

Human Rights & Human Welfare

Volume 9

Issue 2 *February Roundtable: An Annotation of
"Proportional to What?" The Economist.*
December 30, 2008.

Article 4

2-1-2009

Proportional to Life

Emma Gilligan

Gladstein Committee for Human Rights

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>



Part of the [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), [International Law Commons](#), [International Relations Commons](#), [Military, War, and Peace Commons](#), [Near and Middle Eastern Studies Commons](#), and the [Peace and Conflict Studies Commons](#)

Recommended Citation

Gilligan, Emma (2009) "Proportional to Life," *Human Rights & Human Welfare*: Vol. 9: Iss. 2, Article 4.
Available at: <https://digitalcommons.du.edu/hrhw/vol9/iss2/4>



All Rights Reserved.

This Roundtable is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Proportional to Life

Abstract

The Economist piece entitled “Proportional to what?” poses a dangerous question. The notion, as the article suggests, that proportionality in war is a “slippery idea” or that the facts are “nebulous” is the work of either an intentionally provocative or idly cynical author. Whatever the motivation for the words, it is precisely the dismissive tone embodied in such statements that has contributed to and defined the attitude more recently of larger states, like Israel and Russia, to issues of accountability for the death of civilians.

Keywords

Human rights, War, Gaza, Proportional use of force, Israel, Palestine

Copyright Statement / License for Reuse



All Rights Reserved.

Publication Statement

Copyright is held by the Josef Korbel School of International Studies, University of Denver. User is responsible for all copyright compliance.

Proportional to Life.

by Emma Gilligan

The Economist piece entitled “Proportional to what?” poses a dangerous question. The notion, as the article suggests, that proportionality in war is a “slippery idea” or that the facts are “nebulous” is the work of either an intentionally provocative or idly cynical author. Whatever the motivation for the words, it is precisely the dismissive tone embodied in such statements that has contributed to and defined the *attitude* more recently of larger states, like Israel and Russia, to issues of accountability for the death of civilians.

Israel can invoke “collateral damage” in its depiction of events in Gaza, as it has done. And in doing so, it merely joins an odious chorus that employs this crude euphemism in its defense. The first struggle that has been lost in asymmetrical wars like Israel versus Palestine is the semantic one. At the moment when “[collateral damage](#)” was introduced into the discourse of war, we lost a battle for the recognition of the civilian as a human entity. The distinction between human beings and legitimate targets of war converged to become almost mutable identities. Moreover, if we can easily claim that those who commit racial crimes dehumanize their subject, we too should look at the ways in which we characterize the victims of our own wars.

There is no doubt that the bombing of the U.N. Relief and Works Agency warehouse with [white phosphorus shells](#) and the appalling incident in the eastern [Gaza suburb of Zeitoum](#) were disproportionate attacks. The order handed down to Israeli troops in the Givati Shaked Battalion was “Fire on anything that moves in Zeitoum.”

Before discussing proportionality, however, we should address the issue of asymmetrical warfare. Recent conflicts, and in particular counter-terrorist operations, have been crudely asymmetrical. Large states with powerful weaponry lead attacks from the air, with rocket strikes and incendiary bombs. To name just two instances in the past decade, Russia versus Chechnya, Israel against Lebanon and now, Israel against Palestine. The question that should ultimately sit at the foreground of this debate on proportionality is to what degree this issue should be considered in light of international humanitarian law. What is the responsibility of larger states employing mass weaponry on smaller enemies who have very little real chance of defending themselves or their civilian populations?

Disproportion does not only take place in times of war. The notion of proportionality has a historical memory in the Israeli-Palestinian conflict that most are aware of. The wall built along the Gaza strip is, as [Roger Cohen](#) wrote, a denial of the reality over the border. But it is one of a series of disproportionate policies imposed on Palestine over a long period of time to inhibit their movement and devalue their national self-worth. The recent conflict has only taken this humiliation further. Hamas is no doubt to blame for the escalating violence with its [Qassam rockets](#) on Israeli cities, but the civilians of Gaza are not to be bombed into submission nor are people to be deprived of food, water, and medicine. Most profoundly, as the case with [Chechens in Grozny](#), they are not to be denied a state of emergency and time for flight. Borders should always be opened to allow for flight. And the wounded and dead should be evacuated. Those caught in Grozny over the winter of 1994-1995 are too stark a reminder of the low priority states often give to citizens caught in war.

The question posed by *The Economist* should not therefore be “proportional to what?” A better question to pose would be “responsible to whom?”

After completing her doctoral studies in Russian history at the University of Melbourne, Australia, Emma Gilligan was a postdoctoral fellow in the Department of History at the University of Chicago from 2003-2006. During this time, she completed her book Defending Human Rights in Russia; Sergei Kovalyov Dissident and Human Rights Commissioner, 1969-96 (Routledge, 2004). This book traces the evolution of the Soviet human rights movement from the 1960s in Moscow to the collapse of the Soviet Union in 1991. It analyzes, in particular, the rise of Sergei Kovalyov, Russia's first human rights commissioner under the presidency of Boris Yeltsin and the impact of former Soviet dissidents on the discourse of human rights in the post-Soviet era. Her second book, War Crimes in Chechnya (Princeton University Press, forthcoming 2008) examines the war crimes committed by Russian soldiers against the civilian population of Chechnya. The study places the conflict in Chechnya within the international discourse on humanitarian intervention in the 1990s and the rise of nationalism in Russia. Emma Gilligan is the author of articles for the Chicago Tribune, 'Why there is no Peace in Chechnya,' 2005 and 'US Loses High Ground on Human Rights,' 2006 and the International Herald Tribune. She is a member of the Gladstein Committee for Human Rights and a joint hire with the Human Rights Institute. She teaches courses on the history of human rights and genocide after the Second World War.