsensical to the revolutionist and the realist. Such critics note that the war-mongering or war-supporting civilian is a paradox that exists in every war and reveals the absurdity of the civilian idea. In contrast, those of us who argue for the idea and reality of civilians must show that such a 'trump identity' does not reduce anyone's identity to a travesty of their real connectedness to the war, but rather identifies a profound truth about the value of all human life that must be protected even in war.

As in the Iraq war, so in every armed conflict today, the phrase 'innocent civilians' is repeated like a chant by those concerned to argue the humanitarian case of distinction and immunity in war. It is as if the ardent repetition of this phrase alone will work to cast some good spell upon the pursuit and conduct of organized violence. Sometimes it does. Often it does not. As a profoundly intuitive and universal notion, the idea of non-combatant immunity and innocence does have a moral power of its own to effect restraint. But it seems unwise to rely on the magic of the chant alone. The experience of human history shows only too well that we cannot appeal simply to blind faith in the

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vital matter of protecting civilians. For, while we may believe in civilians, many may not. Or, even when people start by believing in the idea, they may not be able to hold on to such a belief in the face of the threat posed against them, the charisma of their leaders, and the sheer force of the systems of power, ideology and indoctrination constructed around them.

This deep problem of the fragility of ordinary people's moral tenacity in war has been most clearly illustrated by Christopher Browning's classic book on Reserve Police Battalion 101's role in the Holocaust.<sup>2</sup> This same problem of moral endurance may well prove to be the great moral test for the current coalition's 'war against terror'. The coalition's members might well start this global war with a firm belief in the civilian idea. Will they be able to continue and finish it with same idea intact? The important idea of the civilian in war seeks to protect human beings in the most extreme moments of human experience, but its very weakness is that it relies on human beings to do so. In this way, it shares the basic problem of morality in general.

St Augustine famously defined theology as the process of 'faith seeking understanding'. It is this process of active reflection, combining both heart and mind, that needs to be applied to any fundamental belief in the idea of civilian immunity in war. Humanitarian sentiment needs moral argument to spell out in detail the idea that sits so precariously in human hearts if people are to be convinced of it again and again—even to the point of dying for it. In the face of daily and future violations of civilian rights, humanitarian advocates need to describe the idea clearly and to prove it over and against those other ideas that implicitly or explicitly contest and reject it. In other words, we need to think about civilians as well as feel for them.

To this end, this article tries to do three things. First, it explores the question of enmity and the conventional humanitarian answer that produces the idea of the civilian. Second, it looks at the long history of rejection of the civilian idea in the mainly Western tradition of war, and the persistence of the weaker civilian ethic that has always accompanied that rejection. Finally, from this history, it identifies five main forms of rejection of the civilian idea, and begins to argue a civilian ethic in the face of these objections.

### **The enemy question**

All religious traditions have many stories that impose an obligation of immediate and absolute help to a person regardless of who he or she is socially and politically. In so doing, they set out the archetypal injunctions of mercy, compassion and practical charity. In the Christian tradition, the classic story of this kind is that of the Good Samaritan, which was told in response to the question 'Who is my neighbour?' At a time when Jews and Samaritans were deeply divided, Jesus came back with the difficult answer that your enemy is your

<sup>2</sup> Christopher Browning, *Ordinary men: Reserve Police Battalion 101 and the Final Solution in Poland*, new edn, 1998.

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neighbour—an observation he followed up, like many other religious leaders before and after him, with the injunction to love your enemy. This question and its answer have proved central to the development of international humanitarianism and the laws of war.

In war, this fundamental ethical question is best reframed as ‘Who is my enemy?’ For it is this starker question of moral obligation that must be answered by political leaders, military people and whole societies when they embark upon—or are plunged into—war and organized violence. The question ‘Who is my enemy?’ is explicitly about what groups of people might lie beyond the realm of normal moral obligation in times of war and political violence. All ethical traditions are clear that we have enemies as well as neighbours; but crucially, as the Good Samaritan serves to show, these categories overlap. Enemies are not just enemies. Enemies never stop being human beings. They are still people. Their lives are precious. They are like us. Indeed, we are the enemies of others. This overlap emerges from what Susan Niditch describes as ‘a conflict within each of us between compassion and enmity’.<sup>3</sup> Most of us probably can and do feel both, because we can identify with one another at a level beneath our social descriptions of one another—and we must be reminded to do so. So, from this sense of overlap between compassion and enmity are born ideas of restraint and immunity in war that have always existed alongside more powerful and competing ideas of justifiable hatred and extreme violence. From these ideas comes the person of the civilian.

From the original question ‘Who is my enemy?’ flow more specific questions of conduct once war is joined. Are some of my enemies more inimical than others? Are some groups of people never my enemies? Do different types of enemy merit different types of treatment from me? Should I discriminate between people who are my enemy? Or should I attack everyone who is my enemy? Is it necessary, desirable or inevitable that I should hate everyone who is my enemy? Can I love my enemy while I also attack him? Should my enemy’s treatment of me determine the way I treat my enemy in return? Or are there absolute values that determine how I should treat my enemies, regardless of their treatment of me? Are there some things that I should never do to my enemy? What do my family, my friends and I have in common with my enemy?

### **The humanitarian answer**

How one answers questions like these about the differentiated nature of one’s enemy population and about the right relationship with an enemy determine whether one emerges with intellectual and moral ideas of the civilian and of non-combatant immunity, or not. The way the humanitarian tradition of war has sought to answer these questions over many centuries has focused on the two key ideas of *restraint* and *distinction*.

<sup>3</sup> Susan Niditch, *War in the Hebrew Bible: a study in the ethics of violence* (Oxford: Oxford University Press, 1993), p. 155.

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The idea of restraint seeks to impose limits on what methods and weapons one might use in attacking one's enemy. The idea of distinction seeks to argue for the necessity of distinguishing or discriminating between different groups within one's enemy, so treating them differently from one another by granting some groups of enemy special immunity and protection from the violence one is pursuing. The two main criteria used for making such distinctions have centred on the fact that some members of the enemy are unarmed and so can be recognized as unthreatening *non-combatants*, while others are somehow intrinsically *innocent*, and so sanctified as being beyond war in some way. It is from these ideas that the notion of the civilian has emerged as a way of identifying a whole sector of the enemy population that is inimical in some qualitatively different and lesser way, so requiring our particular restraint and protection. Geoffrey Best identifies this 'endeavour to distinguish combatants from civilians' as the central issue in the humanitarian tradition of war:

To call it the heart of the subject is no misnomer. This is the affecting and compassionate side [of the war tradition], called into existence along with the recognition by those on its prudential and self-interested side that there were categories of nominally 'enemy' human beings whom it was possible and desirable not to hurt, persons whose degree of non-involvement in the struggle or whose irrelevance to it commonly led to their characterisation as 'innocent'.<sup>4</sup>

The ideas of distinction, restraint, non-combatance and innocence are, therefore, the key ingredients in the construction of the civilian idea. But these ideas are not givens, and never have been. In some form, they have always been a part of the ideology, morality and practice of war but—contrary to some historical myth-making in recent years—they have never dominated it. Historically, the practice of war has always rejected these ideas more than it has embraced them. A brief and incomplete glimpse into the history of Western war shows how powerful the rejection of the civilian idea has always been. Indeed, the ideology of civilian immunity arose precisely because of a predominant theory and practice of war that recognized everyone on the enemy side as an equal enemy and legitimate target in war.

### **Rejecting the civilian idea**

Statistics are frequently and rightly cited to show how war in the twentieth century saw a massive and consistently increasing targeting of civilians. However, in discussing such figures, many humanitarian advocates have often implied that attacks on civilians are somehow unprecedented and that they were not 'the done thing' in previous centuries. The implication is that the suffering of civilians is a characteristic of twentieth-century 'total war' or of particularly violent civil wars in the 1990s. Even a very cursory reading of history reveals

<sup>4</sup> Geoffrey Best, *War and law since 1945* (Oxford: Oxford University Press, 1994), p. 257.

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that the suggestion that the European world of medieval knights, Renaissance statesmen, well-disciplined Enlightenment armies, revolutionary citizens' armies and imperial authorities was a haven for civilians is completely untrue. Further back still, civilians (if we may use the anachronism) were a customary target in war. Their killing, dispossession, rape, enslavement and forced marriage were an extremely important part of the ritual, purpose and triumph of war.

In her study of war in the Hebrew Bible, Susan Niditch identifies seven different ideologies of war operated by the ancient Jewish people of the first and second millennia BCE.<sup>5</sup> These understandings of war contain all the various ideologies of human violence that are still with us at the dawn of the twenty-first century. They include: genocidal killing of a whole group; mass slaughter as rightful punishment for offences against God; ideologies of supreme military expediency or necessity whereby the end always justifies the means; and guerrilla or terrorist warfare in which the underdog can break all normal rules to defeat the powerful. Last, and probably least, Niditch identifies a romantic 'bardic' tradition from the courts of David and Solomon which espouses the honour and fair play of the warrior, akin to medieval chivalry. There is also in Jewish theology a strong pacifist ideology of 'non-involvement' that trusts in God's steadfast love and divine justice to work things through without human resort to violence. Only these last two ideologies of warfare would relate at all to the idea of the civilian and to notions of innocence, non-combatance and immunity. And so it remains today. The comprehensive, rather than limited, ideologies of war and enmity have continued to thrive in the policies of leaders in genocides and wars in Rwanda, Bosnia, the DRC, Sierra Leone and Liberia, and in the global terrorist network of al-Qaeda. While strong in rhetoric and law, the civilian idea continues to be as weak in the theory and practice of war in the modern era as it has always been.

From the early Middle Ages in Europe, unarmed civilian populations were routinely targeted and profoundly affected by warfare. As new borders were shaped, frontier communities suffered terribly from the predominant military strategy of the raid. As Christopher Allmand has observed:

The Magyar invasions and early Viking attacks, as well as the advances made by the Moors into the Iberian Peninsula in the ninth century, all brought fear and terror to those caught up in them. The displacement of populations, the loss of material goods, captivity for those taken away for what might be lifelong slavery, were the fate of many in different parts of Europe at this period.<sup>6</sup>

If raiding was one form of warfare that took no account of the idea of the civilian, the feud was another. Unruly knights and their gangs of thugs viciously attacked church property, lands and the poor peasants on them. This form of

<sup>5</sup> Niditch, *War in the Hebrew Bible*.

<sup>6</sup> Christopher Allmand, 'War and the non-combatant', in Maurice Keen, ed., *Medieval warfare* (Oxford: Oxford University Press, 1999), p. 254.

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predatory civil war dominated large areas of medieval Europe during the tenth and eleventh centuries as the notion of the nation-state gradually emerged. When it finally did so, interstate war became the primary form of warfare and here civilians continued to suffer from the ill-discipline of military forces and mercenaries as well as from deliberate policies of civilianized violence. The Hundred Years War is caricatured as a series of noble set-piece battles but in reality it was a vast and protracted conflict that involved whole societies to an unprecedented degree. Allmand's description of the self-interested policy of raiding that remained the dominant act of this war is also a perfect description of the recent civilianized violence of many African civil wars:

Raids [were] often carried out by men who, not always assured of pay, often served on the understanding that responsibility for seeking the means of survival in enemy country lay with them ... this was a war of intimidation in which armed soldiers, who might number a few hundred or a few thousand men, swept across an area of countryside, often content to bypass well defended places which offered resistance, more anxious to keep on the move (in order to avoid confrontation with an enemy army), destroying farms, barns and their contents, mills, fish ponds, ransoming whole communities and picking up booty in wagons specially brought for the purpose.<sup>7</sup>

Attacking civilians became explicit political and military policy as well as economic opportunism in the Hundred Years War when the civilian's inevitable productive role in war became increasingly recognized. Taxes were levied for war by the state to build fortifications, food was grown and bought for armies by the state, and people lent their ideological support to communal war aims. The connections between civilian productivity and military resources became obvious, and the civilian economy was strategically targeted. War against the non-combatant became a legitimate and pressing military strategy in the early fifteenth century, with planned devastation and terrible massacres—the impaling of babies and infants being something of a signature atrocity of the age.

In the seventeenth century, the Thirty Years War (1618–48) showed how adding religious conflict to the brew of European warfare enabled participants to justify massive assaults on civilians, whose religious identity became their death-defining label. Karma Nabulsi has shown clearly how the reality of European war in the eighteenth and nineteenth centuries was far from its popular image of ordered, gentlemanly combat confined to field armies and pitched battles.<sup>8</sup> Civilians took a terrible toll from the physical demands of the enormous armies in these wars, whether acting as occupiers or liberators. The experience of pillage, looting, rape, reprisals, requisitions, billeting and taxes was the norm for many in all these conflicts. Throughout the Napoleonic Wars, the British were also honing their skills in naval blockade.<sup>9</sup> The deliberate prevention

<sup>7</sup> *Ibid.*, pp. 259–60.

<sup>8</sup> Karma Nabulsi, *Traditions of war: occupation, resistance and the law* (Oxford: Oxford University Press, 1999), pp. 21–36.

<sup>9</sup> Geoffrey Best, *Humanity in warfare* (London: Weidenfeld & Nicolson, 1980), p. 211.

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of trade and supply to the enemy population and those under occupation was a tactic learned in the heyday of British piracy, and would be used indiscriminately in both world wars in the twentieth century.

But if civilians suffered in nineteenth-century wars, they also joined in these wars as never before. One has only to look at the extraordinary etchings of Goya entitled *Desastres de la Guerra* to see both sides of the story of occupation and resistance in early nineteenth-century Europe. Images of terrible brutality against Spanish civilians are coupled with passionate pictures of Spanish women fighting the invader with babies strapped to their backs.<sup>10</sup> Here was a complication for the civilian idea even greater than the indirect link between civilian production and military resources. It was in this war that the term *guerrilla* was coined. Associated with the idea of the *levée en masse*—the mobilization of all citizens to repel the invader—this form of direct citizen involvement in warfare has made endless difficulties for the idea of the civilian.

The American Civil War also explicitly recognized the principle of linking civilian assets with the war economy. Bombardment, economic destruction and starvation of civilians were embraced as policy by Union generals. Sheridan's devastation of the Shenandoah Valley and Sherman's march on Atlanta both prioritized the destruction of the local economy and the impoverishment and demoralization of the civilian population.<sup>11</sup> Even the First World War was not simply a terrible clash of male military forces. Impoverishment, rape and civilian atrocities in France and Belgium are the subject of increasing historical research.<sup>12</sup>

The widespread killing, destitution and suffering of hundreds of millions of civilians in the Second World War needs no introduction. The term 'genocide' was coined from the Holocaust of the Jewish people in this war. Soviet and Nazi occupations of European countries were systematically brutal and rigorously murderous.<sup>13</sup> In the Holocaust and in many aspects of these occupations, the idea of the civilian was completely rejected. People of all ages and sexes were categorized only in terms of a single identity: as Jews, Poles, communists, bourgeois, anti-revolutionary or, in the case of the physically and mentally disabled in Germany, as 'life unworthy of life'. No matter who they were, how young or old they were or what they did, people were defined by these single identities totally as enemies, and millions were murdered accordingly.

Such racist or ideological rejections of the civilian idea were met by explicit military disregard for the idea of civilian immunity in British and US strategic bombing. New forms of air power in the Second World War gave military policy-makers extraordinary new techniques to use in the ancient strategy of civilian bombardment. While Britain, the US and Germany all started the air

<sup>10</sup> Picasso followed Goya's concern for civilians in his famous paintings of civilian atrocity in Guernica and elsewhere during the Spanish Civil War in 1938.

<sup>11</sup> Best, *Humanity in warfare*, pp. 206–11.

<sup>12</sup> See e.g. Ruth Harris, 'The child of the barbarian: rape, race and nationalism in France during the First World War', *Past and Present*, no. 141, 1993.

<sup>13</sup> See e.g. Joanna Hanson's chapter on the double Soviet and Nazi occupation of Poland in J. Noakes, ed., *The civilian in war: the home front in Europe, USA and Japan in World War II* (Exeter: University of Exeter Press, 1992).

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war with a commitment to recognize the idea of the civilian and carefully avoid civilian casualties, Britain and the US took aerial bombardment (as ‘strategic bombing’, ‘saturation bombing’ or ‘area bombing’) to new levels of deliberate civilian devastation.<sup>14</sup> British and US policy focused on the development of ‘firebombing’. Allied scientists built model Japanese and German towns and applied their minds to calculating wind patterns and the right mix of incendiary and high-explosive bombs to create annihilating, typhoon-like ‘firestorms’ in densely populated German and Japanese cities.<sup>15</sup> The results were intentionally devastating. Descriptions of Operation Gomorrah in Hamburg on the night of 27 July 1943 portray the fate of hundreds of thousands of German and Japanese civilians at British and US hands:

There were reports of babies being torn by the high winds from their mothers’ arms and sucked into the flames. Many died trapped in the burning wreckage of buildings. Upon entering air-raid shelters, would-be rescuers found nothing but bones suspended in congealed fat. Women and children were so charred as to be unrecognisable ... the smallest children lay like fried eels on the pavement. Even in death they showed how they must have suffered—their hands and arms stretched out as if to protect them from the pitiless heat.<sup>16</sup>

An estimated 45,000 civilians died that night. In Dresden the total was between 70,000 and 135,000 in 14 hours. Fifty German cities were bombed in this way. After Hamburg, the RAF also dropped bombs with delayed-action fuses to kill rescue workers and prevent repairs and relief. The firebombing of Tokyo on the night of 9 March 1945 killed an estimated 100,000 people in six hours. Five Japanese cities were firebombed in all before nuclear bombs were dropped on Hiroshima (140,000 dead) and Nagasaki (70,000 dead) in August.

At the heart of strategic bombing was a policy to assault the morale of the civilian population by killing and ‘de-housing’. There was also a recognition—akin to that in the Hundred Years War—that many civilians effectively played roles in supporting the war, in this case as factory workers or ideologically. One rationale behind the Tokyo bombings was the existence of an extensive ‘cottage arms industry’ in which many civilians made small parts at home for military equipment as a key element in the Japanese war effort. So, in the strategic bombing there was an implicit recognition that there is no such thing as a civilian or civilian immunity; or, at least, that the line between combatant and non-combatant is practically and morally blurred. As Geoffrey Best has observed, twentieth-century warfare confirmed an idea of ‘belligerent collectivism’, of industrialized war economies dependent on an oxymoronic idea of ‘an army of indispensable civilian supporters’.<sup>17</sup> The civilian idea was seen by many to

<sup>14</sup> Eric Markusen and David Kopf, *The Holocaust and strategic bombing: genocide and total war in the 20th century* (Boulder, CO: Westview, 1995), ch. 8.

<sup>15</sup> *Ibid.*, p. 174.

<sup>16</sup> *Ibid.*, pp. 159–60.

<sup>17</sup> Best, *Humanity in warfare*, p. 223.

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have been eroded by the civilian's inevitable connection with 'the war effort' by his or her production of the moral or material resources for war.

But there may also have been another less economically based concept for rejecting the idea of the civilian: simple retribution. The idea of retribution or reciprocal and necessary retaliation is one that consistently challenges the idea of the civilian. Moreover, it reveals how rejection of the civilian idea comes from the heat of human passions as well as from the cold calculations of political ideologues and military strategists. The role of the passions in the rejection of the civilian idea is extremely important. In the face of outrageous attacks, or in the heat, fear and moral extremity of battle, it is so often passion that overrides humanitarian intention. Such fury asks powerful questions. Surely, there is a natural justice that demands that I should do to them what they have done to me? Surely, I cannot take prisoners when there are ten of them with their hands up but only three of us and we are still under fire? Perhaps there is also a rage deep down that 'these people' have made me into the killer that I do not want to be, so that—paradoxically—I kill them for it in my fury. Perhaps even, as Joanna Bourke's work has suggested, for some, killing is exciting and killing civilians can be more exciting still.<sup>18</sup> Whatever the emotion, passions are critical in the long tradition of rejecting the civilian idea.

The 'blurring' of the civilian idea in policy terms combines with the power of the passions in war and real problems of implementation to create very practical objections to the idea of the civilian. This is the complaint—often from reasonable and humane military people—that the idea is often just not workable in certain situations on the ground. This objection to the civilian idea is framed in terms of expediency or 'military necessity'—a principle that runs throughout the Geneva Conventions and their Additional Protocols. This principle inevitably accepts, albeit usually regretfully, a high level of accidental killing of civilians.

Such problems of implementation might have been voiced by honourable French soldiers during the occupation of Spain in 1810, by Prussians in the occupation of France in 1870, by Rwandan officers in the DRC in 1996, by Israeli troops in the West Bank in 2002, and in the spring of 2003 by British and US soldiers in Iraq. Anyone fighting among a highly resistant civilian population or against a military force that is woven into the very texture of that population, either voluntarily or by fear, faces such difficulties. In such situations, soldiers operate in fear of being shot from the bedroom window of a civilian house, or attacked by militia members or young children in civilian clothes. The risks and nerves involved in such encounters make the civilian idea, which might be cherished in theory, hard to hold on to and apply in practice. In such circumstances, as Nicholas Wheeler has so clearly argued about US action in Afghanistan, it is all too easy to use an idea of 'collateral damage' or 'mistakes' as an implicit rejection of the civilian idea. In so doing, one can fail to take full responsibility for civilian casualties but rather blame the enemy for making you

<sup>18</sup> Joanna Bourke, *An intimate history of killing* (London: Granta, 1999).

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kill civilians.<sup>19</sup> Even worse, it might be easier still to abandon the idea explicitly as ‘impossible’ and so totalize the enemy once again and reduce everyone to a single and equal inimical identity, as so often happened in US actions in the Vietnam War.

The rejection of the idea of the civilian in the so-called ‘new wars’ of the 1990s is well known. The widespread killing and destitution of civilians in Sudan, Somalia, Sri Lanka, East Timor, Bosnia and Angola continued the long history of warfare that rejects the civilian idea. The military strategies of civilian terror in Sierra Leone and Liberia, with their signature atrocities of amputation and cannibalism alongside policies of displacement and enrichment, are infamous. Rejecting the civilian idea by reducing people to their most minimal sexual identity has also been common in all these wars. The massacre of civilian men in Srebrenica was an obvious and terrible example of a rejection of wider ideas of civilian identity. Thousands of men were murdered simply because they were men and because such male massacre is a powerful symbol of conquest and superiority. Similarly, strategies of female rape in Bosnia and many parts of Africa similarly condemn women to atrocious suffering purely because of their sexual identity, and also act as an extremely violent way of sending messages of humiliation and pollution to enemy men.

### **The idea of civilian immunity**

In the context of such a history of consistent rejection of the civilian idea, it is important to look at how the idea of civilian immunity and protection emerged, and how it survived at all on such stony ground and amid such big thistles.

In the Christian tradition, there is something of a myth that assumes the civilian idea originated with the ‘just war’ theories of Augustine and Aquinas. However, while both these saints had something to say about the ethics of going to war, *jus ad bellum*, they had nothing very explicit to say on the ethics of being at war, *jus in bello*. Indeed, it seems that both these great patrons of the Christian just war tradition held to a fairly comprehensive idea of the enemy and the ‘total’ nature of war, and might well have rejected the idea of the civilian if pressed.

Augustine understood war as an aspect of the ‘necessity’ of things, an inevitable part of the torn fabric of a sinful world and the mysterious process of God’s judgement. He followed John the Baptist’s lead in encouraging soldiers not to terrorize people, ‘to be merciful to one who is captured or conquered’, never to find ‘happiness’ in war but always to use it as a necessary means to peace.<sup>20</sup> Nevertheless, Augustine does not seem to have been intrinsically interested in the idea of the immunity of the non-combatant or innocent.

<sup>19</sup> Nicholas Wheeler, ‘Dying for enduring freedom: accepting responsibility for civilian casualties in the war against terrorism’, *International Relations* 16: 2, 2002, pp. 205–25.

<sup>20</sup> Augustine, Letter 189 to Boniface, and against Faustus the Manichaeon, in *Augustine: political writings*, ed. and trans. M. Tkacz and D. Kries (Indianapolis: Hackett, ), pp. 218–29.

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So, where do the roots of the modern Christian tradition of civilian immunity and protection lie, if not with these two theological giants? Just as the Middle Ages was a useful place to begin to trace the consistent rejection of ideas of immunity, so it is an equally good place to seek the emergence of the civilian idea as a courageous objection to the endemic and indiscriminate violence of the period. During this period, ideas of civilian immunity and protection sprang from two related roots. First, the hard-felt violence experienced by the church and the peasantry resulted in active clerical resistance to indiscriminate violence and in new codes of canon law in the church. Also, an increasingly Christianized ideal of European knighthood then elaborated specific laws of war and an attendant cult of crusading chivalry that produced new principles of civilian protection based on knightly virtue.

In 957, as in 2003, it was the French who led the anti-war movement. Exasperated and no doubt also out of pocket from the repeated pillaging of his churches and the attacks upon the peasantry who lived on church lands, Bishop Guy of Le Puy (in the Auvergne) called a large meeting in the open field outside his city to deal once and for all with the local knights and their thugs who were responsible. The threat of excommunication, the well-armed troops of his nephew and the anger of the people compelled these knights and their predatory gangs to take an oath to keep the peace and refrain from attacking the unarmed in society.

This started a most extraordinary medieval peace movement known as ‘The Peace of God’ which swept across France in the next 50 years and witnessed violent military men held to account by people, priests and the relics of saints, and forced to promise to restrain their violence.<sup>21</sup> Although the economic self-interest of the church was an important driving force behind this new contract, popular discontent and insistence on new limits to social violence were integral to the movement. By the thirteenth century, canon law had developed the civilian idea still further. In his laws ‘on truces and peace’, Pope Gregory IX framed a clear statement of the idea of non-combatant immunity that identified eight classes of protected non-combatants. These included clerics; monks, friars and other religious; pilgrims; travellers; merchants; peasants cultivating the land; and those who are naturally ‘weak’—women, children, widows and orphans. Importantly, the animals, goods and lands of the peasantry and the weak were also protected.<sup>22</sup>

Throughout these centuries, members of Europe’s warrior class were also codifying their own military laws of war that recognized similar categories of protected persons.<sup>23</sup> In its elaborate myths and legends, the cult of chivalry celebrated a noble code of knightly values that emphasized the knight’s duties to

<sup>21</sup> T. Head and R. Landes, eds, *The peace of God: social violence and religious response in France around the year 1100* (Ithaca, NY: Cornell University Press, 1992).

<sup>22</sup> J. T. Johnson, *Ideology, reason and the limitation of war: religious and secular concepts 1200–1740* (Princeton, NJ: Princeton University Press, 1975), pp. 43–4.

<sup>23</sup> Maurice Keen, *The law of war in the Middle Ages* (London: Routledge Kegan Paul, 1965).

the poor and weak, and his particular respect for women.<sup>24</sup> In fact, one of the most popular affirmations and justifications of civilian immunity articulated in this era came from Christine de Pisan, a French widow, who popularized the more philosophical work on the ethics of war by the Benedictine monk Honoré Bouvet. In her book *Les Faites d'armes et de chivalrie* (1408), Christine argued for the immunity and protection of the poor and the innocent on the basis of their political powerlessness, their unarmed status and their essential non-involvement in the high politics that causes war. This was a conviction that ordinary people should not 'bear the penance of that wherein they meddle not themselves'.<sup>25</sup>

The idea of a majority of ordinary people who are unfairly 'caught up' in the wars and machinations of elite political leaders is a resilient one that is also captured in the famous African proverb about war that has been cited by many Africans speaking of their civil conflicts in recent years. This observes how, when two elephants fight, it is the grass between them that suffers most.

Many other theologians, poets, chroniclers and artists during the Middle Ages took on the theme of the suffering of defenceless people in war, and argued for the immunity and protection of the non-combatant and the innocent. By the end of the fifteenth century, a significant countervailing force had arisen to dispute the comprehensive approach to war and enmity that prevailed in Europe. But it was still, in practice, a minority position. While the church was powerful, the state was becoming more powerful still; and, although much vaunted and romanticized, the codes of chivalry and the laws of war were, according to Maurice Keen, really 'more honoured in the breach'.<sup>26</sup> The launch of the crusades in 1095 served to make Europe more peaceful by diverting Christian violence outwards towards an external enemy in the Holy Land. But crusaders were no new band of humanitarian-minded knights. They carried out extensive massacres of Jews on their way through Europe, appalling atrocities against civilians in the capture of Jerusalem, and the usual pillaging and impoverishment of the rural communities around crusader fortresses while they stayed.

In practice, the ideal of chivalry may have remained just that: an ideal. The financial costs of overseas war and the economic opportunities that pillage and atrocity produced meant it was a 'small step' for most knights from 'accepting spoil as compensation for risk to seeking booty for its own sake'.<sup>27</sup> And so greed must be added to the list of reasons that make people reject the civilian idea in practice—an observation that will come as no surprise to those schooled in the war economies of contemporary civil wars in Africa, Asia and the Balkans. Nevertheless, as an ideal, the medieval image of the humane and discriminating warrior did have an important impact on those arguing for the civilian idea, and remains the good military archetype of the humanitarian ethic today.

<sup>24</sup> Maurice Keen, *Chivalry* (New Haven, CT and London: Yale University Press, 1984).

<sup>25</sup> Cited in Johnson, *Ideology, reason and the limitation of war*, p. 74.

<sup>26</sup> Keen, *The law of war in the Middle Ages*.

<sup>27</sup> Keen, *Chivalry*, p. 229.

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With the European Enlightenment and the dawn of the modern era, the movement in favour of the civilian idea received new impetus from those seeking to establish an international law of nations. European intellectuals like Emmerich de Vattel, Hugo Grotius and Jean Jacques Rousseau all advanced good reasons for distinction of non-combatants and their equal treatment on both sides of a conflict, so developing a modern legal and political theory of *jus in bello*. Between the seventeenth and twentieth centuries, but particularly in the nineteenth and twentieth, the law of war, or international humanitarian law as it has come to be known, developed an impressive paper trail and conference circuit.

The legacy of this circuit is a large body of international law that includes the Hague Conventions, the Geneva Conventions and their Additional Protocols, UN conventions and now the statute of the International Criminal Court.<sup>28</sup> A substantial part of this law sets out prohibitions and injunctions that seek to limit the effects of war and to distinguish between civilians and combatants. However, although the idea of the immune and innocent civilian non-combatant remained high in the social and political consciousness of society, the opposing views of the rejectionists ensured that the conventions concerning civilians were among the last to be drafted. The Red Cross meeting to discuss a draft civilian convention in Tokyo in 1934 is symbolic of this resistance. As delegates from governments and humanitarian bodies from countries far and wide discussed and eventually failed to endorse the convention, the military forces of the host state of the Japanese Red Cross Society were simultaneously carrying out the most extreme atrocities on the civilian population of Nanking in China.

Only in 1949, after the horrors of the Second World War, was the Fourth Geneva Convention Relative to the Protection of the Civilian Population in War brought into effect. Then, in 1977, after further disputes about the civilian idea and non-international conflict in the proxy wars and wars of independence of the Cold War era, new articles were agreed on civilian protection in the Additional Protocols. These laws explicitly endorse the principle of distinction ‘between the civilian population and combatants and between civilian objects and military objectives’.<sup>29</sup> They also require the protection of civilian livelihoods, and respect for essential civil rights and humane treatment.<sup>30</sup> In defining civilians, they also seek to remove as much ambiguity as possible by requiring that ‘in case of doubt whether a person is a civilian, that person shall be considered a civilian’, and that ‘the presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character’.<sup>31</sup>

As Geoffrey Best points out, these two Additional Protocols ‘hugely extended’ the law covering civilian protection and came ‘as a cloud burst after a long

<sup>28</sup> For the detailed history of the development of this area of international law, see Best, *Humanity in warfare and war and Law since 1945*; Nabulsi, *Traditions of war*.

<sup>29</sup> Additional Protocol I, Article 48.

<sup>30</sup> Additional Protocol I, Articles 54 and 75.

<sup>31</sup> Additional Protocol I, Article 50, paras 1 and 3.

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drought'.<sup>32</sup> That drought goes back many centuries and reflects that, in reality, the idea of the civilian, though morally so obvious to many, has consistently remained extremely complicated or essentially objectionable to many political and military minds. But the body of modern international humanitarian law so determinedly drawn from a contested and conflicted international political community by the International Committee of the Red Cross means we now have clear and unprecedented legal statements about the civilian idea today. The Geneva Conventions have also been bolstered by other developments in humanitarian law during the 1990s that have further affirmed the civilian idea. New laws on landmines, and on chemical and laser weapons, combine with the statute of the new International Criminal Court and the UN Tribunals for Rwanda and Former Yugoslavia and the Special Court for Sierra Leone to create a growing framework for civilian protection in war and from genocide.

In 2002, the idea of the civilian is inscribed on legal paper more extensively than ever before. Yet the idea of civilian immunity is contested and rejected as strongly in the wars of social, political, economic and religious violence around the world today as it has ever been. In practice, and pending developments in the war against terrorism, the civilian idea continues to be challenged in most contemporary war. As Simon Chesterman has noted, 'the challenge for the international community is not so much to develop new international norms and new regimes but to make those global norms relevant to local contexts.'<sup>33</sup> This means winning the moral argument in favour of civilian identity.

### **Arguing the civilian idea today**

The long and gruesome tradition of rejecting the civilian idea seems to have five main strands which need to be confronted in any argument for the civilian idea.

#### *Five strands of rejectionism*

The first and most lethal form of objection chooses to trump the notion of civilian identity with a single, absolute and death-justifying identity that people cannot negotiate in any way. This singular perception of the enemy is paramount in racist, genocidal or totalitarian ideology. This position allows a person only one identity and holds that because people are primarily Tutsi, Americans, Jews or Muslims, all other identities they may have as women, children, doctors, fathers or simply human beings are irrelevant. The same monist idea of identity is equally obvious in communist totalitarian doctrine, where being counter-revolutionary or bourgeois discounts all other identities at a stroke. It is also evident in the eschatological thinking of extreme religious movements, for whose adherents nothing matters other than a person's faith or the state of their

<sup>32</sup> Best, *Humanity in warfare*, p. 325.

<sup>33</sup> Simon Chesterman, ed., *Civilians in war* (Boulder, CO: Lynne Rienner, 2001), p. 6.

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soul in relation to God. All other aspects of that person's identity are of no ultimate value and so merit no consideration.

The second objection is a less ideological but equally consequentialist one and relates to the effectiveness of terror as a political and military strategy. Many politicians have pursued a policy of civilian atrocity and massacre simply because it works. It can get them into a position of power and keep them there. It is particularly effective in so-called asymmetric conflicts. One of the most blatant examples of this in recent years has been the strategy of the RUF in Sierra Leone who, with Libyan and Liberian training, quite simply decided that the best way to take the country's territory with an initial force of only 120 men was to pursue a ruthless and high-profile strategy of vicious civilian attacks. Killing, mutilating and displacing civilians quite simply got them what they wanted in the early phases of their war. It was a means to an end—a calculated military and political policy that neither sought nor found an elaborate ideological explanation or justification. The RUF are by no means the first to kill and terrorize civilians because it works. Nor will they be the last.

The third form of objection focuses on the notion of 'blurred' rather than singular identity, and argues that such blurring inevitably compromises the civilian ethic. The blurring is perceived to come from the 'civilian' person's moral, political or material relationship with the enemy war effort, whether as munitions worker, food grower, voter, ideological sympathizer or loyal parent of a fighter. In this view, although such enemy individuals may be unarmed, they may still be harmful in other ways. Many people argue that these relationships blur civilian identity sufficiently to justify attacking them either as legitimate targets in themselves or as a reasonable means to the wider end of destroying enemy capacity and morale and forcing enemy capitulation.

The fourth form of rejectionism involves the passions—the power of human emotions. The agony of injustice, the pain of loss, the fury of hatred, the fear of death, the excitement of murderous power, the scent of victory and the thirst for revenge all operate at the policy-making and operations level to override and reject the civilian idea. The power of greed and the lure of wealth can similarly bypass ideas of civilian immunity. Closely linked to the passions is the influence of orchestrated sociopolitical influences that systematically manipulate those passions. These same influences can then construct personal and collective beliefs and alibis that enable people to deny what they have really done.<sup>34</sup> These powerful ideological and sociological systems of belief and denial can channel our minds and our passions into a rejection of the civilian idea in any form. The lure of peer pressure on the ground can then complete the circle. It can make me do what others do when, ordinarily, I would never have done it on my own. Shared strategies of denial then enable me to reframe what I have done to justify or dismiss it.

<sup>34</sup> For an important account of the nature and function of denial in war and political violence, see Stanley Cohen, *States of denial: knowing about atrocity and suffering* (Cambridge: Polity, 2001).

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The fifth type of objection turns on the more practical concerns of technical impossibility and military necessity. These arguments claim that, in practice, protecting civilians is often neither possible nor desirable in the urgent pursuit of legitimate war aims. Ideas of military necessity or collateral damage are recognized as valid and acceptable. In extremis, predominantly moral soldiers talk about the civilian ethic effectively making them fight with ‘one hand tied behind their back’—often against an opponent who has no such qualms. Failure to keep the civilian ethic is, therefore, perceived as inevitable, necessary or accidental rather than intentional. It is regretful rather than desirable, and usually imposed upon them by the tactics of the enemy.<sup>35</sup> People holding this view would not see it as one of rejection in principle; but there is often a slippery slope from a pragmatic position of regrettable accident to an incremental if suppressed anti-civilian policy.

The first three of these rejectionist arguments turn on interpretations of identity, innocence and people’s war relationships. The fourth and fifth seem to relate more to questions of human passion and human capacity. It is in these five main areas, therefore, that we need to argue for the relevance and possibility of the civilian idea. Finally, there is also the important argument of self-interest and reciprocity.

### *Identity*

To make the case for civilian identity in war requires that we are able to expose the fallacy of a singular and absolutist view of human identity that recognizes a person as only one thing at any given time. Instead, we need to recognize the overlap and the diversity that exist in any given human identity. This is the compassionate and expansive insight of the civilian idea. The civilian identity is at once a generous and a realistic identity that affirms that an enemy is more than his or her enemy functions. A person in Hamburg in 1943 is not just a munitions worker, influenced by and supportive of the terrible ideology of Nazism. That same person is also a parent, capable of love, vulnerable to political charisma, supportive of his friends, caring of his family, cruel to his mistress, preferring of peace and snobbish about his neighbours. His various identities, opportunities and sentiments are as much imposed upon him as they are chosen by him.

In short, this is a person of multiple and often predetermined identities. More importantly still, it is this contingent mixture of good and bad that identifies him as a human being rather than a demon or an angel. The power of the civilian identity, therefore, is not to reduce this person to some sort of naïve cliché of a harmless victim, but to affirm him as like us: non-innocent in many ways; bound by circumstance and the power of others, and reliant on mercy. As an unarmed enemy he is a complex phenomenon that demands our restraint rather than murder.

<sup>35</sup> Wheeler, ‘Dying for enduring freedom’.

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### *Innocence*

If this enemy is complicated, are there others who are simpler? Are some of our enemies what Geoffrey Best describes as ‘entirely and indelibly innocent ... [those] incapable of hostile or resistant activity, unfortunates finding themselves in areas of armed conflict without their knowledge and against their will, unrecognisable as enemies except through the distorting lenses of barbarous or fanaticised mentalities’?<sup>36</sup>

In other words, is the idea of innocence still useful to our arguments for the civilian idea? I think it must be. Conventional medieval categories of ‘innocents’ like widows, children, old people, orphans and powerless peasant farmers are of course complicated these days (as they probably were even then) by child soldiers, women suicide bombers, elderly racists and peasant guerrillas. But the harmfulness of such people must be proved, and the Geneva Conventions state clearly that all such people must receive the benefit of the doubt. In the meantime, the argument for immunity and protection based on simple innocence is still strong for babies, small children and others who really are too weak and powerless to have any meaningful part in war. Equally, from the midst of every war is heard a real voice from large numbers of people who did not want this violence, did not ask to be aligned in it, resist taking part in it and suffer terribly because of it. Or, as time goes on, a voice emerges of those who are now simply finished with war and have no interest in it—effectively declaring their innocence from now on.

The word innocent comes from the Latin *nocens*, ‘to harm’, and so means that the innocent are the not-harming. Aquinas and most other moral authorities would insist that it is always wrong to attack those who cannot harm you or are not harming you.<sup>37</sup> It is often easy in the impoverishment and devastation of war clearly to identify large groups of ‘enemy’ people who cannot harm you, would not harm you and are not harming you. Such people share a civilian identity that requires protection. As such, the concept of innocence as harmlessness is still a very important one in the civilian idea.

### *Relationships*

Many rejectionist claims around the ‘blurring’ of civilian identity find the cause of this blurring in civilians’ relationships with the structures and ideology of the wider enemy war effort. Thus, a Palestinian or Israeli woman’s civilian identity might be considered by some to be fatally blurred because of her relationship with her four armed sons in which she physically feeds them, psychologically nurtures them in the ideology of Palestinian independence or Zionism, and encourages them in sacrificial valour. In this way, she is no different from the English mother at home in her village in 1915, proud that her sons have left for

<sup>36</sup> Best, *War and law since 1945*, pp. 260, 258.

<sup>37</sup> John Finnis, *Aquinas: moral, political and legal theory*, p. 287.

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France imbued by her from birth in the Victorian doctrines of English nationalism and imperialism. Should these inevitably politicized motherly roles and relationships prove fatal to these women? Does it make them a legitimate target for attack as somehow an enemy equal to their sons in combat? Is this the only way of seeing them?

Another very important relational aspect of the civilian idea is that it enables enemies to keep in touch as human beings during war. Recognizing parts of one another's communities as civilians sustains some common ground to meet on when the war is over. Total wars in which enmity is constructed absolutely and comprehensively (as in the first two forms of civilian rejectionism) are notoriously difficult to recover from, and make reconciliation elusive. Christian just war theory has always placed great emphasis on the importance of not doing things in war that will mean the making of peace is more difficult thereafter. This principle lies at the heart of the importance of a 'peaceful intent' in war in the thinking of Augustine and Aquinas. The same principle is also vital to Kant's understanding of war.

The idea of the civilian, recognizing as it does that the enemy are also people like us, is an extremely important idea in war precisely because it offers a pattern of restraint and human relationship between enemies that can be something good to remember in the making of peace. Commitment to the civilian idea should have an important place in the fledgling science of contemporary peace-building. Some good memories of experiencing the humane conduct of relationships in war are critical to the establishment of peaceful relations. This is the morality in play beneath much of the British and American talk of 'hearts and minds' in Iraq today, and it is an important one.

### *Human passions*

Human nature and human passion obviously play a critical role in the deliberate rejection of the civilian ethic and any regrettable failures to abide by it. But does the power of our nature and our passions effectively make a mockery of the civilian idea? The answer must be that it does in many situations. The great majority of us, if pressed, are likely to behave in such a way as to condone or actively break the norms of civilian protection—even if we believe in them in principle. The civilian idea is extremely weak in the face of a desperate human nature. Yet repeated human failure does not render an ideal bad in itself.

The desperate and violent passions born of fear, hate, excitement or greed are not the only passions we have. Indeed, the civilian idea is a persistent manifestation of other aspects of our nature and of our more creative passions. These generous, life-enhancing passions may be heightened as well deeply crushed and distorted during war, and they may even operate simultaneously with and alongside our violent passions. In individual acts and in humane policies, people can be good in war. The civilian idea is a moral idea that calls us to goodness while we are also drawn to violence. It is not an easy one to operate in the midst

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of hatred, threat and passion. But its persistence as a good idea—a norm that people are largely glad to claim—can remind us of our better nature and enthuse our kinder passions. Many soldiers may know deep down that loving our enemies in some way may prove crucial to being able to love ourselves and be loved by others when war is over.

### *Human capacity*

Human nature and its passions are not the only practical constraint upon operating the civilian ethic. Closely linked to our passions, our capacity to put an idea into operation in the ‘fog of war’, poses a real difficulty that might undermine the civilian idea. Protecting civilians may simply be too hard sometimes. And so it might. But difficulties should never compromise intentions. Because something is difficult does not mean it is wrong. The civilian idea is still a good one, although it is a hard one. An intention to keep to the idea should be proven by consistent and increasing efforts to innovate and improve a form of politics and military practice that affirms and seeks to live up to civilian principles in war.

### *Self-interest*

Finally, there is the motivation of self-interest, the principle that military forces should ‘do as they would be done to’. Inevitably in war there comes a point when this is not just a worthy principle but a very practical matter of reciprocity. There are prisoners on both sides in the Iraq war. And there are always civilians on both sides of a conflict, even if—as in this case—one group’s civilians are not in the battle zone. The principle of keeping standards of civilian treatment high in the hope of the same reciprocal treatment is another important moral argument in the struggle to sustain the civilian ethic.

## **Conclusion**

At one level, the civilian idea is one of considerable ideological and practical complexity. But at another it seems blindingly obvious that we should protect as many of our fellow human beings as possible from the horrors of war and should be wary of the ease with which we construct extreme types of enmity. This article has tried to uncover the ideological arguments against the civilian idea and to make corresponding ones in favour of it. For the many military people who have to deal with this issue in the moments when it matters most, the idea will remain essentially one of conscience. Arguments may help inform their soldiers’ minds, but it is his or her conscience and their army’s ethos that can best support their own moral sense and behaviour. What is so important in the American and British prosecution of the Iraq war is the obvious belief that there are such things as civilians in war, that they are like us and that it is wrong to kill them.

