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## On the possibility of critiquing Israel: *The Times'* engagement with Israel's deployment of white phosphorous during the first Gaza war

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***On the possibility of critiquing Israel: The Times' engagement with Israel's deployment of white phosphorous during the first Gaza war***

**ABSTRACT**

This paper comprises a discourse analysis of the British *The Times'* coverage of Israeli deployment of white phosphorous during the first Gaza war. It argues that this issue is of special theoretical importance as it demonstrates a rare instance of a medium that is considered supportive of an agent (i.e., the State of Israel) offering apparently substantial criticism of that particular agent. The paper progresses by uncovering layers of the newspaper's coverage. It starts with introducing some quantitative characteristics, moving then on to analysis proper: to explicit arguments and implicit meaning in editorials. Doing this, it argues that an understanding of the discourse around criticism and the Israeli-Palestinian conflict need to account not just for overt arguments but implicit meanings which are, consciously or not, sustaining those arguments.

**KEYWORDS:** first Gaza war, Operation Cast Lead, discourse, white phosphorous, *The Times*, Israeli-Palestinian conflict

## 1. Introduction

“Israel is believed to be using controversial white phosphorus shells to screen its assault on the heavily populated Gaza Strip yesterday. The weapon, used by British and US forces in Iraq, can cause horrific burns but is not illegal if used as a smokescreen.” This was how the British *The Times* broke the news on its front page on 5 January 2009, being thereby the first newspaper in the world to report what was to become the most contentious moral/legal issue of the first Gaza war. Thus, we had a conservative broadsheet usually in support of the Israeli cause (Harrison, 2006), engaging with an issue of palpable critical implications for Israel’s responsibility. What was the result?

This question is of obvious theoretical interest. For a start, it is of interest for those concerned about the long-standing and seemingly intractable Israeli-Palestinian conflict (Ben Ami, 2006; Morris, 1999). It is now beyond dispute that the first Gaza war or “Operation Cast Lead” brought about enormous devastation yet led in the long run neither to any progress in the peace process, nor even much improvement regarding the security situation in Southern Israel. Israel’s use of the chemical material white phosphorous as an obscurant emerged as the most controversial conceptual issue regarding this war, reflecting traditional dilemmas about proportionality and discrimination in military campaigns (Walzer, 2000). To understand therefore how various agents made sense of it offers a chance to understand some vital aspect of the conflict itself.

However, the question is also of interest for those concerned about the peculiar *state of the debate* surrounding the Israeli-Palestinian conflict (Bunzl, 2007; Fine, 2009; Hirsh, 2010; Klug, 2008, 2009). As has been regularly noted, the discourse on Palestine is characterized less by the “give and take of arguments” (Klug, 2008) and more by some sort of “tennis match” (Beller, 2007) where any attempt at persuasion and education is but a chimera to cover up the true business of point scoring (Judaken, 2008). There is no attempt at understanding, only to be proven right and to prove others wrong. It is in this context of partisan “word-fare” specifically that the pro-Israeli *The Times’* engagement with white phosphorous is of importance.

Indeed, from a wider perspective, the issue is how an agent accounts for what may reasonably be expected to constitute a perspective which is opposing its own. Surely, one would think, white phosphorous is not a simple fact that can be narrativized in any way we wish; it may be taken to embody a perspective (cf., Ankersmit, 2001; White, 2010). How will this perspective be constructed by *The Times*? What will change? These are important questions not simply for those with interest in matters concerning Israel/Palestine but also in the areas of argumentation, dialogue, education, social change – and everything representing their opposites (cf., Fish, 1989; Kuhn, 1962).

The bulk of this paper consists of an empirical analysis which aims to reflect on these theoretically important issues. Before the analysis and its discussion, however, the reader will be introduced to the first Gaza war, the debates arising in the aftermath of the war around white phosphorous, and the methodological process of the large-scale study within which the present findings originally emerged (Author, 2014).

## 2. The first Gaza war (2008-2009) and white phosphorous

The military exchange between the State of Israel and the Palestinian Hamas, which started with Israeli airstrikes on 28 December 2008 and ended with separate ceasefire announcements twenty-

two days later on 18 January 2009, was for many reasons a highly noteworthy occurrence on the long pages narrating the Israeli-Palestinian conflict (Cordesman, 2009; Johnson, 2011; for an analysis of the representation of the war see Peterson, 2014: 117-142). First, politically, it reflected a new reality where the interests of the Palestinian people were no longer represented by the secular nationalist Fatah party, but that of a militant Islamist organization. Second, in terms of military strategy, it also showcased a type of military conflict that became a new template subsequently to be repeated on a smaller (2012) and then a larger (2014) scale (cf., Philo and Berry, 2004, 2011). Third, and most importantly for this paper, it resulted in enormous (and enormously divergent) devastation within a relatively short space of time and, as such, in reinvigorated discussions about moral-legal dilemmas of the conflict in light of the theory of “just war” (cf., Kasher, 2014; Walzer, 2009a, 2009b; Margalit and Walzer, 2009).

This latter aspect was well reflected by a flurry of investigations and reports into the sides’ conduct of the war. To name but the most prominent ones, the Israeli State, human rights NGOs Amnesty International and Human Rights Watch, and an investigation commissioned by the UN Human Rights Council all published findings of the legal rights and wrongs of the war (Amnesty International, 2009; Goldstone Report, 2011; Human Rights Watch, 2009; The Operation in Gaza, 2009; Gaza operation: update, 2010; Gaza operation: second update, 2010). Mirroring the nature of discussions on the conflict, they came to diametrically opposite conclusions. Whilst the IDF probe concluded that “[t]he IDF [...] made extensive efforts to avoid civilian casualties [...] as well as to ensure that Israeli military activities were conducted in compliance with the Law of Armed Conflict and Israel’s own stringent ethical and legal requirements.” (Gaza operation: second update, 2010: 32; cf., Operation in Gaza, 2009: 156), the Goldstone Report, in line with the human rights NGOs, found that this same IDF had launched “a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population [...]” (2011: 295; cf., Amnesty International, 2009: 1).

To provide a full understanding of such difference of opinions would of course be beyond the remit of this paper. However, it might suffice to examine the various reports’ competing ways to understand the phenomenon that not only proved to be the central conceptual moral-legal dilemma of the war but may also be taken to demonstrate the “new template” of the conflict the first Gaza war came to represent: the Israeli Defense Forces’ use of white phosphorous.

Though in the past Israel previously admitted the use of white phosphorous, its use in the campaign against the Lebanese militia Hezbollah in 2006 caused no major controversy. Two Amnesty International reports of the conflict had featured only one paragraph about phosphorous, with historical accounts barely mentioning the chemical substance either (Amnesty International, 2006a, 2006b; cf., Achcar, 2007). In contrast, the IDF’s deployment of the chemical material in the first Gaza war caused a huge outcry: both the Amnesty and the Goldstone report dwelt on the issue extensively (Amnesty International, 2009, pp- 27-35; Goldstone Report, 2011: 86-97, 140-143, 304, 340-341), and Human Rights Watch exclusively devoted its report on the war to the examination of Israel’s use of phosphorous (Human Rights Watch, 2009). In turn, the report commissioned by the Israeli state equally assigned one of its five areas for “special command investigation” to the issue (Gaza operation investigations: an update, 2010: 32-33; Operation in Gaza, 2009: 145-152).

Comparing these reports, no disagreement can be found insofar as they all acknowledged that Israel used white phosphorous in the war. There was also little disagreement about relevant facts: that there is no blanket international ban on the use of white phosphorous; that white phosphorous as a highly incendiary, self-igniting chemical material is nonetheless extremely dangerous to human life; that Israel did not use it as a direct weapon against civilians but rather as an obscurant (air-bursting 155mm artillery shells which exploded mid-air ejecting 116 felt wedges impregnated with white phosphorous); and that it used it in densely populated urban areas.

The real cause for disagreement may be gauged by reading the part of the IDF probe where it directly addresses the idea that the usage of white phosphorous amidst urban warfare may by necessity amount to indiscriminate military conduct:

Some have suggested that air-burst white phosphorous munitions are by nature indiscriminate because they are designated to scatter over a wide area and therefore cannot be targeted precisely at a military objective. However, smoke projectiles are not designed or *intended* to be lethal or destructive, and as a result they are not used for targeting purposes. Rather, they are *intended* to disorient and neutralise the enemy by creating obscuration of the enemy's field of view (and therefore the objective in using them depends to a large degree on achieving a wide area of effect). Indeed, white phosphorous smoke screen projectiles worked well in serving their *intended* objective of protecting Israeli troops during the conflict. Therefore, smoke obscurants containing white phosphorous were not used for targeting purposes and cannot be classified as an indiscriminate weapon [...]. (Operation in Gaza, 2009: 148 – emphases mine; cf., Gaza operation: Second update, 2010: 32-33)

As we can see, the proposition that white phosphorous is “by nature indiscriminate” is directly countered by the argument that such munitions are “not used for targeting purposes” and “are intended [for] obscuration” by the IDF. That is, even as the idea of inevitable consequences is raised, the Israeli perspective is still couched in terms of direct (and transparent) intention. Alongside the reiteration of the lack of a formal ban on white phosphorous, it is this active intention that is negated.

Yet this narrow conception of intention and responsibility is precisely the one that was disputed by the humanitarian reports:

[e]ven if intended as an obscurant rather than a weapon, the IDF's firing of air-burst white phosphorous shells from 155mm artillery into densely populated areas was indiscriminate or disproportionate, and indicates the commission of war crimes. (Human Rights Watch, 2009: 65; cf., Goldstone Report, 2011: 340-341)

Responsibility is understood here not simply as lack of active intention to kill but as the active intention to avoid killing civilians. And, in the words of moral philosophers Avishai Margalit and Michael Walzer, “that active intention can be made manifest only through the risk the soldiers themselves accept in order to reduce the risk to civilians” (Margalit and Walzer, 2009: 22). These considerations hardly surfaced with any substance in Israel's argumentation, but were central to the framework of the human rights reports. It was on this basis that Human Rights Watch could unequivocally conclude that “[t]he unlawful use of white phosphorous was neither incidental nor accidental. It was repeated over time and in different locations [...]”, and that, as a consequence, it was indicative of “criminal intent” (Human Rights Watch, 2009: 60) and “war crimes” (p. 65).<sup>1</sup>

Thus, both the war in general and the use of white phosphorous in particular presented important conceptual dilemmas as far as political, moral and legal responsibility was concerned. Indeed, they may be argued to embody not only the new pattern of Israeli-Palestinian relations and the new political-military reality that the first Gaza war represented, but also the growing gap between Israel's self-understanding and the intensifying criticisms towards its conduct. In trying to understand public engagement with Israeli use of phosphorous, therefore, we also present a foray in understanding how this gap can be managed or possibly bridged.

### 3. Method

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<sup>1</sup> With 2013, Israel stopped using white phosphorous in heavily built up areas (Human Rights Watch, 2013).

The present analysis formed a part of a large-scale study of the five major British broadsheets' – the conservative *Daily Telegraph* and *The Times*, the liberal *Financial Times*, and the left-liberal *Guardian* and *Independent* – coverage of the first Gaza war (Author, 2014). Sampling resulted in 7830 paragraphs (see Table 1).

----- TABLE 1 AROUND HERE -----

Analysis started with a quantitative phase (cf., Author, 2014: 23-70; Author, 2015; cf., Philo and Berry, 2004, 2011). Each of the paragraphs were coded with as many of the pre-defined hundred and twenty codes as were deemed applicable to the particular paragraph, thus giving a comprehensive description of the content of the newspapers. This was followed by the clustering of codes in four conceptual areas (fatalities, action in war, historical context, public-political context) and the statistical analysis of the data. Frequencies and percentages were calculated with regard to the individual codes of the conceptual area in the entire sample; the conceptual area's coverage by individual newspapers; and, most importantly, coverage of the individual codes by individual newspapers.

Quantitative analysis was followed by a qualitative phase of in-depth discursive analysis of comments and editorials, focusing mainly on arguments about the issues of "law to war" and "law in war". Using an integrative approach, the study proceeded from the examination of explicit meaning to more implicit aspects of the newspapers' constructions (cf., Author, 2013, 2014, 2015). As such, transcending not only the traditional quantitative-qualitative binary but also divisions within discourse analysis, it could account for wider social discourses and their impact on the construction of arguments/narratives (cf., Billig, 1996; Wetherell, 1998), local rhetorical intricacies of the articles (Edwards, 2006), as well as a deeper and speculative level of psycho-social meaning (Billig, 2006; Frosh, 1999; Frosh et al, 2003; Author, 2013).

The relationship between the quantitative and qualitative phase varied (cf., Author, 2016), with quantitative findings often used to point the inquiry to certain directions. Rather than serving as the proclamation of some final word on the data, they were consulted to highlight areas where further, in-depth qualitative investigations could prove to be illuminating. Qualitative analysis then sometimes *extended* the quantitative findings; sometimes it helped us to *explain* them; and on certain occasions a qualitative inquiry *transformed* or even *subverted* what appeared to be the findings of the quantitative analysis (Author, 2016).<sup>2</sup>

The more this latter was the case, of course, the more quantitative analysis started to resemble a strategy for sampling, rather than analysis in its own right. Indeed, as we shall see in the following, *The Times'* coverage of Israel's use of white phosphorous constituted an instance of just that: quantitative characteristics will highlight an empirically intriguing constellation of a theoretically important concept; the subsequent qualitative analysis of the explicit and implicit meanings of *The Times'* editorials will then radically *subvert* any quantitative "conclusions" we might have been tempted to draw. In this way, the relationship between quantitative "analysis" and qualitative analysis in the present case is admittedly unequal. However, this feature is not due to oversight but to the genuinely transformative and subversive nature of the qualitative findings to be presented below.

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<sup>2</sup> There is no implicit argument made here about the primacy of qualitative analysis. Analytic insights derived from qualitative engagement with textual material could equally lead back to (a more refined, this time) quantitative examination of the data. The fact that there was no attempt made at this in the present study is no virtue but a plain shortcoming.

## 4. Analysis

### 4.1. Quantitative characteristics

Table 2 shows the distribution of all codes pertaining to the “action in war” cluster, with the relevant data on white phosphorous highlighted (cf., Author, 2014: 50-51). The table conveys two types of information: “within paper %” showing how frequently newspapers mentioned a topic (e.g., white phosphorous) when talking about action in war in general; and “within code %” showing how frequently newspapers mentioned a topic relative to how frequently it was mentioned in the full sample.

----- TABLE 2 AROUND HERE -----

Looking at Table 2 in general, it is difficult to find any systematic difference between the newspapers – let alone alongside the supposedly dichotomous conservative versus (left-)liberal axis. To be sure, slight differences are everywhere. Yet they are indeed very slight and do not cumulatively add up to a meaningful pattern. For all the apparent hue and cry surrounding the issue of Israel-Palestine in general and of the first Gaza war in particular, newspapers’ take on action in war appears remarkably similar here (cf., Author, 2014: 45-55).

It is with respect to this pattern that the distribution of paragraphs referring to Israel’s use of white phosphorous constitutes a powerful exception: *The Times* occasioned the topic vastly more than its counter-parts. It referred to the chemical substance in 10.3% of its paragraphs mentioning action in war in general, as opposed to 3.6% and 2.7% in the *Guardian* and *Independent*, respectively. Even more extraordinarily, when *any newspaper* mentioned white phosphorous, nearly half of the time (46.9%), it was *The Times* that did so – despite the fact that its overall share in the full sample was a mere 16.7%, with the *Guardian*’s for instance being 31.4% (cf., Table 1). As we can see in the rest of Table 2, no other topic comes anywhere near the characteristics of white phosphorous vis-à-vis *The Times* newspaper. In fact, arguably, no other topic was of such (quantitative) importance for *any* newspaper with regards to their entire coverage of the war (cf., Author, 2014: 36-90).<sup>3</sup>

In *The Times*’ remarkably high frequency of occasioning the topic of white phosphorous, we therefore have a unique empirical constellation. What is more, it is a theoretically intriguing one, as it is, uniquely during the course of the war, a *conservative* and supposedly *pro-Israeli* publication that engages frequently with an issue that not only appears to imply firm criticism of Israel but that actually featured highly on the agenda of post-war humanitarian investigations that were explicitly and highly critical of the conduct of Israel (see the Introduction).

Thus, both for theoretical and for empirical reasons, it is incumbent on us to deepen our investigation. We shall do this by examining how *The Times* engaged, solely amongst British newspapers, with white phosphorous on its editorial pages.

### 4.2. Qualitative analysis: explicit meaning

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<sup>3</sup> To assess this, a metric called “weighted divergence %” was composed. This combined “within topic %” with the figures displayed in Table 1 (i.e., controlling for how much we would expect a newspaper to write about a topic given its overall share in the sample) and the general frequency of given topic in the sample (i.e., controlling for how important a topic was, in general). *The Times*’s score on white phosphorous came first in this metric, amongst topics of comparable strength.

*The Times* devoted five editorials to the war and it was in the penultimate one that it first raised the issue of white phosphorous. To provide an exhaustive analysis of the newspaper's editorial engagement with the war would be beyond the scope of the present paper (cf., Author, 2014: 105-138). However, certain important characteristics need to be mentioned here to contextualise the analysis that is to follow.

Published on 29 and 31 December, *The Times'* first two editorials were exclusively devoted to the dilemmas of "law to war" (cf., Walzer, 2000). This concerned the moral/legal question of whether Israel had the right to opt for war, and the practical question of whether Israel's choice to launch war was the right choice to make. In comparison to the other conservative broadsheet (*Daily Telegraph*), *The Times* retained a somewhat broader mindset in its engagement with these issues. On the one hand, it supported Israel's moral/legal right to defend itself in the face of Hamas rockets aiming at its civilians. On the other hand, it disputed whether Israel made the right practical/political choice in opting for war. Hamas was not depicted with the uncompromisingly dark colours as it was in the *Telegraph*, and its action towards Israel was likewise not alluded to have simply sprung from some ahistoric and evil essence. Although, in practice, *The Times* never explored alternative courses of action and alternative ways of relating to Hamas (say, negotiations or lifting the blockade of Gaza) to the one actually taken by Israel, its editorial argument resulted in a perspective which, *theoretically*, allowed for a critical attitude vis-à-vis Israel's conduct (Author, 2014: 106-118).

This critical perspective is highly important to bear in mind when considering how, on 10 January, *The Times* once again engaged with the first Gaza war. However, this time not "law to war" but "law in war" (*ius in bello*) was the relevant issue. And as war soldiered and Palestinian civilians died in significant numbers, even the hitherto categorically and uncompromisingly pro-Israeli *Daily Telegraph* appeared to become critical of Israel's conduct (Author, 2014: 119-123). How did *The Times*, where the critical perspective was present from the beginning, react?

The pictures do not lie. Laser-guided but blind to the distinction between fighter and civilian, Israeli bombs have reduced schools, apartment blocks and police parade grounds to visions of hell. Aid workers and relatives have removed bodies and pieces of bodies, and survivors too traumatised to talk. On Boxing Day: at least 50 cadets killed at Gaza City's main police station alone. On Monday: reports, not denied by Israel, of phosphorus shells used over civilian neighbourhoods. On Tuesday: 40 children and teachers found dead in the wreckage of a school. [...]

For all Israel's claims to have launched only targeted strikes on Hamas targets, it has shown scant concern for civilians caught in Gaza's crossfire in the past two weeks. (*The Times*, 10 January)

These are clearly very serious words concerning Israel's conduct of the war. The passage is not only important because it enumerates Palestinian casualties and vividly describes the scene of devastation: there are also direct references to Israeli responsibility. In juxtaposition to the "claims" Israel advances, we encounter "phosphorous shells used over civilian neighbourhoods" alongside the most problematical of Israeli intentions ("scant concern for civilians"). Thus, war in the passage above is not simply a tragedy, but one with an agent seemingly responsible for the tragedy.

In the newspaper's last editorial on the war a similar line of reasoning can be found:

Eleven days ago *The Times* reported that Israel appeared to be using white phosphorus shells over built-up areas of Gaza. Since then, Israeli spokesmen and women have issued a series of increasingly forlorn denials as the number of Palestinian deaths in

Gaza has passed 1,000 and many of the injured have been treated for burns caused, apparently, by white phosphorus.

It is time to clear the air. [...] (*The Times*, 16 January)

*The Times* here once again presents an account of the offensive that calls for further examination. Indeed, to make explicit what might otherwise remain implicit, the newspaper unequivocally calls for an account: "It is time to clear the air." So how does the account called for read? How does *The Times* "clear the air" and examine Israeli responsibility? This is how the respective editorial arguments continue:

Yet this [i.e., scant regard for civilians shown by Israel] is nothing next to the contempt shown by Hamas.

Unlike the IDF, they deliberately target civilians with their own rockets. At least 70 such rockets were launched from Gaza into Israel in December. This was the criminal act that *triggered* the current crisis; every time that bewildered Gazans are corralled by Hamas fighters into a human shield, it is compounded by rank cowardice. (*The Times*, 10 January – emphasis added)

It is time to clear the air. Israel has a right to defend itself, and the nature of its enemy makes that task extraordinarily hard. Hamas, like Hezbollah in southern Lebanon, regards the use of civilians as human shields as a central plank of its strategy for tormenting Israel. Like its principal state sponsor, Iran, Hamas's rallying cry is not the creation of a Palestinian state but the destruction of the Jewish one. This is why, when a ceasefire ended last month with an onslaught of Hamas rockets aimed at civilian Israeli targets, Israel had no choice but to prosecute this war. But the need to strike back does not excuse the mistakes that Israel has made in doing so. (*The Times*, 16 January)

Interestingly, these paragraphs seem to form the sharpest of contrasts with the ones quoted above. Whilst, of course, no event can be properly understood without understanding the context it features in (Billig, 1996), what is happening above is not just that the focus is suddenly on Hamas – it is that *never* in *The Times'* first two editorials did Hamas appear in such uncompromisingly dark colours (cf., Author, 2014: 111-119). And it is not that the argument about "law in war" features elements of an argument about "law to war" – it is that *never* in the first two editorials devoted to law to war did such a simplistic argument as to Hamas having causally "triggered" the war and Israel having had no choice appear. The early argument concerning "law to war" took a more multi-factorial approach and allowed for a critical perspective on the choices Israel made, partly as its description of Hamas did not imply the darkest of agents that would only understand the language of violence. Yet, at the exact point where *The Times* itself raises the possibility of Israeli responsibility and the inevitability of an account for the Israeli conduct of war, its critical perspective appears to narrow considerably.

However, even if one accepts Hamas to be the destructive antisemitic creature bent on Israel's destruction as these paragraphs state, and even if one accepts that the war was simply "triggered" by the Islamist organisation, one is still left with a need to account for the actions of Israel. Namely, white phosphorous was present on the ground and "scant concern for civilians" was presented in the soul. These need an explanation in and of themselves.

*The Times'* last editorial duly continues to provide this:

Israelis grieve as all humans do for the children cut down in Gaza's maelstrom, and their leaders know full well the damage that this conflict is doing to the country's reputation, especially where images of Palestinian suffering are broadcast more as propaganda than news. (*The Times*, 16 January)

Again, coming as it does after the newspapers' explicit call for an account, the sequence of the unfolding argument is noteworthy. First of all, the passage constructs Israeli wrongdoing as being virtually impossible: impossible on emotional grounds, because Israelis, just like "all humans", are constructed as incapable of knowingly act against children; and impossible on practical grounds, as Israeli leaders are depicted to know the political consequences which such deeds would cause. Both as feeling and thinking beings, then, Israelis are constructed as people who just cannot possibly do the kinds of things ascribed to them.

Moreover, just as the perspective of their moral or legal responsibility was previously countered by the emergence of dark characters, the argument here too concludes with the emergence of suspicious figures: propagandists. These are, of course, not simply activists who would publicize Palestinian suffering. Indeed, their interests seem not to lie with the wellbeing of Palestinians at all. To broadcast these images of suffering "more as propaganda than news" suggests that these people are but (ab)using the Palestinians to further their own aims – aims that are at this point yet to be revealed to the reader.

However, it was not Hamas or media propagandists appropriating Palestinian suffering who reported white phosphorous cells on the ground and detected "scant regard for civilians" in the IDF's soul, but *The Times* itself. And, perhaps for this reason, the newspaper duly concludes its argument by directly returning to the question of Israel's moral and legal responsibility.

The IDF's continued obfuscation on white phosphorus only compounds that damage.

White phosphorus is illegal under international law when used in built-up areas, but a legitimate weapon of war when used to provide cover for troops in open country. There is scant evidence of the IDF using it deliberately against civilians, but northern Gaza, where the fighting is concentrated, is one of the most densely populated places in the world. Civilian casualties were inevitable, and the deep burns that white phosphorus can cause are virtually untreatable. The longer that the IDF equivocate about its use, the more ammunition they hand to those who would accuse them of war crimes. (*The Times*, 16 January)

Concluding *The Times'* argument about white phosphorous, this remarkable passage consists of a series of propositions. Its premises are that "white phosphorous is illegal [...] when used in built-up areas" and that "northern Gaza, where the fighting is concentrated, is one of the most densely populated places in the world". Given all these, alongside the white phosphorous shells found on the ground, we can propose that the logical conclusion of the newspaper's argument would be to call for an impartial examination of Israel's responsibility in using white phosphorous. The remarkable thing about the editorial is, however, that this seemingly simple conclusion *never arrives*. The statement that, on the basis of present (and perhaps insufficient) evidence, the IDF's conduct needs to be examined and its responsibility needs to be established *is never occasioned*.

Why?, we might feel compelled to ask. Why would a newspaper defeat its own logic? Why would it not follow up its critical perspective? Alternatively, why would this perspective narrow precisely as facts on the ground start supporting it? Whilst, of course, there is not much in the way of *The Times'* explicit arguments on offer to help us answer these questions, we might feel that they are too important to be left completely unexplored. Acknowledging its findings to be speculative as it delves into the implicit meanings underpinning *The Times'* argument, our concluding empirical section will try to accomplish just such an exploration.

#### 4.3. Qualitative analysis: the nether regions of meaning

The previous two sections might be taken to have demonstrated something of a schism in *The Times'* coverage of white phosphorous. The conservative newspaper wrote frequently about the seriously problematic issue of the Israeli use of white phosphorous – yet it was ultimately satisfied with calling for a mere statement from Israel regarding the matter. It retained a broadly critical perspective of Israeli actions regarding “law to war” – yet it ultimately refrained from criticism just as that criticism appeared more and more warranted in respect of “law in war”. Indeed, the newspaper itself occasioned the main elements of a substantial criticism regarding “law in war” – only to stand back from them in the last resort. What we saw in each case is a curious dynamic where a critical perspective narrows *just as* evidence and argument for its opening up is being accumulated.

Yet simply to dismiss *The Times* as somehow illogical is not the only analytical strategy that we can pursue. Indeed, the editorial argument in the last extract above features yet another premise, stating that “[t]here is scant evidence of the IDF using it [i.e., white phosphorous] deliberately against civilians”. This utterance has so far been ignored as it might be taken as an illogical, and as such insignificant, addition to the main points. (For what would constitute evidence of deliberate wrongdoing if not using a chemical substance precisely in the conditions that make it illegal? And what meaningful conceptual space is left for “deliberation” if taking such action does not by definition imply it?) Yet, it might be that *The Times'* conclusion and its stepping back from criticism is not so much illogical as regards the premises considered in the previous section, but is the logical outcome of the premise introduced here. Namely, critical judgment is indeed irrelevant if the meaning of one's act is identified with one's conscious subjective intention or will. If it is *this* premise that we accept, then it does make sense to refrain from public criticism and to simply call for lack of equivocation on our agent's part.

Of course, if, replacing lack of logic, it is *this* logic that we ascribe to *The Times*, our puzzle remains far from being solved yet. Responsibility is commonly considered to be a concept involving public scrutiny and not mere subjective will. And that will or intention, likewise, is not usually accepted to have sole authority over political-moral action. Why *The Times* resorts to such a construction of responsibility not only cannot be explained by but clearly flies in the face of legal practice or mere common sense. While it certainly has the potential to provide justification for Israel's actions and to immunize it from public criticism, the intellectual rationale for adopting it is far from transparent.

If we inquire further, the first thing to note is that there is yet another element of the last extract above which we have not considered. Just as the discussion of Israel's responsibility led first to the invocation of Hamas as an evil force and then to the emergence of dubious propagandists whose motivation was (clearly neither humanitarian nor even pro-Palestinian but) shadowy, *The Times'* ultimate refusal to offer substantial criticism of Israel also occurs in the context of suspicious characters: those who would use the evidence about white phosphorous as “ammunition” to “accuse them [i.e., Israelis] of war crimes.”

We have, then, Hamas, propagandists and those who would use white phosphorous allegations as ammunitions just to accuse Israel with war crimes. Who are these characters?

Why do we keep meeting them on the *The Times'* editorial pages? What is common to them and in what way are they relevant to the newspaper's argument and its resultant non-criticism? The answer may be found if we look back again at the newspaper's penultimate editorial:

[...] Israel has a powerful ally in the United States.

Its critics are wont to condemn this alliance as a Jewish axis blind to heart-rending realities in Gaza and to the sacrifices necessary for peace.

No one can be unmoved by the suffering witnessed by the Norwegian surgeon who texted friends to tell them 'we're wading in death, blood [and] amputees'. But the way to end it is not to abandon Israel. It is to defeat Hamas. (*The Times*, 10 January)

This remarkable passage acquaints us with those who do indeed sustain criticism of Israel. Not only do they wish to solve the conflict by "abandon[ing] Israel", they are unashamedly antisemitic in condemning the partnership between the United States and the State of Israel by the old antisemitic topos of a cold-hearted and egoistic "Jewish axis" (cf., Klug, 2008, Reisigl and Wodak, 2000). Apparently, then, the one and only alternative present to *The Times'* delegation of the meaning of Israeli intention is to be in the company of antisemites.

Yet it is very far from clear why someone should be an antisemite simply *by virtue of* being a critic of Israel. Surely, it is but a tiny minority of "its critics" who would resort to antisemitic tropes or end Middle Eastern suffering by "abandon[ing] Israel". The rest demonstrate the obvious: it is of course possible to provide legitimate political-moral criticism of Israel and to thereby deny it an exclusive authority over the meaning of its acts. So why does the newspaper appear to imply the non-existence of all these critics? Interestingly, the only logic underpinning the identification of criticism with antisemitism may precisely be the equation of its responsibility with its pure will. For if it is this will that is defining Israel's meaning, and if the sole authority to interpret its action is Israel itself, then criticism that the IDF is responsible for killing civilians implies that the IDF directly *willed* to kill civilians. And a subjective intention that directly *wills* to kill civilians is of course a purely evil one. Thus, to critique Israel along these lines would indeed entail ascribing an evil feature to it, something that really only antisemites would do.

The formula, thus, whereby the deed equals the intention does not so much immunize Israel from criticism. Rather, it creates a situation where it is either the case that the State of Israel is beyond public criticism, or that it is evil. There is no middle ground and as such there is no space to think or to critique; only to defend or attack. Of course, it is partly for this reason that critical judgment and understanding are never exercises in introspection but are public activities. They do not simply involve the examination of a pure will but of many perspectives. The ultimate question therefore is why *The Times'* argument was in the final instance motivated by such an implicit conception, despite this leading to a palpable tension in its argument; despite there being other conceptions of political-moral responsibility available; and despite the newspaper itself being clearly aware of those other conceptions, as evidenced by its use of the phrase "scant regard".

The question may remain rhetorical and we may wish to stop here staring at a truly remarkable (if not bizarre) political-moral constellation underpinning *The Times'* argument. Should we decide to take what is the last possible speculative step, it is not any more an extract from *The Times* but, admittedly incongruently, from the *Daily Telegraph* that we need to unpack:

Sadly, Mr Olmert has allowed a degree of confusion about his country's war aims to emerge. Fighting talk from his defence minister, Ehud Barak, of a "war to the bitter end" has given the impression that Israel seeks to destroy Hamas or, at the very least, overthrow its administration in Gaza. In reality, Israel's war aims are almost certainly confined to halting the rocket attacks which have sown such misery in its southern cities. Mr Olmert should make clear that this defensive measure is the only objective. (*Daily Telegraph*, 5 January)

In this passage, the voice of two of the most prominent political authorities of the State of Israel are reported (one directly, the other indirectly). We thus have the precise kind of unequivocal declaration of Israeli intention that *The Times* was calling for. Yet, the *Telegraph* corrects this interpretation given by the authors of the action themselves, and urges them to revise it.

Why would this be relevant here? It is relevant, because what the *Telegraph's* paragraph alerts us to is the possibility that the intention defining Israel's act may not be identical to its *actual and empirical* intention; it may rather be a *necessary* intention. And if such a necessary intention overrides both objective facts on the ground and conscious subjective will, then it may be for no other reason than it being in fact a *categorical injunction*. It is not a description of what the world (and Israel's intention) *is*, but rather a prescription as to what it *must be*. Yet, if this is so, then Israel and its conduct are not politically-morally good entities, but ones that are *pure*. Their quality is not derived from facts and argumentations. It rather derives from outside human discourse as it constitutes an immutable essence which cannot be changed and cannot be contaminated. As such, it is categorically outside the realm of criticism, just as life is categorically outside the realm of killing and the dead.

##### 5. Discussion: on fear and trembling

As has been argued in this paper, *The Times'* engagement with the Israeli deployment of white phosphorous during the first Gaza war was a highly significant occasion for a number of reasons. Firstly, white phosphorous was the most important topic of the war for the newspaper (when compared to other publications). Second, arguably, its coverage was also unique regarding *any* topic in *any* newspaper. Third, it was a conservative and predominantly pro-Israeli newspaper that occasioned this topic; a topic, that is, which predominantly implied wrongdoing on Israel's part. Over and above the points of observable, empirical importance, therefore, it also constituted a unique theoretical constellation, both concerning the exceedingly partisan arena that is the discourse on the Israeli-Palestinian situation, and that of argumentation/change in general.

What followed seemed definitely to live up to expectations. It appeared that, whereas the newspaper sustained the possibility of a critical perspective towards Israel from the very beginning of the war, the more criticism appeared to be not just potential but actual and imminent, the more *The Times* in fact closed down this perspective.

In retrospect, this was already done in *The Times'* treatise of "law to war", as criticism always remained a theoretical possibility and never occasioned in practice (cf., Author, 2014: 114-119; Peterson, 2014: 129). Yet Israel's use of white phosphorous accentuated this state of affairs even further. Facts on the ground, uncompromisingly strong words and an unequivocal call for account led *not* to an actual account but to the painting of Hamas and its conduct in such dark colours as was never seen in the newspaper's war coverage before; to a picture of the war where it was automatically "triggered" by Hamas rockets; and to a mere call for Israelis, *in their own interest*, to stop equivocating about white phosphorous. The newspaper stepped back from criticism even though this meant closing its eyes to facts which it had itself

unearthed, and twisting the logic it had itself deployed. Ultimately, as argued above, it meant delegating authority over the meaning of Israel's action to Israel's (description of its own) intention, precisely as that intention came to be recognized as problematic.

This paper started by inquiring what happens when a medium usually in support of Israel encounters an issue on which it appears to critique Israel in a substantial way. The answer is that, even at the cost of common sense and its own logic, the medium does not quite dare to go down the full route of criticism. Something hard to touch, so to speak, yet nonetheless somehow present appears to stop it from going down the route of substantial criticism.

What do we learn from this? What lesson does *The Times'* encounter with white phosphorous offer regarding the debate about Israel-Palestine and political debates in general?

The most important lesson perhaps is that debates of the kind witnessed here are very far from being simply about facts and arguments. They are also about identities as these arguments position us in a network of subject positions and ultimately answer the question of who we are. As such, debates cannot simply be approached by measuring them to an imagined standard of rational discourse or an ideal communicative situation (Habermas, 1992). Change will not simply be achieved by presenting a better argument, and arguments will not simply be launched by presenting consensual facts (Gillespie, 2008). There is something deeper to contend with if we want to persuade and transform, as changing important political-moral positions will change our sense of who we are (Gutman, 2003).

What is more, the case study above has hopefully demonstrated that the *extra* element in persuasion and change might consist of more than the simple concept of passion. It is not merely the case that we hold our views dear since we have been holding them for a while and they have thus coalesced in what we might recognize as our political-moral identity (Kymlicka, 1989; Walzer, 2006b). Indeed, the issue of emotional investment in positions is highly important to account for. But it is not the mere intensity of these investments that is of exclusive interest for us. Rather, it is the qualities they exhibit that make them intensive and that make them sustain their intensity (cf., Frosh et al, 2003).

Namely, as the actuality of the critical perspective in *The Times* has become imminent above, unsavoury figures started to emerge in its argumentation. In fact, there was *no agent* in the newspaper depicted to critique Israel that did not have either some dark and suspicious, or downright antisemitic motive. As the act of criticism either remained Israel's own exclusive prerogative or resulted in the attribution of a direct evil will to Israel, it became synonymous with the act of antisemitism. Israel was therefore either pure and innocent, or demonized as impure and evil: no in-between position appeared to have existed for the conservative imagination represented by the newspaper. As argued, it might have been the fear deriving from this constellation that made it impossible for *The Times* to follow the logic of its own argument: to raise the possibility of war crimes and the necessity of independent investigations into the IDF's using white phosphorous in an apparently illegal way.

Whether this particular interpretation is acceptable or not, the important point is that we have to recognize that persuasion and political-moral change will not happen simply by marshalling better arguments or unearthing devastating facts. One's position is not just determined by qualities of the reason but by emotional contents, fears, anxieties that may not be directly available to deliberation and direct insight (cf., Frosh, 1999, 2010; Hollway and Jefferson, 2013; Author, 2013). As such, it is of course an important aspect of them that they cannot all too suddenly be brought to the light. Change will not come by incorporating these new "conclusions" in the usual way into our argumentative armoury, as defeating one's argument with recourse to what one does not know about oneself is bound to be perceived as offensive. Persuasion, education and change may come about not simply by directly uncovering or unmasking these hidden qualities, but by engaging them with respect.

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*The Times*, Israel's cause is just but some of its tactics are self defeating. 16 January 2009: 2.

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Table 1: Distribution of paragraphs in the sample						
	<i>Guardian</i>	<i>Independent</i>	<i>Daily Telegraph</i>	<i>The Times</i>	<i>Financial Times</i>	Total
Paragraphs	2460	1595	1276	1276	1223	7830
% of Total	31.4	20.4	16.3	16.3	15.6	100

Table 2: Distribution of topics in the “action in war” cluster (cf., Author, 2015, pp. 50-51)							
		Telegraph	The Times	Guardian	Independent	Financial Times	SUMMA

	% within all "action in war" occurrence	within paper %	within code %										
General Israeli military action	33.1	31.2	17.1	34.4	20.5	33.0	30.8	33.2	18	33.7	13.6	-	100
Direct/indirect official Israeli explanations	21.7	20.6	17.2	16.6	15	23.9	34	18.8	15.5	29.8	18.3	-	100
Hamas rockets directed into Southern Israel	9.0	10.6	21.4	8.3	18.2	6.8	23.5	10.9	21.8	10.1	15	-	100
Direct/indirect official Hamas explanations	8.6	7.3	15.5	7.6	17.5	9.1	32.6	9.2	19.3	9.7	15.1	-	100
<b><i>Israel's use of white phosphorous</i></b>	<b>4.3</b>	<b>2.8</b>	<b>11.8</b>	<b>10.3</b>	<b>46.9</b>	<b>3.6</b>	<b>25.4</b>	<b>2.7</b>	<b>11</b>	<b>1.6</b>	<b>4.8</b>	<b>-</b>	<b>100</b>
General Hamas military action	4.1	4.6	20.6	7.3	35.5	3.1	23.4	2.7	11.7	2.7	8.9	-	100
Problematic Israeli military tactics/action	3.7	2.8	13.8	2.2	11.7	4.6	37.8	4.5	21.4	4.3	15.3	-	100
Zeytoun incidents	3.4	6.2	33.5	1.9	11.4	3.9	35.8	3.6	19.3	0.0	0	-	100
UN al-Fakhura school incident	2.7	1.4	9.2	1.8	13.5	3.5	40.4	3.6	24.1	2.6	12.8	-	100
Problematic Hamas military tactics/action	2.1	3.2	27.8	2.7	25.9	1.8	26.9	1.7	14.8	0.7	4.6	-	100
Hamas rockets capable of reaching distant Israeli towns	1.8	2.2	22.6	1.5	17.2	1.4	23.7	2.7	26.9	1.3	9.7	-	100
Israel killing Hamas leaders	1.6	3.3	36.9	0.8	9.5	1.2	22.6	2.0	22.6	1.0	8.3	-	100
Attack on UNRWA compound	1.2	1.5	21.9	1.3	20.3	1.2	31.2	1.6	23.4	0.3	3.1	-	100
Israeli humanitarian corridor	1.2	1.1	15.9	1.0	15.9	1.2	30.2	1.7	25.4	1.1	12.7	-	100
Israeli humanitarian tactics	0.6	0.1	3.4	1.3	44.8	0.6	34.5	0.4	13.8	0.1	3.4	-	100

Attack on Gaza police headquarters	0.5	0.4	15.4	0.3	11.5	0.8	50	0.2	7.7	0.6	15.4	-	100
The mid-day start of the Israeli offensive	0.3	0.4	22.2	0.4	22.2	0.3	27.8	0.2	11.1	0.4	16.7	-	100
Attack on al-Quds hospital	0.2	0.2	22.2	0.1	11.1	0.1	22.2	0.4	44.4	0.0	0	-	100
UN Beit Lahiya school incident	0.0	0.1	50	0.1	50	0.0	0	0.0	0	0.0	0	-	100
al-Maqadma mosque incident	0	0	0	0	0	0	0	0	0	0	0	-	-
SUMMA	100	100	-	100	-	100	-	100	-	100	-	-	-