

Targeting Civilians in War, Alexander B. Downes (Ithaca, N.Y.: Cornell University Press, 2008), 328 pp., \$29.95 cloth.

Killing Civilians: Method, Madness and Morality in War, Hugo Slim (New York: Columbia University Press, 2008), 300 pp., \$29.95 cloth.

On September 16, 2008, in his capacity as commander of the NATO International Security Assistance Force (ISAF), U.S. Army General David D. McKiernan averred, “NATO and American officials in Afghanistan believe that one civilian casualty is too many.” This statement followed the release earlier in the month of a tactical directive reviewing procedures for using lethal force, the singular purpose of which was reducing civilian casualties. Both the directive and the general’s statement were in response to widespread condemnation of civilian casualties resulting from an air strike in the province of Herat. A week later, the UN Security Council extended the NATO-ISAF mission in Afghanistan, but only after issuing explicit cautions about moderating civilian casualties. Further, as Lawrence Wright reported in the *New Yorker* (June 2, 2008), events of the last year revealed that even organized networks of violence, such as al-Qaeda, are not unified in their acceptance of civilian casualties as a necessary normative and strategic dimension of armed conflict.

What these actions suggest is that the protection and defense of civilians during armed conflicts represents an elemental strategic and normative commitment on the part of the majority of states and organized militaries and insurgencies. Yet, as Hugo Slim and Alexander Downes rightfully point out in these two new books, even as the protection and defense of civilians is “stronger in the mainstream political imagination today than for a long

time” and is “riding high in political and public consciousness” (Slim, p. 2), civilian casualties are as common as they are condemned. Consequently, both authors begin with a deceptively simple question: Given the moral stigma and its supposed dubious effectiveness, *why* does the targeting and killing of civilians occur? This question has been relatively neglected as scholars and practitioners have struggled to document the nature and number of civilian deaths and to bring this significant issue to the fore of international attention. Thus, both authors contribute to the still nascent, but theoretically and empirically rich, mapping of violence against civilians during armed conflicts of the past and of the present, outlining the reasons that justify or enable such violence.

Foremost, neither author restricts his analysis to the traditional case of interstate wars, and both are attentive to the breadth of possible types of armed conflict—including insurgency/counterinsurgency and colonial wars—as well as the range of possible locations of armed conflict. Notwithstanding this similarity, there is a significant difference regarding case selection. Downes works with a new data set he created, consisting of all interstate conflicts from 1816 to 2003. Slim’s case selection is not justified by any particular logic or explanation—there is, in his words, “no particular rationale” (p. 3)—which means his conclusions are interpretive and qualitative.

Additionally, rather than focusing only on direct targeting, each author presents

a nuanced understanding of the myriad ways violence against civilians takes form—from forcible displacement to disease to economic and social destruction. Downes employs the term “civilian victimization” (p. 13), which includes both direct targeting strategies as well as military strategies that fail to discriminate between combatants and civilians. Slim describes “seven spheres of civilian suffering” (p. 39) (two less than in Dante’s Hell), which include slightly more, and more specific, modes of suffering—such as sexual violence, torture, and emotional distress—than those captured by Downes’s concept of civilian victimization. This difference is relatively minor, as Downes’s concept is certainly inclusive enough to analyze each of the seven spheres discussed by Slim. It most likely results from the different structure of the two books, with Slim devoting an entire third of his book to descriptions of violence, while Downes embeds his descriptions in each case study.

Hugo Slim, until recently the chief scholar at the Centre for Humanitarian Dialogue in Geneva, has long been concerned with the ethical dimensions of armed conflict and, in particular, with the plight of civilians. His purchase on the question of civilian suffering and killing synthesizes his academic training in theology and humanitarianism with his decades of practical experience in situations of violence. He skillfully weaves personal narratives, that of his own in addition to those of others who have lived through and/or perpetuated violence against civilians, with an exposition of a range of ideologies and military strategies that facilitate the suffering and death of civilians. Although he concludes his book with highly practical strategies for promoting the protection

and defense of civilians, drawn from a mix of social theories of markets, cognitive psychology, and behavioral modification, his book is fundamentally as philosophical as it is pragmatic. It is so because his pragmatism is predicated upon the conviction that mercy and compassion are at the core of protection and defense of civilians, and that without this recognition little may be altered.

For Slim, there exist both a category and a concept of a “protected people” whom we call civilians. The very existence of this category and concept is an effect of a “timeless moral sense” that not all enemies in war are to be treated the same. Moreover, the civilian ethic, now codified in international law, has its origins in the “ancient” idea that “mercy, restraint, and protection should have a place in war” (p. 1). Slim—and in this he can be profitably compared to Michael Walzer—holds as essential the premise that there is, at the least, a thin moral consensus that particular individuals should not be the subjects of violence; that is, not all individuals should be treated the same during armed conflict. Slim is not naïve about the inviolability of this ethic and is intimately cognizant of the ease of its trespass. Indeed, it is his willingness to fully explore the reasons for its trespass rather than to retreat from the evidence or rail against its occurrence that makes his book so noteworthy.

Slim argues that without understanding what he terms “anti-civilian ideologies” as organizational and operational heuristics that facilitate civilian killings, we are reduced to banal platitudes. The spectrum of these ideologies ranges from a reluctance or regretful “sense of inevitability” of causing civilian death and suffering to the “absolute rejection” of the civilian ethic, resulting in extermination. He—and in this he and

Downes agree—suggests that the turn toward increasing harshness and destruction arises from a *rational* decision, namely, “a hard sense of political necessity—the fact that there is no other way to win—or around a belief that the ambiguity of the civilian population is too high to ignore” (p. 121). Slim terms this “exceptionalist” or “suspensionist” ideology, and he notes that the persuasiveness of this ideology is linked to the fundamental *ambiguity* of civilian identity (p. 179). For Slim, the category of civilian is profoundly ambiguous because individuals participate in social, economic, political, and military activities that are not easily classified as civilian or combatant. (See my “Securing the Civilian: Sex and Gender in the Laws of War,” in Michael Barnett and Raymond Duvall, eds., *Power in Global Governance* [Cambridge: Cambridge University Press, 2005], and “Discourses of Difference: Civilians, Combatants, and Compliance with the Laws of War,” *Review of International Studies* 31, Supp. S1 [2006] for further exploration of this question.)

I will return to the question of identity, but do so in conversation with Alexander Downes’s remarkably provocative and powerful book. Downes, a professor of political science at Duke University, combines sophisticated large N-statistical methods with intensive case research to evaluate the predominant hypotheses as to when and why civilians are killed. As a result, Downes can empirically test and evaluate some of the presumptions upon which Slim’s approach is built. For example, Slim draws on the work of Stathis Kalyvas in his discussion of collective punishment of the population in response to guerrilla insurgencies as an explanation of civilian suffering and killing. But what Downes, who is also responding to Kalyvas, discovers is that while collective

punishment provides the initial explanation for civilian victimization, it cannot explain why civilian victimization worsens over time. In other words, against Kalyvas, who suggests that civilian victimization will lessen over time as militaries identify exactly who to target (with the result that violence becomes more discriminate and directed toward combatants), and against Slim, who presumes civilian victimization remains somewhat static over time, Downes plots a different outcome. One of the most substantive contributions Downes makes is in charting the patterns and strategies of violence as they change over time.

Indeed, Downes decisively proves that one of the essential causal mechanisms of civilian victimization is the desperation to win and to lower the costs—human, financial, or reputational—to one’s side. Significantly, he is able to demonstrate this highly original argument against those who posit that the key variable is the type of domestic regime (for example, democracies versus repressive regimes), identity of combatants (whether the enemy is perceived as barbaric or civilized), or type of military organization. In contrast, Downes decisively demonstrates that desperation to win and to lower costs prompt democracies and nondemocracies alike to victimize civilians, and that cultural or racial differences do not correlate with increased civilian victimization. Unfortunately, considering the crucial role of regime type and military organization, these variables are almost wholly left out of Slim’s analysis.

Downes’s argument has an additional dimension. As described above, “desperation to win and to save lives on one’s own side in costly protracted wars of attrition” is one cause of civilian victimization. Notably, this cause has nothing to do with

the original aim of armed conflict; that is, civilian suffering and killing is attributable to the sequence of events as the armed conflict proceeds. However, the second cause that Downes finds significant does have to do with the original aim—that is, the “belligerents’ appetite for territorial conquest” (pp. 3–4). In this case, the drive to expel and/or cleanse the indigenous population leads to civilian suffering and killing.

Finally, although both authors address the influence of identity on the waging of armed conflict and the severity of civilian killing and suffering, each draws his own conclusion regarding its role. Downes acknowledges the presence and power of identity in selecting military strategies, but he argues that identity is not independently causal but rather is invoked once the severity of the conflict increases. Identity thus becomes a means by which to incite and legitimate more harsh measures: “The more severe the conflict . . . the more likely that the enemy will come to be viewed as evil or barbarous” (p. 177). In contrast, Slim believes identity to be causal. In other words, whether through genocidal, dualistic, or collective thinking—in which individuals are grouped as one category, which is then deemed evil and inferior—the very

conceptualization of the enemy initiates and incites brutalization of civilians.

Interestingly, the one identity that Downes presumes, that of the civilian, is the one identity that Slim argues is most ambiguous. The concept of identity invoked by Downes is ultimately too simplistic to capture the role that identity plays in armed conflict—whether it is the identity of the civilian or the combatant. At the same time, Slim’s invocation of “we are all the same” is too flimsy an understanding of identity to maintain, much less to name as a foundation for, the protection and defense of civilians, as, paradoxically, his own scholarship demonstrates. None of these criticisms, however, should be read as taking away from the success of each scholar in investigating a range of possible causes of civilian suffering and killing, and in instigating a contentious but highly productive debate about how best to prevent and ameliorate civilian suffering.

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