# Introduction

AS PART OF HER SENIOR-YEAR PROJECT at Evergreen College, twenty-three-year-old Rachel Corrie traveled to the Middle East, intending to initiate a sister city project between her hometown Olympia, Washington, and the Palestinian town Rafah, in the Gaza Strip. She flew into the area at the very height of the second Palestinian uprising, and after a two-day seminar in the offices of the International Solidarity Movement (ISM) in the West Bank, she continued on to Rafah to join other ISM activists who were trying to prevent Israel's massive demolitions of houses on the Egyptian border. Less than two months after her arrival, on March 16, 2003, Corrie was crushed to death as she tried to prevent an Israeli Caterpillar D9R military bulldozer from destroying the home of local pharmacist Samir Nasrallah.

During the subsequent trial, the military spokeswoman defended the bulldozer driver and accused the ISM of carrying out "illegal and violent" activities by "serving as human shields for wanted people or for the homes of Palestinians." In the military's eyes, the fact that Corrie had used her body as a shield to try to deter bulldozers from demolishing homes was proof that she had engaged in an act of combat, and thus the person who killed her had not violated any law. Rachel Corrie's horrific death and the acquittal of the soldier who killed her pose a number of questions around human shielding. Why was the killing of a voluntary human shield, an unarmed person who deploys nonviolent forms of protection, deemed legal? Why are voluntary human shields considered criminals by some and heroes by others? And what might a history of people in the line of fire teach us about the laws of war and the changing political and social forces that have shaped the global order?

I

The phrase "human shield" actually emerged only following the Second World War, even though the practice of human shielding had been common for a very long time. In the seventh century, for example, the Chinese used "barbarian" tribes on the Turko-Mongol frontier as human buffers, while the Mongols deployed prisoners as shields during their conquests. In the eleventh century, Crusaders were advised to set "their Muslim captives out naked in chains to take the force of enemy missiles," and throughout the Middle Ages hostages were used as human shields in different battles and conflicts. Unlike Rachel Corrie, these were involuntary human shields, people who were coerced to serve as a buffer, and a careful reading of the historical records revealed that their use was not uncommon.

The practice of human shielding also appears in many notable novels, memoirs, poems, and films, but since it's not explicitly mentioned, it's easy to miss. Human shielding occurs in one of the key scenes in Harper Lee's novel *To Kill a Mockingbird*, for example. Set in a southern United States town in the early 1930s, the story follows the lives of two children and their lawyer father, Atticus Finch, who is charged with defending Tom Robinson, a black man wrongfully accused of raping and beating a white woman. The night before the trial, Robinson is brought back to the local jail, and Atticus, who thinks that some of his white neighbors might want to murder the prisoner, decides to sit in front of the jailhouse to protect his client with his own body. Sure enough, an angry mob of men arrive and demand that Atticus move aside so that they can carry out the lynching, but his two children and another boy suddenly appear, and by standing on the steps of the jailhouse, unwilling to budge, the lawyer and the three children manage to fend off the would-be killers (figure 1).<sup>4</sup>

This scene pre-dates the activities of the International Solidarity Movement in Gaza, but it too depicts an action that today we would call voluntary human shielding, where a person or group of people risks their lives to protect someone or something that is under attack. It is a nonviolent act of resistance not only against the deployment of violence but, as Lee's novel suggests, also against oppressive social norms—in this case the white supremacy that dominated the southern US town. This is but one of many instances of voluntary shields who challenged militarism, imperialism, racism, sexism, capitalist exploitation, and environmental plunder. Such people willingly put their lives in the line of fire to advance a cause they perceive as ethical.



FIGURE 1. In *To Kill a Mockingbird*, Atticus Finch and the children shielding Tom Robinson from an angry mob. Credit: YouTube clip.

The dual connotation whereby human shields create a buffer to protect a target and simultaneously expose structures of power sustaining a particular social reality is captured by the phrase *human screens*, which is the name given to human shields during the First World War. In the literal sense, human shields serve as a screen to protect a target, but they can also serve as a screen that renders something visible, like a television screen. They help uncover institutionalized relations of power and violence. By defending Tom Robinson, Atticus and the children were taking a stand against the deep-seated racism embedded in their society while at the same time helping to lay bare this racism. An analysis of human shielding helps to illuminate the political and legal order informing any society.

# WEAPONIZATION

In the history of warfare, involuntary human shields have played a more prominent role than their voluntary counterparts, having long been manipulated by both state militaries and insurgents. Analyzing a series of historical events, including horrific testimonies recounting how civilians in conflict zones have been weaponized, this book outlines who was forced to serve as shields, why they were chosen rather than others, as well as the different types

of shielding practices that have been adopted over the years, how they were portrayed by different political actors, and what kind of political and legal work human shields do.

Consider the newspaper articles portraying the fighting in the Syrian city Raqqa. As the US-led coalition began its campaign to recapture Raqqa from the hands of the Islamic State (ISIS), numerous descriptions appeared in the press of how the militants dragged along terrified civilians, "intentionally endangering the lives of innocents" while using them for cover against the ferocious onslaught.<sup>5</sup> In October 2017, a few Syrians who had managed to flee the ravaged city described being herded from one damaged building to another as the extremists retreated into the city's Al-Badu district. "They were holding us as human shields. They were keeping us there to protect themselves," said one survivor, whose oversized trousers hanging from his bony frame suggested that he had not had a hearty meal for a very long time.<sup>6</sup>

Umm Mohammad, a heavyset woman who had also managed to escape from Al-Badu, recounted how civilians were not allowed to leave the buildings except to draw water from nearby water wells, and, even then, ISIS fighters would use the civilians as cover when they moved from one place to another. "At the wells," she explained, "[ISIS] would allow its fighters to fill up water first and made civilians wait for hours to protect them from air strikes." Her eldest son, Mohammad, would leave the building at 4:00 in the morning to draw water from a nearby well, and it would be hours before he came back. Several days before she escaped, he had left as usual but had never returned. "We learned there was an air strike there," she says. "I couldn't even find his sandals."

Such testimonies, alongside those of the international volunteers who went to Iraq in 2003 to try to protect civilians from imminent attack, show how the history of human shields is also a history of the human body, and how the body has been mobilized to advance both domination and resistance. This history is marked not only by numerous incidents of people subjected to cruel and inhumane treatment by those who deployed them as shields, but also by incidents of immense courage, such as when activists have risked their own lives in order to save the lives of others.

Between the First and Second World Wars, for instance, pacifists, humanitarians, and anticolonial activists such as Mahatma Gandhi developed the idea of human shielding as a tool of resistance. This suggests that human shields can serve not just as weapons of war but also as weapons of peace. And as they are used to advance different political and military goals, human shields have come to embody a historical repository that reflects diverse social and ethical relations.

#### HUMAN VULNERABILITY

During its occupation of France in 1871, the German military tied French dignitaries on trains transferring soldiers and supplies to the front lines in the hope that this would shield the trains from enemy fire, not unlike the way ISIS used civilians to protect its convoys in Syria and Iraq (figure 2). These human shields have functioned as defensive tools, but in a profoundly different way than inanimate shields, such as land mines used to defend a border or antiaircraft missiles protecting an airfield. Generally speaking, inanimate shields are an integral part of any weapon arsenal and are used to protect vulnerable targets. Their particular physical or technological capacities determine their function as instruments of protection within armed conflict. By comparison, human beings seem an unlikely choice for a shield, since as beings made of flesh and blood they can be easily killed. Clearly, for human shields to be able to serve as effective deterrents, some other capacities or warfare strategies come into play.

When ISIS militants forced men, women, and children to walk in front of them, their hope was that the value attributed to these people as defenseless civilians protected by international law would deter and prevent their enemies from bombing. In Palestine, Rachel Corrie and other international activists volunteered to stand in front of bulldozers, hoping that their privilege as white protestors holding Western passports would stop Israel from demolishing Palestinian homes. While the value that has been ascribed to people from different social, economic, and geographical settings who became shields has shifted over the course of history, the vulnerability of those whose lives were considered valuable by the attackers has continued to serve as an effective shield within theaters of violence.

This suggests that the seemingly neutral term *human* in the phrase *human* shield denotes not merely an ostensibly universal biological condition but also a political one. The term both reflects and is constituted through social and political hierarchies. It is the value ascribed to the lives of some people that explains why their vulnerability can become a weapon of deterrence, while the lives of others are perceived to be expendable and therefore they cannot



FIGURE 2. ISIS using civilians as human shields to protect its convoys. Credit: Syrian Democratic Forces Twitter account.

be used as shields. Unique forms of reckoning and ethical calculations enter the picture when humans become shields within a conflict zone.

Both involuntary and voluntary forms of shielding are fundamentally part of a politics of human vulnerability: a form of politics in which vulnerability is used as a strategy to achieve a range of political, military, and legal gains. Deterrence is successful only when the attacking party values the shield's humanity and feels morally compelled to stop the attack in order not to harm the person who serves as a shield. Deterrence fails when the value of the shield is considered negligible. The story of human shields is also the story of those who have been included and those who have been excluded from the fold of humanity, revealing that humanity is a political rather than universal category.

The history of human shielding touches several nerves. It describes who deserves to be treated humanely at a given historical moment and who does not. It also illustrates how racial, class, religious, sexual, and gender orders help shape our understanding of the human and thus the ethics of violence and how legal frameworks, particularly the laws of war, reflect, reinforce, and even produce these orders and their ethical valence.

## LAWS OF WAR

The laws of war are a crucial aspect of the history of human shields. This body of laws regulates the deployment of violence during armed conflict, but it is also an instrument that is used by warring parties to establish the legitimacy of power and the forms of humane violence.<sup>10</sup> The principle of distinction is arguably the bedrock of these laws, distinguishing between combatants, who can be legally killed during armed conflict, and noncombatants, who are characterized as protected persons. The human shield, however, does not fit in either of these axiomatic "legal figures," or groups of people whose specific characteristics are classified and defined by law.

Because the human shield elides the law's two primary classifications of human beings—combatants and noncombatants—it destabilizes the order regulating the use of lethal violence in war. Examining the laws of war from the vantage point of this marginal and controversial legal figure provides insight into how the laws of armed conflict function and how they not only limit, regulate, and justify violence but can also facilitate and enhance it. Incidents of human shielding can serve as a lens to investigate the law's inner workings and thus produce a legal history from the margins, one that is often not apparent when studying the law from within the canon.

The story begins with the first detailed code to regulate fighting in a manner that was considered humane. The code was drafted during the American Civil War by Francis Lieber, a professor at Columbia College in New York, at the request of President Abraham Lincoln, who was troubled by the conflict's ethical implications. 11 As the horrific effects of the war became manifest, both sides tried to claim the moral high ground and present themselves as civilized. These claims were influenced by the international attention the war was drawing—especially from European powers such as France and Great Britain that considered themselves the champions of liberal humanity—and each warring party aspired to gain international legitimacy.<sup>12</sup> Although Lieber wrote the document within the context of a civil war, it ended up influencing the international debates leading to the first two Hague Conventions of 1899 and 1907, and some argue that it served as their blueprint. It is also with the appearance of the Lieber Code that the figure of the human shield began to acquire a certain legal, political, and conceptual depth it did not have in previous centuries.

Lieber acknowledged that civilian populations should be treated humanely, but he also framed them as an "object of warfare," claiming that in certain circumstances enemy civilians could become legitimate targets. <sup>13</sup> Thus the Lieber Code contains a foundational tension surrounding the status of civilians in armed conflict. In cases of human shielding, the issue becomes even more complicated. Civilians who either volunteer or are forced to become human shields produce an ethical uncertainty or ambiguity in the laws of war precisely because they can, at times, be legitimately killed. <sup>14</sup> Fierce debates about human shields commenced in the wake of the 1871 Franco-German War, not long after the Lieber Code was first drafted, and continued well into the twenty-first century, not least after the publication of the 2015 *Law of War Manual* in the United States.

Because human shields fall between the laws of armed conflict's two axiomatic legal figures, they challenge the laws of war's basic structure and logic, which is based on the possibility of distinguishing between combatants and noncombatants. Ethical questions concerning the circumstances allowing human shields to be killed as well as who is responsible for the life and potential death of human shields arise because human shields cannot be easily captured by the law's framework.

Acts of human shielding also expose operations of power and ideology within the law. An interrogation of human shields can, for instance, help us trace the changing status of civilians—those who can become shields—both in war and within the laws of armed conflict. In certain periods nonwhites could not be deployed as human shields because they were not considered civilians, while in other periods almost all the people who were forced to become shields were nonwhites. The changes in the political significance of "the human" who can serve as a shield are as intriguing and disturbing as the ethical implications of these changes.

Voluntary human shielding is particularly tricky, since the laws of war create a clear opposition between combatants, who are considered to be active actors, and civilians, who are understood to be innocent and passive bystanders. The laws of war do not have the vocabulary to address civilians who are active in armed conflict, especially those who act to protect other civilians. Voluntary human shields are therefore often legally conflated with combatants even though they deploy nonviolent forms of resistance. Like Rachel Corrie and the activists who travelled to Iraq during the Gulf Wars,

frequently voluntary shields are nonviolent and antimilitaristic and use direct action to defend vulnerable civilians trapped in a war zone.

### LEGITIMIZING VIOLENCE

In addition to revealing the shifts in the value ascribed to different people and illuminating the laws of war, human shielding also exposes the relationship between the changing nature and methods of warfare and the ethics of violence. The testimonies from Raqqa not only provide a glimpse of the people who are most frequently being used as human shields in contemporary conflicts, but they also reveal why human shields have been mobilized at a greater rate in the past couple of decades. One of the reasons is the "disappearance of the battle-field"; in the global and perpetual war on terror, fighting is no longer confined within demarcated spatial boundaries or a circumscribed time frame.<sup>16</sup>

This shift to warfare that has no borders and an unlimited time frame has also pushed human shields to the forefront of several theaters of violence. New surveillance technologies and enhanced weapon systems enable high-tech militaries to search, find, and kill militants anywhere around the world, forcing these militants to find new ways to hide. Militants are reacting to cuttingedge technologies of warfare by moving into urban settings where they can conceal themselves by intermingling with civilian populations. Consequently, the major battles against ISIS over the past years have been not in open terrain but in cities like Mosul, Kirkuk, and Raqqa. The move to the city not only undermines the ability to distinguish between combatants and civilians, but also provides a ripe terrain for the deployment of human shields by militants striving to hide from the lethal weapons of states with high-tech militaries. The ways wars are fought thus determine the prevalence of human shielding.

These new wars have produced new ways to legitimize the use of lethal force. Following strikes against ISIS and other rebel groups, high-tech states have increasingly appealed to a variety of legal classifications to help justify the deaths of civilians. "Collateral damage," "military-aged males," "enemies killed in action," and "human shields" are some of the legal figures describing people who were not the intended target but, nonetheless, were killed during attacks. <sup>20</sup> The proliferation of such figures is not incidental, and they have become tools in the political struggle over the ethics of violence.

Human shields have emerged as one of the key legal figures marshalled to legitimize the use of lethal violence against innocent people. When those who die are classified as human shields, then the party who deployed them rather than the one who killed them is most often framed as the one responsible for their death. Human shields, in other words, can be mobilized as a weapon of denial and of allocating blame to other warring parties.<sup>21</sup>

If ISIS militants forced a civilian to serve as a human shield as they changed positions in Raqqa and enemy missiles killed both the militants and the shield, then, according to the laws of armed conflict, the militants are the ones likely to be blamed for the civilian's death and not those attacking them. But if the militants were moving in the city and the missiles killed civilian bystanders, then the party launching the missiles is deemed responsible for the deaths. While determining exactly what transpired during a conflict is often difficult, it is clear that the attacking party has a vested interest in classifying civilians who are killed as human shields, since this assigns the blame to the militants. Conversely, it is in the militants' interest that these same people be classified as civilians. The ethics of violence is, at least in part, determined by the way the violence is framed, and human shielding has become a useful instrument for assigning guilt in contemporary wars.

# BLURRING REALMS

Most people associate human shielding with warfare. But historically, human shields have often appeared in the civil sphere—and not only during armed conflict. Atticus Finch's courageous effort to defend Tom Robinson in *To Kill a Mockingbird* is an example, but one of the earliest historical instances of human shielding that we encountered comes from environmental activism in eighteenth-century India, where members of the Bishnoi community hugged trees in an effort to prevent a local king from uprooting them. Two hundred fifty years later, Greenpeace adopted shielding as its major eco-tactic in struggles against nuclear testing and whaling.

Human shielding has also been an important strategy in the history of labor struggles, as workers in numerous countries across the globe have created human barricades to shield factories from scabs and other strikebreakers. By so doing, they strove to protect themselves and future generations of workers from capitalist exploitation.

Human shields have even made their way into our homes, not only through their portrayal in television series such as *Homeland* and *Games of Thrones* but, more significantly, through popular computer games such as *The Last of Us* and *Army of Two*. Computer games very similar to those that are employed to train soldiers preparing for combat are being used by millions of people from the comfort of their homes, and some even invite their users to deploy human shields. More than simply another indication of how the line between war and civil space is being blurred, the appearance of human shields within virtual war games provides insights into our cultural moment.

In December 2016, two thousand US veterans travelled to Standing Rock Sioux Reservation in North Dakota to defend Native Americans. After seeing footage of peaceful indigenous water protectors being brutally attacked by security dogs, blasted with water cannons in subzero temperatures, and fired on with rubber bullets, thousands of veterans decided to shield the indigenous citizens from the violence deployed by their fellow uniformed officers. These powerful images were followed not long afterward by a viral picture of Ieshia Evans, an African American demonstrator, standing in the middle of the street to shield fellow Black Lives Matter protestors from an advancing row of officers dressed in battle gear like Robocops. In these and many other civil protests, human shielding was used to expose not only social relations of power but also the increasing militarization of policing and the ways that forms of violence used by militaries against civilian populations in foreign conquests are migrating home and into the civil sphere, blurring the distinction between armed conflict and civil protests.<sup>22</sup>

### HUMANE VIOLENCE

The figure of the human shield has always generated contentious claims and counterclaims about the ethics of using violence, while the history of human shielding is inextricable from a history of how violence has been justified as humane.<sup>23</sup> The figure of the human shield embodies two central and seemingly opposed elements: the *human*, which evokes the notion of humanity in its twofold meaning of being human as well as being humane toward the vulnerable other, and the *shield*, which is an instrument of war and violence. Human shields present a duality and even a conceptual and ethical tension between the moral virtue of being benevolent and just towards fellow human beings, on the one hand, and the employment of violence, on the other.<sup>24</sup>

This duality is often disturbing because it produces a series of ethical quandaries about the use of violence, how it is justified, and how it can be resisted in moral ways. For instance, how should a humane warring party react when confronted by enemy combatants who hide behind civilians? Should it refrain from shooting to protect the civilians who are being exploited by its enemy? But if the warring party withholds its fire, won't the enemy be incentivized to continue using civilians as shields? Or how is it possible that residents who are trapped in an embattled city are, at times, portrayed as human shields while on other occasions they are presented as innocent civilians? How does framing civilians as shields operate to legitimize violence? From a different perspective, does volunteering to become a human shield in an attempt to stop state violence constitute a humane or inhumane act? Questions like these have triggered heated debates because the figure of the human shield unsettles the ethics of violence, particularly for those who identify as humane. Indeed, such questions accentuate the inextricable tie between notions of humanity and being humane and the modern history of violence.

The figure of the human shield thus serves as a prism through which to interrogate the ethics of violence, how this ethics is produced and reproduced over time and to what ends. Recounting incidents of human shielding over a span of 150 years while looking at how the laws of armed conflict have dealt with the phenomenon, this book explains when, why, and how certain manifestations of violence come to be conceived as humane while others are perceived as immoral. Human shields are the book's main protagonists, and the production of humane violence is its plot.

Human shields are thus fascinating not only because they take on multiple meanings and uses but also because they serve as a crucial site for interrogating some of today's most urgent political questions around the ethics of violence. Human shielding reveals the precarity of civilians both in war zones and in the civil sphere and how the law often enhances this precarity by facilitating violence while portraying it as humane. It also reveals how people can and do use this precarity to resist this violence. The human shield's precarious position between combatant and civilian and between a weapon of war and a weapon of peace unsettles our common ethical assumptions about violence and urges us to imagine entirely new forms of humane politics.

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The book begins with the use of prisoners of war as shields during the American Civil War (chapter 1, "Civil War") and then crosses the Atlantic to the Franco-German War, where some of the greatest legal minds of the day argued that tying French dignitaries to trains was legal because the trains were attacked by irregulars (chapter 2, "Irregulars"). Heading next to South Africa, we examine how race pervades the ethics of violence, describing how during the Second Boer War British humanitarians took the Boer settlers' side against their own government, denouncing its use of human shields while ignoring British crimes against the black indigenous population (chapter 3, "Settlers"). We then turn to the German use of human shields during the occupation of Belgium in the First World War, focusing on the first governmental reports that used international law to assess the deployment of violence while showing how they classified the Germans as barbaric (chapter 4, "Reports").

The next chapter describes the attempt of the British pacifist feminist Maude Royden to create an army of voluntary human shields to stop the Japanese occupation of Shanghai in 1932 and to use shielding as a weapon of peace (chapter 5, "Peace Army"). Highlighting the debates surrounding the bombing of hospitals during the Italian colonization of Ethiopia in the mid-1930s, "Emblem" (chapter 6) shows how the fascist Italian regime justified its aerial strikes against Red Cross medical units by presenting the Ethiopian combatants as barbarians who used field hospitals as shields because they did not understand the moral significance of distinguishing between military and civilian sites.

The horrors of the Second World War led to the trials at Nuremberg (chapter 7, "Nuremberg"), where two Nazis were tried for deploying prisoners of war as human shields, but no one was tried for deploying civilians as shields because the laws of armed conflict had not yet registered the act as a crime. We then turn to the massive post–World War II introduction of an array of civilian protections, when for the first time in history the use of civilians as shields was outlawed (chapter 8, "Codification"). In "People's War" (chapter 9), we show how the United States reduced Vietnamese resistance to an act of human shielding to justify its use of lethal violence against thousands of civilians. "Environment" (chapter 10) turns away from war and focuses on shielding actions carried out by Greenpeace that expanded the notion of ethics beyond the human realm to include nonhuman organisms, while "Resistance" (chapter 11) describes how civilians in the two Gulf Wars and in Palestine became active political agents who challenged the whole framework of humane violence by rejecting violence itself.

"Humanitarian Crimes" (chapter 12) illustrates how the International Criminal Tribunal charged with investigating war crimes in the former Yugoslavia selectively handed out human shielding accusations so as to shield NATO from allegations that its aerial strikes were inhumane. "Manuals" (chapter 13) examines the coverage of human shields in military manuals, showing how these handbooks are lawmaking tools that can end up legitimizing the killing of shields. In "Scale" (chapter 14) we look at the Sri Lankan civil war, in which accusations that the Tamil Tigers were using human shields played a crucial role in interpreting the principle of proportionality, leading to assertions that the killing of an estimated forty thousand civilians during the war was not a crime.

"Hospitals" (chapter 15) shows how belligerents have consistently justified attacks on medical units by claiming that they are being used as shields to hide combatants or weapons and how the laws of war lend themselves to such claims. This leads us to the battles to capture the Iraqi city of Mosul and the framing of civilians trapped in conflict zones as shields (chapter 16, "Proximity"), followed by Israel's use of infographics to frame Palestinian homes, schools, hospitals, and mosques as shields in order to legitimize the killing of civilians during its attacks on Gaza (chapter 17, "Info-War").

We then turn to an examination of new surveillance technologies, demonstrating how shielding is cast as a perfidious weapon of the weak—who are also portrayed as barbarians—to deter powerful high-tech states from launching "surgical" strikes (chapter 18, "Posthuman Shielding"). "Women and Children" (chapter 19) explains why ever since the war on terror nonwhite women and children have become the protagonists of shielding accusations, a charge that helps reinscribe the colonial trope of brown men as uncivilized human beings. The notion of barbaric violence also emerges in viral video clips showing ISIS fighters parading dozens of civilian shields locked in metal cages through the rubble-laden streets of a Syrian town and others showing soldiers patrolling towns in Kashmir with an Indian citizen tied to the hood of a military jeep (chapter 20, "Spectacle"). Barbaric violence even appears in interactive computer games, where the usual reasoning is turned on its head: the deployment of involuntary human shields is not only presented as legitimate but, at times, even romanticized as a means for achieving the liberation of those who are considered humane (chapter 21, "Computer Games"). Finally, human shields figure increasingly in civil protests, where they protect targeted civilians from violence exerted by security forces while

simultaneously defending the public sphere—the space where people can join together to challenge or resist governmental or corporate violence (chapter 22, "Protest"). Voluntary human shielding as a strategy of resistance aspires not only to expand and deepen the ethical terrain but also, as we will show, to subvert the very notion that violence can be humane.