

# Shields and the genocide in Gaza

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Both the actual use of civilians as human shields and Israel's efforts to frame civilians and civilian structures as shields have played a central role in the application and justification of violence in Gaza at least since the 2008-2009 war. Yet, following October 7, 2023, Israel has introduced three novel processes related to human shielding: the first involves forcing Palestinian civilians to dress in military uniforms and sending them into underground tunnels as human shields; the second is the casting of practically all civilian structures as 'shielding' structures; and the third includes the invocation of the shielding provisions laid out in international humanitarian law to indict everyone and everything above ground in Gaza as legitimate military targets. Ultimately, all of these different forms of shielding and, more importantly, the accusations of shielding, have become tools for perpetuating genocide and for framing the genocide as legitimate.

Before describing these processes, I introduce the central legal provision relating to human shields as it is enshrined in international humanitarian law. I then distinguish between animate and inanimate shields in order to underscore the idea that human shielding operates through a politics of vulnerability, whereby the vulnerable human body ostensibly functions as a tool of moral deterrence. Next, I discuss the changes Israel introduced after October 7. I argue that dressing Palestinian civilians in IDF uniforms and forcing them to serve as shields underscores how Israel has dehumanised Palestinians not merely by depriving them of their dignity, but by reducing them to things. I then trace the way international humanitarian law distinguishes civilian from military 'objects', demonstrating that particularly in urban settings the distinction is not based on what the objects are but on their perceived function within the theatre of political violence. An apartment building is considered a

civilian structure, but it might also function as an arms depot and can consequently be indicted as a shield, leading it to lose some protections that international law bestows on 'civilian objects'. I go on to argue that by centre-staging functionality as the primary tool of distinction, international humanitarian law facilitates the extension of Israel's shielding accusation so that hospitals, schools, universities, mosques, bakeries and apartment buildings can all be imagined as shields and therefore as targetable 'military objects'. Moreover, Israel's sweeping charge that civilian structures in Gaza function as shields is, I maintain, informed by the way that physical structures are racialised as Palestinian structures. The two inverse processes – whereby the human becomes a thing and buildings are assigned a race – set the stage for extending shielding to practically every civilian and civilian structure, revealing how the legal provisions that were introduced following the Second World War as part of a new global order committed to 'Never Again' can, paradoxically, be used to provide legal justifications for genocidal warfare.

## Shielding and the politics of vulnerability

The bedrock of international humanitarian law (IHL) is the principle of distinction. This principle draws a distinction between civilians and civilian structures that must be protected during war, and combatants and military objects that can be legitimately attacked. IHL defines human shielding as the use of protected people – namely, civilians or prisoners of war – to shield a legitimate military target. The pertinent legal provision states that the use of human shields is a war crime, but also adds that human shields will not render a legitimate military target immune from attack.<sup>1</sup> If a warring party takes into account certain principles, like proportionality, precau-

tion and military necessity, then the killing of human shields used by the enemy can be justified as legal.<sup>2</sup> In other words, it is illegal to use human shields, but it is not always illegal to kill them. Moreover, since it is illegal to utilise human shields, a warring party that kills human shields can assign the blame and legal responsibility for the shields' deaths on the party using them as shields. The underlying logic here is that the illegal use of civilians as shields (namely, as instruments of war) puts in motion the interactions that led to their deaths, and that the bullet or bomb that killed them was merely an effect of their original 'illegal' use as human shields – and thus the blame is placed on the original illegal action.

When thinking of shields in theatres of violence, Nicola Perugini and I have highlighted the differences between animate and inanimate shields.<sup>3</sup> Human shields function as defensive tools, but in a profoundly different way from inanimate shields, such as land mines used to defend a border or anti-aircraft missiles protecting an airfield. Generally speaking, inanimate shields are an integral part of any arsenal: they are built with the objective of being both impenetrable and robust so as to protect military targets, and they have been used in war since time immemorial. Their particular physical or technological capacities determine their function as instruments of protection within armed conflict; and, because they are inanimate, they rarely raise moral dilemmas. By comparison, human beings would seem an unlikely choice for a shield, since as embodied beings made of flesh and blood they can easily be killed. Consequently, if the human body was conceived as a mere inanimate object, lacking the value assigned to the human *qua* civilian, it would not be useful as a shield. A human body becomes a shield *by virtue of its vulnerability*,<sup>4</sup> whereby the vulnerability associated with civilianhood aims to produce moral deterrence on the part of the opponent.

The distinction between the two types of shields appears in an infographic that Israel circulated in 2014.<sup>5</sup> Providing an image of two kinds of shields ostensibly deployed by the two warring factions, ' Hamas Protects its Weapons with Human Shields' has been used to lay claim to a civilisational divide – between Israelis and Palestinians, the coloniser and colonised – and to intimate that Palestinian civilians are killed in large numbers because they are used as shields. But the infographic also underscores the distinction between animate and inanimate

shields. As opposed to the inanimate shield, which is ultimately conceived and produced in order to protect human vulnerability in war, in the case of human shields vulnerability itself becomes the means of protection.



Building on Banu Bargu's work, Perugini and I have drawn a link between the vulnerable body and the ethics of violence, claiming that when faced with vulnerable shields a certain moral obligation is meant to emerge, and this obligation is meant to dissuade or deter belligerents from attacking a target defended by such shields.<sup>6</sup> According to the infographic, Palestinians exploit this vulnerability and use civilians as shields to achieve military objectives, thus violating the laws of war. Regardless of whether this is the case or not, human shields are meant to defend a combatant or a military object, but they do so through their vulnerability. It is in this sense that human shielding is fundamentally a politics of vulnerability, a form of warfare in which the vulnerable body occupies a central position in determining whether the violence deployed by belligerents within the battlefield is ethical.<sup>7</sup>

Perugini and I have also claimed that the history of human shields is inextricable from the history of the human. We have shown, for example, how the racialisation of human shields has changed over the years, laying bare how, in the past, only white people could become human shields because only they were considered to be fully human and could be cast as civilians deserving protection and as people who could, at least ostensibly, generate moral deterrence. We tied this observation to claims made by Antony Anghie, Anne Orford, Frédéric Mégret

and others, explaining that non-white civilians in the colonies could be killed during armed conflict without it being a crime.<sup>8</sup> Indeed, it was only after decolonisation, when the ex-colonised were admitted to the 'family of nations' and hence endowed with legal protections, that non-white civilians could become human shields.

Our empirical analysis shows, however, that following decolonisation and the allocation of legal protections to formerly colonised civilians, western militaries began casting non-white civilians whom it had killed as human shields regardless of whether they were actually used as shields. This became increasingly evident and widespread after the United States launched the War on Terror. Because the use of human shields is a war crime according to IHL, western warring parties began invoking the legal clauses pertaining to shielding either before or immediately after killing civilians as a means of justifying their deaths. In short, these western warring parties frame their enemies – which today are mostly non-white non-state warring parties – as having used thousands of human shields. This allows them to accuse the non-state warring parties of being responsible for the deaths of civilians that the western warring parties themselves had killed.<sup>9</sup>

We went on to distinguish between three kinds of shields: involuntary, voluntary and proximate.<sup>10</sup> Involuntary human shields are protected people – civilians or prisoners of war – who are 'used as shields' by a warring party. The legal provisions against the deployment of involuntary shields are informed by the presupposition of a passive civilian body that a warring party forces into becoming a shield.<sup>11</sup> Voluntary human shields are civilians who willingly stand between a warring party and a legitimate military target. They challenge the legal ascription of passivity assigned to civilians but also the very logic of war by actively resisting the whole economy of violence.<sup>12</sup> In the West, they tend to be white people, because security forces in the Global North often only recognise whites as having the capacity to be non-violent, while the moral cachet that comes with being white and having a western passport can, in some instances, serve as a deterrent. This also highlights Bargu's claim that voluntary shielding helps to reproduce existing social and political hierarchies and power relations even as it resists them.<sup>13</sup>

While in both cases the vulnerability of the civilian

body is used to produce moral deterrence, the distinction between these two types of shields is related, on the one hand, to the location of agency, and, on the other hand, to shielding's relation to violence.<sup>14</sup> Voluntary shields are people who visibly assert their own agency, while involuntary shields are those whose body is exploited by an active warring party to advance its own goals. Agency, in other words, is located within the voluntary shield, while it acts upon the involuntary shield. Just as importantly, when it comes to the shield's relationship to violence, voluntary shields use their body in a non-violent way to prevent or stop violence, while involuntary shields reluctantly become part and parcel of the existing economy of violence.

Finally, the third kind of shields are the proximate ones: namely, civilian populations trapped near combatants in besieged cities or other war zones. Our analysis reveals that civilians are cast as proximate shields almost exclusively when they are trapped near non-state fighters, who are usually cast as terrorists, and not when they are located near state military forces. So when Israel bombs a Hamas rocket launchpad in Gaza and kills civilians who live nearby, the civilians are framed as human shields; by contrast, when Hamas bombs the IDF central command centre in Tel-Aviv, the civilians around it are never cast as human shields. Perugini and I have also demonstrated how this form of shielding has become by far the most prominent in battlespaces around the globe over time – from the Middle East to Southeast Asia.<sup>15</sup> Part of the reason clearly has to do with the War on Terror and the increasing involvement of non-state actors in both inter and intra state conflicts.<sup>16</sup> Moreover, one of the fallouts of the ubiquitous War on Terror – that frames multiple countries across different continents as terrorist bases harbouring 'terrorists' and hence legitimate sites of military intervention – is that entire civilian populations are continuously exposed to lethal violence due to their proximity to military targets.

While proximate human shields are mainly embodied by non-white people, they also tend to be gendered and defined by age.<sup>17</sup> Proximate human shields are almost always women, children and the elderly. By casting them as people who are illegally used as shields, a warring party that kills them can transfer responsibility for their deaths to the party that ostensibly used them as shields. Men who are killed in warzones are rarely cast as

proximate human shields and tend instead to be framed as MAM or ‘military aged men’. The acronym MAM was first introduced by the US in Vietnam and, not unlike human shields, the term is also a technology for justifying the killing of civilians. Whether they participate in hostilities or not, men between the age of 15 and 65 are *by default* characterised as fighters or terrorists, and therefore warring parties can claim that they were legitimately killed. Indeed, if one were to believe Israeli military spokespersons, there are no civilian men in Gaza since practically every single man whom the Israeli military has killed in the five cycles of violence since 2008 has been cast as ‘terrorist’ or ‘participant in hostilities’.

Analysing 150 years of human shielding in different geographical locations, these are among the major claims Perugini and I made about human shields. However, in Israel’s 2023–24 war on Gaza, we have witnessed three significant departures in relation to shields: the first is the dressing of involuntary shields in military uniforms, which inverts the very logic of vulnerability and moral deterrence informing the human shielding practice; second, the casting of practically all civilian structures as shielding structures; and third, the use of the shielding provisions in IHL to justify genocide.

## The hunter’s bait

Let’s begin with dressing Palestinian civilians in IDF uniforms. While militaries have forced civilians to serve as human shields for centuries, Israel has introduced this new form of shielding in Gaza, one that appears unprecedented in the history of warfare. The practice was initially revealed by *Al Jazeera*,<sup>18</sup> but, subsequently, *Haaretz* published an exposé about how Israeli troops have abducted Palestinian civilians, dressed them in military uniforms, attached a camera to their body, and sent them into underground tunnels as well as buildings in order to shield Israeli troops from enemy fire.<sup>19</sup> One IDF soldier noted that ‘it’s hard to recognize them. They’re usually wearing Israeli army uniforms, many of them are in their 20s, and they’re always with Israeli soldiers of various ranks’. But if you look more closely, *Haaretz*’s journalists proceeded to explain, ‘you see that most of them are wearing sneakers, not army boots. And their hands are cuffed behind their backs and their faces are full of fear.’<sup>20</sup>

To be sure, Israel’s use of shields is not new. Israeli troops have used robots and trained dogs with cameras on their collars as well as Palestinian civilians as shields primarily in urban warfare. However, Palestinians who were used as shields in previous rounds of violence always wore civilian clothes and could thus be identified as civilians. Again, the visibility of their civilian status is meant to deter Palestinian fighters from attacking or firing and is central to the constitutive logic of human shielding as traditionally understood: it is precisely the recognition of vulnerability, and that they are fellow Palestinians, which are key to the purported effectiveness of human shielding and for deterrence to have a chance of working.

By randomly detaining (that is, kidnapping) Palestinian civilians – including youth and the elderly – and then dressing them in military garb before forcing them to walk in front of soldiers, the Israeli troops violate not only the legal provision against the use of human shields but also the provision that deals with perfidy and prohibits warring parties from making use of military ‘uniforms of adverse Parties while engaging in attacks or in order to shield, favour, protect or impede military operations’.<sup>21</sup> Here we have two war crimes in a single action.

Yet the perfidy dramatically alters the logic of human shielding. Instead of highlighting the vulnerability of Palestinian civilians, the Israeli military purposefully conceals their vulnerability. By forcing Palestinian civilians to wear IDF uniforms, they make them appear as if they were enemy combatants – people who can be killed without it being a crime – in the eyes of Palestinian fighters. Israeli troops deploy them as shields not to deter Palestinian fighters from striking the soldiers, but rather to draw fire and thus reveal these fighters’ location, allowing the Israeli troops to launch a counterattack and kill the fighters. Thus, the moment these human shields are sent into the tunnels, they are transformed from vulnerable civilians into cannon fodder.

The treatment of Palestinian civilians in this manner might not come as a surprise given the genocidal violence that Israel has been deploying in Gaza. Yet, it does provide a clear indication of the relationship Aimé Césaire draws between colonialism and the ‘thingification’ of the colonised.<sup>22</sup> It also echoes Paulo Freire’s claim that ‘the more the oppressors control the oppressed, the more



they change them into apparently inanimate "things".<sup>23</sup> Dressing Palestinians in IDF uniforms and sending them into tunnels is not only a paradigmatic example of how Israeli soldiers relate to colonised Palestinians, but also of how the thingification of Palestinian civilians plays out when they are used as shields in the battlefield. It reveals how the military operationalises ex-defence minister Yoav Gallant's racist assertion that 'we are fighting human animals', exposing how for the Israeli soldiers Palestinians are either prey or bait, animal or bare flesh.<sup>24</sup> Like hunters who use raw meat to lure animals they want to capture or kill, the Israeli troops use Palestinian civilians as if they were bare flesh whose function is to attract the hunter's prey.

Palestinian civilians become a 'thing' when they are transformed into bare flesh, but to be transformed into bare flesh they had to have already undergone processes of racialisation that constitute them as nonhuman. According to Alexander Weheliye's analysis in *Habeas Visus*, such racialisation explains why for Israeli Jews the Palestinian's expulsion from humanity 'appears both deserved and natural'.<sup>25</sup> Indeed, it is not only active-duty soldiers who support the practice, but also the majority of those who commented on the *Haaretz* article exposing the practice, on a news site that attracts primarily Israeli liberals. Settler colonial racism is central to this unprecedented way of using human shields. If in the past, Israeli racism cast Palestinians as not-quite-human, savages who are incapable of making the distinction between civilian and military objects, the condition of possibility of this new form of human shielding, which uses perfidy to present Palestinian civilians as if they are Israeli soldiers, is that the Palestinian civilian is completely evacuated of humanity and becomes a thing. Instead of using Palestinian civilians as *human* shields, Israel's new practice transforms them into inanimate or bare shields.

## Function is everything

Before turning to the second difference that we have witnessed in Gaza – the casting of practically all civilian structures as shielding structures – we need to make a brief detour in order to discuss how IHL defines legitimate targets. When one speaks of human shields, most people think of humans who either volunteer or are

forced into becoming shields. The International Committee of the Red Cross claims, for example, that the term human shields 'describes a method of warfare ... where the presence of civilians or the movement of the civilian population, whether voluntary or involuntary, is used in order to shield military objectives from attack, or to shield, favour or impede military operations'.<sup>26</sup> Notwithstanding this description, the notion of shielding in IHL is actually much broader and does not apply to humans alone. In our previous work, Perugini and I examined attacks on hospitals in war zones and described how they are both used and framed as shields.<sup>27</sup> However, even though we also mentioned charges of shielding levelled against schools and mosques, we failed to indicate and fully develop the significance of the fact that the shielding accusation can extend well beyond the human to include any legally protected (namely, civilian) inanimate object.<sup>28</sup>

IHL provides protection to civilian property and prohibits attacking and destroying civilian sites and structures where this is not justified by military necessity. The legal protections do not apply where a civilian site is used for military purposes and its destruction offers a warring party a definite military advantage. At such point, the civilian sites become a 'military object', which is a broad and fluid term that is difficult to define but casts that which it names as a legitimate military target.<sup>29</sup> Thus, civilian sites and structures can become a legitimate military target at any time depending on how they are used and the advantage offered by attacking them.<sup>30</sup> Some civilian sites, such as medical facilities and sites of cultural value, are entitled to special protections under IHL, rendering it, for example, illegal for armed forces to occupy them. Yet even these sites can be legally attacked if they are transformed into a 'military object'.<sup>31</sup>

In short, according to IHL, any structure that has a military function can be legitimately targeted while structures that have a civilian function cannot. Yet a structure that has a civilian function can assume a military function, and, once this occurs, that structure can be legitimately targeted provided certain principles such as proportionality, precaution and military necessity are taken into account. IHL, in other words, recognises that objects might have 'dual use' and that in addition to their civilian function they might also serve a military purpose, and that often they can be used for civilian and military

purposes simultaneously.<sup>32</sup> A hospital that is treating patients might also have a military function. As a hospital, the building and the people within it are perceived as vulnerable and in need of protection, but once the hospital is charged with hiding an arms depot its signification changes and it becomes a ‘military object’.<sup>33</sup> The process through which the hospital is transformed into a legitimate military target also alters the conception of the people within it: doctors, nurses, professional staff, as well as the sick and injured patients. They become potential ‘collateral’ damage, a phrase that subsumes under the same umbrella both civilians and civilian structures and in effect collapses the distinction between the human and nonhuman, an issue to which I return below.

It is important to underscore that within IHL the perception of the structure’s function determines the signification ascribed to it, and if a structure takes on both civilian and military functions concurrently, then the military function usually trumps the civilian one, transforming the structure into a ‘military object’. As Henry Shue and David Wippman point out, according to a ‘permissive reading of Article 52(2) [of Additional Protocol I of the Geneva Conventions], if an object by virtue of its “nature, location, purpose or use make[s] an effective contribution to military action”, and its destruction under the circumstances “offers a definite military advantage”, then the object becomes a legitimate military objective. No attention need be paid to that object’s contribution to civilian life’.<sup>34</sup> To be sure, a warring party is obliged to take into account the principles of proportionality, precaution and military necessity before launching an attack on such an object, but the object’s military function can readily eclipse the civilian value ascribed to the structure and the people within it. Hence, the perception of the hospital’s function shapes how it is imagined – as a vulnerable place that cares for the sick and wounded or, conversely, as a shield being used to hide weapons – and these conceptions shape, in turn, the kinds of protections IHL allocates. While civilian sites and structures can be transformed into ‘military objects’ in different ways, the most prevalent one is when they are framed as shields because combatants are allegedly hiding within the civilian site or are using the site to hide weapons. Civilian sites and structures can also be framed as shields and thus as a ‘military object’ when they are in proximity to a legitimate target.

The militarisation of civilian objects has become increasingly widespread due to the urbanisation of warfare – the transformation of urban spaces into battlefields – alongside the vast asymmetry of many current conflicts.<sup>35</sup> Michael Schmitt underscores the difficulty of distinguishing between civilians and combatants in contemporary wars, explaining how during the US invasion of Afghanistan guerrilla groups were scattered and ‘wore no uniforms or other distinctive clothing that allowed immediate visual identification’, and ‘the mere position of a group, vehicle or other mobile target seldom served as a reliable indicator of its enemy character’.<sup>36</sup> Accordingly, new technologies have been developed that aim to analyse human activity within theatres of violence. Determining what a person *does* rather than how one looks is now considered vital for understanding who a person *is*, and, in a similar way, detecting how a structure is used determines whether to classify it as military or civilian. The increasing significance of detecting a person’s and structure’s function in battlespaces, particularly in urban settings, emphasises the vital role currently played by the ‘military gaze’, which is manufactured and mediated through the interactions among different technologies and forms of intelligence, surveillance and reconnaissance.<sup>37</sup>

This has implications for IHL and the politics of human shielding. In our previous research on the history of human shielding, Perugini and I discovered that in several theatres of political violence civilian sites and structures are repeatedly framed as shields in order to justify striking them. In Gaza, however, the shielding charge has been summoned to indict an unparalleled number of structures. Already in January 2024, just three months after Israel’s attack began, the BBC reported that between 144,000 and 175,000 buildings across the whole Gaza Strip had been damaged or destroyed,<sup>38</sup> amounting to 60 percent of all civilian structures in Gaza.<sup>39</sup>

Israel justified the destruction by repeatedly accusing Hamas of using civilian structures as shields. Shielding, in effect, had become a catch-all justification for Israel’s transformation of Gaza into rubble. Crucially, the law effectively lends itself to these practices. Warring parties – in this case Israel – that wish to dramatically alter the signification of both civilians and civilian structures can invoke the shielding exceptions within IHL, namely that persons or structures are protected except when they

serve as a shield.

My claim is not only that the perceived dual function of civilian structures has enabled Israel to interpret the shielding exceptions as the rule in Gaza (a claim I return to in the last section), but that through the 'shielding exception', IHL produces an analogy between the materiality of the animate civilian body and the inanimate civilian structure: both lose protections bestowed on them when they are used as shields. Rather than some ontological essence and thus distinction between flesh and blood and inorganic structures, it is the perceived function of bodies and objects – both animate and inanimate, human and nonhuman – that determines the legal protections allocated to them. The crux of the matter is that an analysis of human shielding reveals how international humanitarian law has been constituted in a way that *enables the dislodging of the fundamental distinction between the human and nonhuman*, a distinction that has informed humanism since its inception and has been central to the very notion of rights and to the ethicality ostensibly informing IHL.<sup>40</sup> Instead of the human/nonhuman distinction, IHL accentuates the distinction between civilian and military, which is determined by function – or more accurately perceived function – and casts both the animate and inanimate as either vulnerable civilian objects deserving protection or as 'military objects' that can be legitimately targeted. This move, as Gaza teaches us, can readily lead to the disavowal of human inviolability.

## Racialised buildings

The question remains, however, of what can happen to inanimate structures as a result of IHL's undermining of the age-old human/nonhuman distinction in a context like Gaza, where urban warfare operates under the broader logic of settler colonialism. We have already seen that when it comes to human shields, racism informs the transformation of the human into a thing. But the nonhuman, too, undergoes a major transformation. Even before a military function is attributed to a civilian structure and its signification is modified from a civilian to a 'dual use' structure that can be legitimately attacked, the structure itself undergoes a process of racialisation – which is vital for rendering the 'dual use' charge believable among certain publics. The point is that settler colonial racism shapes the way soldiers interpret not only

the function of Palestinian civilians, but also of civilian structures.

For instance, an Israeli soldier uses a whole range of surveillance techniques to monitor a Palestinian civilian on a rooftop. The soldier must then decide what the civilian's function is – whether they are going to the roof to catch the cool breeze, hang wet laundry, clean a pigeon pen, or whether they are using the roof as a watchtower to identify the movements of the Israeli military. Both the civilian and the structure's function are determined by the military gaze, while the gaze is informed by a series of biases that shape the soldier's judgement. The conclusions the soldier reaches determine how the soldier will act.<sup>41</sup> Perugini and I have already shown how black and brown women and children trapped in war zones are much more likely to be perceived as human shields than their white counterparts who, even in similar situations, continue to be recognised as civilians.<sup>42</sup> The racialisation of civilians alters both how they are 'seen' and the value ascribed to them, and in the context of war can readily lead to their signification as shields which decreases the protections the law bestows on them.

While I cannot discuss the scholarly literature that analyses the embedded racial biases shaping surveillance technologies or the impact of pervasive social norms and racial biases on the way people see,<sup>43</sup> it is important to stress here that the processes of racialisation that inform the military gaze and help shape the perceived function of civilians within war zones are also pertinent to civilian structures. To be sure, the structures' racialisation is linked to the racialisation of the people with whom the viewer associates it, but ultimately the structure itself is ascribed a race that helps shape the value assigned to it and the way its function is perceived and signified. Moreover, the power to signify and to reinforce and circulate that which has been signified is unequal, with hi-tech states having considerable advantages. Ultimately, signification, in our case by the coloniser, helps determine the protections allotted to civilian structures.

The notion that space and the structures within it are racialised is not new to scholars of Israel/Palestine or to scholars of settler colonialism more generally, since inanimate structures are also subsumed under what Patrick Wolfe has called the 'organizing grammar of race'.<sup>44</sup> And indeed, a plethora of studies have shown that one of the prime objectives of every Israeli government since



Israel's establishment in 1948 has been to Judaize the space it controls.<sup>45</sup> In reality, this meant the destruction of Palestinian space and its reproduction as Jewish.

During and after the 1948 war, for example, Zionist forces destroyed about five hundred Palestinian villages and most of their inhabitants were either expelled or fled across international borders, becoming refugees in neighbouring countries. In total, about 750,000 Palestinians were displaced in what Faye Sayegh has called 'racial elimination'.<sup>46</sup> In an effort to Judaize the space that became Israel, 350 of the 370 new Jewish settlements established soon after 1948 were built on or in proximity to the 500 Palestinian villages that had been destroyed.<sup>47</sup> Ultimately, most Palestinian built-up space was destroyed and then reproduced as Jewish by planting forests, building kibbutzim, moshavim and so on.<sup>48</sup> Once both the land and structures upon it are considered Jewish, then Palestinians who enter this space can be cast as 'invaders'.<sup>49</sup> Elsewhere, Yinon Cohen and I have characterised these 'invaders' as biocriminals, since they become criminals simply due to the mismatch between the race ascribed to them – Palestinian – and the race ascribed to the space they occupy: Jewish.<sup>50</sup> All of this is

crucial background for understanding that Israel thinks of space and structures in racial terms, which helps, in turn, to make sense of how the military perceives civilian structures in the Gaza Strip and its drive to completely or almost completely destroy Palestinian space.

Before providing an example of how structures in Gaza are racialised, it is important to emphasise that among the characteristics attributed to 'backward races' is their supposed inability to sustain the primary legal distinction between civilian and military objects and their inclination to adopt forms of perfidy.<sup>51</sup> These were the major claims levelled by fascist Italians against Ethiopians in the 1930s and Americans against the Vietnamese in the 1960s and 1970s, and they are now a central claim that Israelis level against Palestinians.<sup>52</sup> But Israel's claim is not only made about people but also structures.

Consider, for instance, the following assertion made by Israel's Ministry of Foreign Affairs. The ministry's spokesperson has maintained that 'the mere fact that seeming "civilians" or "civilian objects" have been targeted' does not mean 'that an attack was unlawful'.<sup>53</sup> The term 'seeming' is, of course, key here. The subtext is that Palestinian perfidy is all-pervasive and that the function





of civilians and civilian objects – that the spokesperson puts in scare quotes – is not what it seems: namely, they are routinely used as shields or serve other military purposes. The argument is that Palestinian homes might *seem* to be homes, hospitals might *seem* to be hospitals, mosques might *seem* to be mosques, schools might *seem* to be schools, but Israel's military gaze reveals that in Gaza they are not what they seem because they have taken on a military function. Instead, the military gaze reveals that each home is actually a hideout, hospitals serve as arms depots, mosques conceal tunnel piers, and schools shield rocket launch platforms.<sup>54</sup>

To be sure, there may have been cases when civilians and civilian objects have been used in Gaza for military purposes, but Israel has used these cases to indict hundreds of thousands of civilian structures. Israel's accusations operate exactly like conspiracy theories that include a kernel of truth but advance inflated and bogus claims. The point here is that while the signification 'school shield' is circulated by the spokesperson, it is produced by the military gaze which, in turn, is informed by the interaction between an assemblage of surveillance apparatuses and racial biases. Not unlike civilians who are perceived as civilians when they are located near an Israeli military base in Tel Aviv but as human shields when they are located near a Hamas command post in Gaza, civilian structures are more likely to be cast as 'shielding structures' due to their prior racialisation as Palestinian structures.

The interplay between racialisation, the military gaze and the function the gaze identifies has led to the indictment of most school buildings in the Gaza Strip, casting at least 477 of 564, or 85 percent as legitimate targets.<sup>55</sup> Put differently, one cannot sever the ease with which Israel indicts so many schools as shielding structures from the way Palestinian space and buildings have been racialised and attributed a lesser value than that accorded to white or Jewish schools. Given that for many of those within the corridors of Israeli power the objective of this genocidal war is to destroy the Gaza Strip and regenerate it or parts of it as Jewish, killing and displacing Palestinians is not enough: the military must destroy and then reproduce the space and this necessitates the mass indictment and destruction of civilian structures.<sup>56</sup>

## Mass killing and mass destruction

Since October 7, Israel has indicted most if not all hospitals, schools, universities, mosques, government and media structures and apartment buildings in Gaza, claiming that they function as shields. The sheer scale of the shielding accusation, whereby a whole area and every civilian and civilian structure within it is defined as a shield or potential shield, is unprecedented and has become part of the toolkit used by Israel to destroy the Gaza Strip and even erase it from the map.<sup>57</sup> I mentioned earlier that historically, the shielding accusation was limited, with warring parties charging specific people, groups or structures of being used as shields for a circumscribed period. However, since the War on Terror was launched over two decades ago, we have witnessed a pivotal shift.

In our book, *Human Shields*, Perugini and I identified the 2008-09 Sri Lankan Civil War as one of the key moments when this shift took place. We showed how prominent legal scholars framed tens of thousands of civilians as human shields being used by the militant group Tamil Tigers in order to justify the massacres carried out by Sri Lankan government forces.<sup>58</sup> During the 2016 war against ISIS in Mosul, the Iraqi coalition, United Nations agencies and even Amnesty International characterised 100,000 civilians trapped in proximity to the fighting as human shields.<sup>59</sup> These instances demonstrate that as part of the War on Terror, non-white civilians trapped near non-state fighters in war zones as well as the civilian structures surrounding them have become more and more likely to be framed as shields. Israel's ongoing war on Gaza has accelerated and broadened these dynamics and this trend.

Because Hamas has built what are believed to be hundreds of kilometres of underground tunnels beneath Gaza as part of its guerrilla tactics, the Israeli legal team has invoked international law to claim that all civilian objects – and every single civilian – situated on Gaza's land surface are potential human shields and thus are not immune from attack. Gaza's entire population and all its civilian structures can be framed as shields because they exist above the tunnels and their mere proximity seemingly serves as a shield. Significantly, proximate shielding plays a vital role in Israel's genocidal drive since these kinds of shields involve no agency. Their

functionality as shields does not entail any act on the part of civilians or even on the part of Palestinian fighters, since they can be indicted simply due to their ostensible proximity to tunnels or fighters. And since Palestinian civilians and civilian infrastructures become shields due to their location above the tunnels or near fighters rather than an action they or Palestinian fighters carry out, they can be characterised as shields for as long as the fighting persists.

Indeed, this was the logic from the very beginning of Israel's onslaught. One week after its war on Gaza began, Israel ordered 1.1 million Palestinians in northern Gaza – about half of the enclave's population – to leave their homes. According to international humanitarian law, parties to an armed conflict cannot deport or forcibly transfer the civilian population of an occupied territory unless 'the security of the civilians involved or imperative military reasons so demand'.<sup>60</sup> In this case, Israel claimed that it was removing Palestinian civilians from their homes as a humanitarian precaution that would protect them from the epicentre of violence (namely, Israeli bombings). In effect, however, Israel transformed this humanitarian norm into a tool of mass expulsion. But more relevant to the argument presented here, Israel also used a similar strategy to undermine the legal protection of those Palestinians who were unable or unwilling to leave their homes as well as of all civilian structures in northern Gaza. Israel is legally required to treat such people, who numbered in the hundreds of thousands – alongside all civilian structures – as protected. But since it had dropped leaflets instructing people to evacuate, Israel claimed that it could designate all of northern Gaza as a legitimate military target, and that the Palestinian civilians who remained were putting themselves in the line of fire. When Israel launched its attack on the area a few days later, killing thousands of civilians, the military cast the civilians who remained in the north as either terrorist accomplices or human shields, and the civilian structures that were destroyed as shielding structures. The decision to stay at home and not be expelled like their parents and grandparents had been in 1948 is what transformed Palestinian civilians into shields.

Crucially, voluntary and involuntary human shielding are very different from proximate shielding, since these two kinds of shields are tied to an action that dramatically circumscribes the number of shields, the

space they occupy, and length of time they can be deployed as shields.<sup>61</sup> The unprecedented nature of the proximate shielding charge would appear to strain credulity. However, as a US ally fighting non-white, non-state actors, Israel has found Western politicians and international press very amenable to the narrative that 'savage' Palestinian militants are using their own civilians and civilian structures as fodder. While Perugini and I have documented the particular ways in which the operations of IHL are problematic in and of themselves, it is hardly likely that Israel's legal justifications would have carried any weight had the victims been white Ukrainians. Indeed, large segments within the international political elite seem to believe Israel because they share similar racial biases.

In an article for *Jewish Currents*, Perugini and I argued that Israel's unprecedented broadening of the human shielding charge is now being applied to justify genocidal violence, including mass expulsions and killings.<sup>62</sup> Israel's wholesale indictment of civilians and civilian structures as shields is not being used to defeat the Palestinians but to destroy them. The stakes could not be higher.

Israel is aware that legal work is interpretive work, and that the laws of war are always open to interpretation and can be used both to justify the need to continuously protect humans and nonhumans by highlighting their vulnerability, or alternatively, to render them legitimate military targets. Tellingly, Israel's legal defence team at the International Court of Justice put the shielding idea front and centre. In his opening statement, the attorney representing Israel noted that Gaza's civilian infrastructure is actually 'the most sophisticated terrorist stronghold in the history of urban warfare', and argued that Hamas, not Israel, was responsible for the destruction of Gaza.<sup>63</sup> The Israeli legal team returned to these arguments again and again, marking the first time in history that shielding provisions have been used to carve out a justification for a colonial war of elimination. Indeed, if the international legal apparatus can be used to justify acts that can destroy a people, 'in whole or in part', then the rules-based order created in the aftermath of World War II to regulate war according to humanitarian principles becomes a tool for its own undoing. Israel's mobilisation of legal instruments created to guarantee 'Never Again' are now being used to legitimise a genocide.

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## Notes

1. ICRC, 'Rule 97. The use of human shields is prohibited', accessed 29 November 2024, <https://ihl-databases.icrc.org/en/customary-ihl/v1/Rule97>. The prohibition of the use of human shields appears in 1949 Geneva Convention III, art. 23; 1949 Geneva Convention IV, arts. 28 and 49; 1977 Additional Protocol I, arts. 51(7) and 58; 1977 Additional Protocol II, arts. 5(2)(c) and 13.
2. Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge: Cambridge University Press, 2004).
3. Neve Gordon and Nicola Perugini, *Human Shields: A History of People in the Line of Fire* (Oakland: University of California Press, 2020).
4. Neve Gordon and Nicola Perugini, 'The politics of human shielding: On the resignification of space and the constitution of civilians as shields in liberal wars', *Environment and Planning D: Society and Space* 34:1 (2016), 168–187.
5. Israel Defense Forces, ' Hamas Protects its Weapons with Human Shields', accessed 3 December 2024, <https://x.com/IDF/status/490476864494788608>
6. Banu Bargu, 'Human shields', *Contemporary Political Theory* 12:4 (2013), 277–295.
7. Bargu, 'Human shields'; Judith Butler, 'Human shields', *London Review of International Law* 3:2 (2015), 223–243; Gordon and Perugini, 'The politics of human shielding'.
8. Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2007); Anne Orford, ed., *International Law and Its Others* (Cambridge: Cambridge University Press, 2006); Frédéric Mégret, 'From "savages" to "unlawful combatants": a postcolonial look at international humanitarian law's "other"', in *International Law and Its Others*, ed. Anne Orford (Cambridge: Cambridge University Press, 2006).
9. Neve Gordon and Nicola Perugini, 'Human Shields, Sovereign Power, and the Evisceration of the Civilian', *AJIL Unbound* 110 (2016): 329–334.
10. To the best of my knowledge the first scholars to discuss the notion of proximate shields were W. Matthew

Ezzo and Amos N. Guiora, 'A Critical Decision Point on the Battlefield – Friend, Foe, or Innocent Bystander', in *Security: A Multidisciplinary Normative Approach*, ed. Cecilia M. Bailliet (Leiden: Brill, 2009), 91–116.

11. Helen Kinsella, *The Image before the Weapon: A Critical History of the Distinction between Combatant and Civilian* (Ithaca, NY: Cornell University Press, 2017).
12. Gordon and Perugini, *Human Shields*; Nicola Perugini, 'Decolonising the Civilian in Third World National Liberation Wars', *Millennium* 52:2 (2024), 252–278.
13. Bargu, 'Human shields'.
14. Neve Gordon and Nicola Perugini in conversation with Ayça Çubukçu, Noura Erakat and John Reynolds, 'Human Shields and the Location of Agency', accessed 30 November 2024, <https://t-wailr.com/wp-content/uploads/2021/02/TWAILR-Dialogue-Human-Shields-Gordon-Perugini-with-Cubukcu-Erakat-Reynolds.pdf>.
15. Gordon and Perugini, *Human Shields*.
16. Colonial wars were also characterised by fighting between state and non-state actors, but prior to decolonisation states parties did not consider the laws of armed conflict applicable to those conflicts. Anghie, *Imperialism, Sovereignty and the Making of International Law*.
17. Helen Kinsella, 'Gender and Human Shielding', *AJIL Unbound* 110 (2016): 305–310.
18. Al Jazeera Arabic, 'Al Jazeera exclusive photos show the occupation using Palestinian prisoners as human shields', 30 June 2024.
19. Yaniv Kubovich and Michael Hauser Tov, 'Israeli Army Uses Palestinian Civilians to Inspect Potentially Booby-trapped Tunnels in Gaza', *Ha'aretz*, 13 August 2024, <https://www.haaretz.com/israel-news/2024-08-13/ty-article-magazine/premium/idf-uses-gazan-civilians-as-human-shields-to-inspect-potentially-booby-trapped-tunnels/00000191-4c84-d7fd-a7f5-7db6b99e0000>.
20. Ibid.
21. 1977 Additional Protocol I, Article 39.
22. Aimé Césaire, *Discourse on Colonialism* (New York: NYU Press, 2000).
23. Paulo Freire, *Pedagogy of the Oppressed* (London: Routledge, 2020), 57.
24. Emanuel Fabian, 'Defense minister announces "complete siege" of Gaza: No power, food or fuel', *The Times of Israel*, 9 October 2023, [https://www.timesofisrael.com/liveblog\\_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/](https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/).
25. Alexander Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham: Duke University Press, 2020), 5, 73; Ronit Lentin, *Traces of Racial Exception: Racializing Israeli Settler Colonialism* (London: Bloomsbury Books, 2018).



26. ICRC, 'Human Shields', accessed 30 November 2024, [https://casebook.icrc.org/a\\_to\\_z/glossary/human-shields](https://casebook.icrc.org/a_to_z/glossary/human-shields)
27. Neve Gordon and Nicola Perugini, "'Hospital Shields' and the Limits of International Law', *European Journal of International Law* 30:2 (2019), 439–463; Nicola Perugini and Neve Gordon, 'Medical Lawfare: The Nakba and Israel's Attacks on Palestinian Healthcare', *Journal of Palestine Studies* 53:1 (2024), 68–91.
28. 1977 Additional Protocol I largely distinguishes provisions relating to attacks upon persons from provisions relating to attacks upon objects. Articles 50 and 51 define and prohibit attacks upon 'civilians' and the 'civilian population'. Article 52(2) specifies which objects are 'military objectives'.
29. British Institute of International and Comparative Law, *Protecting Education in Insecurity and Armed Conflict An International Law Handbook Second Edition*, accessed 30 November 2024, [https://www.biicl.org/documents/10245\\_peic\\_summary\\_2nd\\_edn.pdf](https://www.biicl.org/documents/10245_peic_summary_2nd_edn.pdf), 32–33.
30. 1977 Additional Protocol Protocol I Article 52.
31. In addition to the regular protections, IHL provides special protections to medical units, vehicles, and other transport (AP I Arts. 12, 21; AP II Art. 11; Rules 28 and 29 of the customary IHL study); cultural objects and places of worship (AP I Art. 53, AP II Art. 16, and Rules 38–41); protection of objects indispensable to the survival of the civilian population (AP I Art. 54, AP II Art. 14, Rule 54); and natural environment (AP I Art. 55, Rules 43–45).
32. Henry Shue and David Wippman, 'Limiting Attacks on Dual-Use Facilities Performing Indispensable Civilian Functions', *Cornell International Law Journal* 35: 3 (Winter 2002), 559–580. The authors note that Protocol I does not use the term 'dual-use' or refer explicitly to dual purpose facilities or objects. However, the definition of military objective in the first part of Article 52(2) can be read to classify every dual-use facility as a potential military objective.
33. Gordon and Perugini, "'Hospital Shields'".
34. Article 52(2) of Additional Protocol I of the Geneva Conventions reads as follows: 'Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage'. Shue and Wippman, 'Limiting Attacks on Dual-Use Facilities', 562.
35. Stephen Graham, *Cities Under Siege: The New Military Urbanism* (London: Verso, 2011); Cécile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012).
36. Michael N. Schmitt, 'Targeting and International Humanitarian Law in Afghanistan', *Israel Yearbook on Human Rights* 39 (2009), 99–132.
37. Antoine Bousquet, *The Eye of War: Military Perception from the Telescope to the Drone* (Minneapolis: University of Minnesota Press, 2018). During the 2021 war on Gaza and much more so following 7 October 2024, Israel's military gaze has also included machine learning algorithms that have identified thousands of targets. Yuval Abraham, "'A mass assassination factory": Inside Israel's calculated bombing of Gaza', *+972 Magazine*, 30 November 2023, <https://www.972mag.com/mass-assassination-factory-israel-calculated-bombing-gaza/>; Yuval Abraham, "'Lavender": The AI Machine Directing Israel's Bombing Spree in Gaza', *+972 Magazine*, 3 April 2024, <https://www.972mag.com/lavender-ai-israeli-army-gaza/>
38. Daniele Palumbo, Abdelrahman Abutaleb, Paul Cusiak and Erwan Rivault, 'At least half of Gaza's buildings damaged or destroyed, new analysis shows', *BBC*, 30 January 2024, <https://www.bbc.com/news/world-middle-east-68006607>.
39. Al Jazeera, 'Israel's war on Gaza', accessed 15 December 2024, [https://interactive.aljazeera.com/aje/2024/gaza-before-after-satellite-images/?utm\\_source=aljazeera.com&utm\\_medium=website&utm\\_campaign=ucms](https://interactive.aljazeera.com/aje/2024/gaza-before-after-satellite-images/?utm_source=aljazeera.com&utm_medium=website&utm_campaign=ucms).
40. To be sure, there is ample criticism of the humanist and human rights traditions. For the former see Ayça Çubukçu, 'Thinking against humanity', *London Review of International Law* 5:2 (2017), 251–267; and for the latter see Jessica Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism* (London: Verso Books, 2019).
41. Complex surveillance and identification technologies have increasingly been adopted for gathering data about warring parties from mobile phones, emails, and social media, while also using satellite images, heat-seeking sensors, electronic signal detectors, thermal imaging, GPS, GIS, aerial photos and videos, and acoustic vector systems. To be sure, the function of these technologies is to alter ways of 'seeing' so as to expand what militaries can observe, but no less important from the perspective of this article is that dominant social norms have been coded into these surveillance technologies and shape the way militaries see. Louise Amoore, 'Cloud geographies: Computing, data, sovereignty', *Progress in Human Geography* 42:1 (2018), 4–24.
42. Gordon and Perugini, *Human Shields*, 185–190.
43. Saher Selod, *Forever Suspect: Racialized Surveillance of Muslim Americans in the War on Terror* (New Brunswick, NJ: Rutgers University Press, 2018); Safiya Umoja Noble, *Algorithms of Oppression: How Search Engines Reinforce Racism* (New York: New York University Press, 2018); Ruha Benjamin, *Race After Technology: Abolitionist Tools for the*



*New Jim Code* (New York: John Wiley & Sons, 2019).

**44.** Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research* 8:4 (2006), 387–409.

**45.** Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society* (Chicago: University of Chicago Press, 2008); Ghazi-Walid Falah, 'Dynamics and patterns of the shrinking of Arab Lands in Palestine', *Political Geography* 22:2 (2003), 179–209; Rassem Khamaisi, 'Mechanism of Land Control and Territorial Judaization of Israel', in *In the Name of Security*, eds. Majid Al-Haj and Uri Ben-Eliezer (Haifa: Haifa University Press, 2003), 421–49; Jeremy Forman and Alexandre Kedar, 'From Arab Land to "Israel Lands": The Legal Dispossession of the Palestinians Displaced by Israel in the Wake of 1948', *Environment and Planning D: Society and Space* 22:6 (2004), 809–30; David Sibley, 'Survey 13: Purification of Space', *Environment and Planning D: Society and Space* 6: 4 (1988): 409–21; Naama Blatman-Thomas, 'Commuting for rights: Circular mobilities and regional identities of Palestinians in a Jewish-Israeli town', *Geoforum* 78 (2017), 22–32.

**46.** Fayez A. Sayegh, *Zionist Colonialism in Palestine* (Beirut: Palestine Liberation Organization Research Center, 1965).

**47.** Alexander Kedar and Oren Yiftachel, 'Land Regime and Social Relations in Israel', in *Realizing Property Rights*, eds. Hernando de Soto and Francis Cheneval (Zurich: Rüf-fer and Rub, 2006), 129–46.

**48.** Mori Ram, 'White But Not Quite: Normalizing Colonial Conquests through Spatial Mimicry', *Antipode* 46:3 (2014), 736–753.

**49.** Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford: Oxford University Press, 2015).

**50.** Yinon Cohen and Neve Gordon, 'Israel's Biospatial Politics: Territory, Demography, and Effective Control', *Public Culture* 30:2 (2018), 199–220.

**51.** Nicola Perugini and Neve Gordon, 'Between Sovereignty and Race: The Bombardment of Hospitals in the Italo-Ethiopian War and the Colonial Imprint of International Law', *State Crime Journal* 8:1 (2019), 104–125.

**52.** Gordon and Perugini, *Human Shields*.

**53.** Israel Ministry of Foreign Affairs, ' Hamas-Israel Conflict 2023: Key Legal Aspects', 2 November 2023, <https://www.gov.il/en/pages/hamas-israel-conflict2023-key-legal-aspects>

**54.** Nicola Perugini and Neve Gordon, 'A Legal Justification of Genocide', *Jewish Currents*, 17 July 2024,

<https://jewishcurrents.org/human-shields-gaza-israel-a-legal-justification-for-genocide>

**55.** Barbara Plett Usher and Thomas Mackintosh, 'Israeli strike in Gaza kills more than 70, hospital head says', *BBC*, 10 August 2024, <https://www.bbc.co.uk/news/articles/c8erk37yn2no>.

**56.** On the social reproduction of space see Henri Lefebvre, *The Production of Space* (Oxford: Basil Blackwell, 1991).

**57.** Israeli politicians who recently voiced such a wish are echoing the desire of Israeli leaders ever since 1967. In the months following the 1967 war, Israel contemplated plans to transfer Gaza's population to Al-Arish, to the West Bank, to Iraq, and to several countries in Latin America. Hadeel Assali, 'Diary: Palestinians in Paraguay', *London Review of Books* 45:10 (18 May 2023), <https://www.lrb.co.uk/the-paper/v45/n10/hadeel-assali/diary>. Prime Minister Levi Eshkol was clear: 'I want them all to go, even if they go to the moon'. Tom Segev, *1967: Israel, the War, and the Year That Transformed the Middle East*, trans. Jessica Cohen (New York: Metropolitan Books, 2007), 534. And in 1992, Prime Minister Yitzhak Rabin asserted: 'I wish I could wake up one day and find that Gaza has sunk into the sea'. 'Will Rabin's Dream of Gaza Being Swallowed by the Sea Come True?' *Middle East Monitor*, 21 September 2015, <https://www.middleeastmonitor.com/20150921-will-rabins-dream-of-gaza-being-swallowed-by-the-sea-come-true/>

**58.** Neve Gordon and Nicola Perugini, 'Human Shields and Proportionality: How Legal Experts Defended War Crimes in Sri Lanka', *Just Security*, 12 November 2020, <https://www.justsecurity.org/73079/human-shields-and-proportionality-how-legal-experts-defended-war-crimes-in-sri-lanka/>

**59.** Amnesty International, *At Any Cost: The Civilian Catastrophe in West Mosul, Iraq* (London: Amnesty International, 2017).

**60.** 1949 Geneva Convention IV, Article 49.

**61.** Gordon et al, 'Human Shields and the Location of Agency'.

**62.** Perugini and Gordon, 'A Legal Justification of Genocide'.

**63.** President Donoghue presiding, in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), 12 January 2024, accessed 2 December 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240112-ora-01-00-bi.pdf>