

*(Manuscript currently under review)*

**Joe Sacco's *The Great War*:  
Violence and the Artefactuality of International Legal History**

Luis Eslava\*

**Abstract**

Thinking through Joe Sacco's *The Great War* (2013) and adopting a materialist approach to the international legal order and its history, this article re-maps both the temporal scope and the actual location of the violence endured in the First World War and lays out some of its ongoing manifestations.

**Key Words**

History, Anthropology and the Archive of International Law; Structures of Authority; Materiality; First World War; Violence.

---

\* Lecturer in International Law, Kent Law School. Email: [L.Eslava@kent.ac.uk](mailto:L.Eslava@kent.ac.uk). I must thank Eric Loefflad for his invaluable research assistance and many fruitful discussions, and Rose Parfitt, Charlie Peevers, Madelaine Chiam and Genevieve Painter for their comradeship and wonderful inputs into this article. Thanks also to Richard Barnes for drawing me back again to David Miller. All shortcomings of the article are entirely mine, of course.

**Joe Sacco's *The Great War*:  
Violence and the Artefactuality of International Legal History**

*Good-morning; good-morning!' the General said  
When we met him last week on our way to the line.  
Now the soldiers he smiled at are most of 'em dead,  
And we're cursing his staff for incompetent swine.*  
(....)

Siegfried Sasson, *The General* (1918)

**I. The location of violence and history**

In this article, I explore two distinct yet interconnected questions that I believe reside at the core of our study of international law, and which become impossible to ignore as soon as we use the First World War as a key point of reference for the field.<sup>1</sup> The first question is about the temporal location of violence in international legal accounts of WWI. My particular concern at this level is how we should understand the scope – the duration; the start and the end – of the violence experienced during the War. This is, of course, a question about the nature of violence and its expansion in time. The second question, a more methodological and perhaps more general one, is about where we can read the history of the international legal order or, in other words, what are the places in which we can examine history. This methodological point responds to an awareness of the material dimension of international law, which invites us to approach the field not just as an ideological, a normative and/or an institutional venture but also as a project of world making – a historical material project – with widespread effects.<sup>2</sup>

This material dimension of international law underpins the other articles in this Special Issue. As the reader will note, the attention paid in this Special Issue to

---

<sup>1</sup> In this article I use the terms First World War, the War and WWI interchangeably.

<sup>2</sup> See on the material dimension of law generally, Alan Hunt, *Explorations in Law and Society: Towards a Constitutive Theory of Law* (1993); Alain Pottage and Martha Mundy (eds), *Law, Anthropology and the Constitution of the Social: Making persons and Things* (Cambridge University Press, 2004); John Brigham, *Material Law: A Jurisprudence of What's Real* (Temple University Press, 2009); David Delaney, *The Spatial, the Legal and the Pragmatics of World-Making: Nomospheric Investigations* (Routledge-Cavendish, 2010).

artefacts departs from a strong conviction about the importance of exploring international law and its history in conjunction with its material expressions.

In my own work, I have explored some of the ways in which what I characterize as the material self of the international legal order (both human and physical) has come to be woven into the very fabric of our everyday life.<sup>3</sup> In my reading, the materiality of international law has evolved as part of the historical unfolding of the international legal order across the world since the expansion of European empires in the sixteenth century and later through the proliferation of the nation-state form, the expansion of the global capitalist order and the consolidation of today's multiple global regimes of governance that constantly shape the 'local' in terms of 'global' norms and aspirations. As a result, for me, international law and its history has come to constitute and reside even when located in those norms, places, processes, subjective formations and things that we deem ordinary, quotidian, municipal, domestic. To put it bluntly, we could say that traces of international law as well as the history of the world are, in principle, everywhere. From this position the question then becomes what particular shape international law gives to our surrounding realities; how this shaping has occurred across time; what disciplining function takes place in the interaction between international and domestic orders; and, what power relations and alternative readings of the international legal order emerge, or could emerge, from our appreciation of the operation of international law at the level of the everyday.

The particular argument that I advance here is that the violence experienced by soldiers and civilians (and the broader non-human and natural world) in WWI is still with us; that it is not in the 'past'— as international legal accounts of WWI often seem to suggest. As I explain in more detail below, asymmetrical power relationships between those who ordered the suffering and those who suffered were the reason behind a large part of the pain and losses experienced during WWI. Violence in WWI was then not simply a question of the disregard for, or absence of, a set of norms

---

<sup>3</sup> I use in my work and in this article a broad definition of materiality, which aims to overcome the traditional separation between subjects and objects, and that signals to an understanding of the material beyond narrowly defined objects. In this sense I use the concepts of artefacts, objects and things, and subjective formations, as being elements of the material world created by international law. See on this reading of materiality, Daniel Miller (ed), *Materiality* (Duke University Press, 2005), 10. See also, Luis Eslava, 'Istanbul Vignettes: Observing the Everyday Operation of International Law' (2014) 2(1) *London Review of International Law* 3; Luis Eslava, *Local Space, Global Life: The Everyday Operation of International Law and Development* (CUP, 2015).

which otherwise would have deterred the expansion of the conflagration, or of the uncontrolled, even irrational, mass-mechanization of its means of prosecution – reasons usually heralded in the legal context as the cause of the War’s enormous wreckage. As Isobel Hull explains, WWI has come ‘to stand for tragic senselessness and pointless mass death.’<sup>4</sup> Here I suggest instead that WWI’s violence should be traced back to the era’s military relations of authority which were backed up by normative force and large, entrenched political and economic interests. These ‘structures of authority’, as I call them here, crystalized in themselves the imperial, armamentalist and economic expansionist impulse of the powers that clashed in the war and that made the lives of many expendable. These structures of authority mapped, in this way, an entire economy of destruction onto the battleground which spoke, in itself, of the system of class, race and political-economic relations that underpinned this imperial war and beyond. In my view, these structures – which as I explained here are sometimes visible and are sometimes silent – continue to inform much of the violence experience in our unequal present, now more than ever. We can see these structures feeding from and operating on the basis of, for example, current levels of global socio-economic segregation, legitimized forms of ‘collateral damage’, silent and ubiquitous deployments of lethal force – now in the novel shape of drone attacks – and our ongoing system of economic conscription which continues to put on the battlefield and our streets – in the cases of ‘civil’ war – killing individuals from the bottom of the pile.<sup>5</sup>

Now, if the violence of WWI is still with us, and, as I argue here, still present in those asymmetrical structures of authority that continue to shape our everyday existence, we should train ourselves, as I go on to argue, to read that violence in contemporary norms and institutions and, most importantly in the context of this Special Issue, in contemporary artefacts, and not simply through international ‘historical’ evidence, for example archival records or antique objects from the War. As important as these examinations of ‘past’ exceptional artefacts are, the material ordinary ‘present’ is also a key site in which we should learn to grasp the nature and the dynamics of the

---

<sup>4</sup> Isobel Hull, *A Scrap of Paper: Breaking and Making International Law during the Great War* (Cornell University Press, 2014), 3.

<sup>5</sup> See for example in terms of past and present dynamics of economic conscription, Jeanette Keith, *Rich Man's War, Poor Man's Fight: Race, Class, and Power in the Rural South during the First World War* (University of North Carolina Press, 2004); Darryl Li, 'Offshoring the Army: Migrant Workers and the U.S. Military' (2015) 62 *UCLA Law Review* 124.

violence that surfaced during WWI and that continues to inform the international order at all levels.

Briefly, then, what I want to offer here is a reading of international law that takes seriously its history and its central role in the constitution of our present world: a world that does not fall into orderly temporal categories or offer a neat division between the international and the domestic, but instead presents itself to us as the outcome of its own convoluted unfolding. The history of the world, as Walter Benjamin put it, consists of piles of ‘rubble on top of rubble’, hurled before our feet.<sup>6</sup> As a result, our historical engagement with the world, and with the international legal order and its violence, must start from the realization that its objects are formed not in ‘homogenous and empty time’, but in ‘the here-and-now.’<sup>7</sup>

I understand this Benjaminian approach to the world as a living archive as an invitation to make the most out of the exercise of bringing together a historical and an anthropological sensitivity in our study of international law. As Bernard Cohn once described it, the encounter between anthropology and history is productive in that it holds out the possibility of using the anthropologist’s attention to the reification of human relations – in social interactions, utterances and things – together with the historian’s ability to unveil the long construction of the present.<sup>8</sup> According to Cohn, anthropology ‘takes what can be observed or drawn out of various performances and statements elicited or heard in the daily flow of activities and seeks to establish abstractions, relations, structures and meanings.’<sup>9</sup> The end result of this anthropological reading of social life is a type of functional objectification: one that can help us to grasp some sense in the tumultuous array of things that furnish our everyday. History, on the other hand, can compliment this synchronic attention to social life with a study of its construction and constitution over time.<sup>10</sup> For Cohn the value of thinking transversally through anthropology and history lies in its ability to

---

<sup>6</sup> Walter Benjamin, *On the concept of history* (1940). Available at: <<https://www.marxists.org/reference/archive/benjamin/1940/history.htm>>.

<sup>7</sup> *Ibid.*

<sup>8</sup> Bernard S. Cohn, ‘History and Anthropology: The State of Play’ (1980) 22(2) *Comparative Studies in Society and History* 198.

<sup>9</sup> *Ibid.*, 217.

<sup>10</sup> *Ibid.*

allow us to appreciate how ‘[t]he past exists not only in records of the past, but survives in buildings, objects and [social and built] landscapes of the present day.’<sup>11</sup>

My chosen artefact for this article, *The Great War* – a single, wordless 24-foot (7.3-meters) long accordion-fold panorama illustrating the events of 1 July 1916, the first day of the long and infamous Battle of the Somme by one of the most important and controversial living graphic novelists, Joe Sacco – offers a unique opportunity to explore this productive use of anthropology and history and to apply it to the study of international law, especially as it relates to WWI and its (ongoing) violence.<sup>12</sup> Published in 2013, *The Great War* invites us to question and to think anew the location of the violence experienced in WWI, as well as the role of artefacts in our accounts of both international legal history and the international legal order as a whole. Because of its incisive take on the asymmetrical structures of power that generated much of the suffering in WWI and because of its extraordinary layout, which makes explicit how history is contained in our (past and present) material world, *The Great War* allows its readers to witness, at first hand, how ‘past’ violence continues to exist and to be legible in our ‘present’ (Fig. 1-2).

---

<sup>11</sup> Ibid, 221. Clifford Geertz also shared a similar view about the importance of bringing together the fields of History and Anthropology, through his understanding of ethnography as a textual, interpretative practice. According to Geertz, ‘... the conjoining of History and Anthropology is not a matter of fusing two academic fields into a new Something-or-Other, but of redefining them in terms of one another by managing their relations within the bounds of a particular study: textual tactics.’ Clifford Geertz, ‘History and Anthropology’ (1990) 21(2) *New Literary History* 321.

<sup>12</sup> The Battle of the Somme was fought by the armies of the British and French empires against the German Empire and it took place between 1 July and 18 November 1916 on both sides of the River of Somme in northern France.

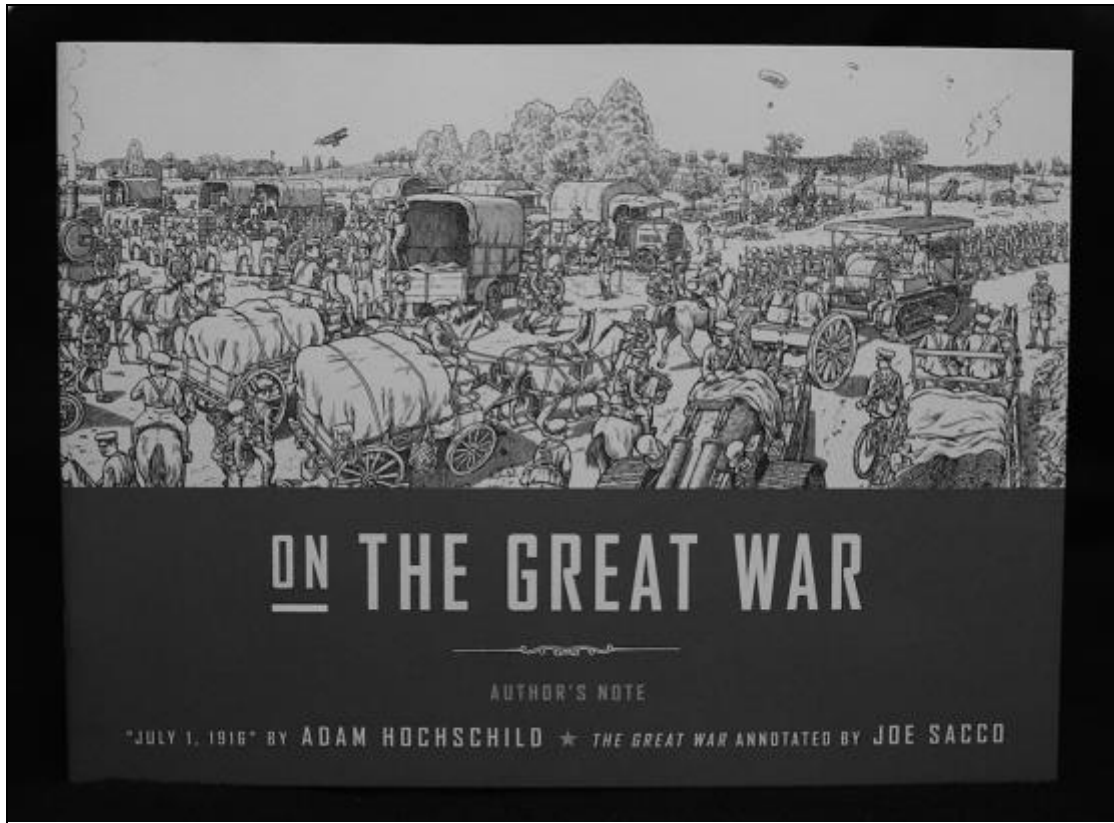


Figure 1. Front Cover.

Joe Sacco, *The Great War* (Norton & Company, 2013).



Figure 2. Accordion-fold panorama. *The Great War*.

Joe Sacco, *The Great War* (Norton & Company, 2013).

With these introductory notes in mind, I will begin by exploring common readings found in international legal sources and institutional accounts of WWI's violence in more detail in the next section, Section II. After that, in Section III, I describe the Battle of the Somme and Sacco's depiction of it in *The Great War*. In this section I discuss the striking way in which this book manages to reveal the nature of violence that underpinned many of the tragic events in WWI, among which the Battle of the Somme stands out as one of the most unhappy. In Section IV, the final section, I turn to the larger lessons that we can extract from this wonderful artefact. I focus in particular on what *The Great War* reveals about the importance of contemporary and ordinary artefacts for our understanding of international law and its history.

## **II. Violence's past, violence's present**

### *The War is behind us*

Often remembered for its industrialized violence and its brutal excesses, WWI is frequently presented in the international legal context as the landmark event that signals the type of violence that is strictly prohibited under international law today. As Rose Parfitt also argues in this Special Issue, WWI's violence is described, in mainstream international legal accounts, as usefully belonging to the (legal) past, where it remains as a kind of monument whose function it is to remind us of the value of 'modern' international law and its institutional achievements since 1918.

For example, the International Committee of the Red Cross (ICRC) Commentary on the Additional Protocols to the Geneva Conventions exudes this reading of the violence of WWI.<sup>13</sup> The ICRC narrates WWI as an exposé of the failure of the early Geneva Conventions of 1864 and 1906 and the Hague Conventions of 1899 and 1907 to control and to contain the violence unleashed by modern warfare. Violence and modern warfare are here associated with the arms race in which the European powers had been engaged for decades and with the unrestrained use of lethal force by these powers, which had such deadly consequences in terms of civilian losses and the

---

<sup>13</sup> International Committee of the Red Cross, *Commentary on the Additional Protocols to the Geneva Convention* (Martinus Nijhoff, 1987), 586.



destruction of non-military property during the First World War (and in other early twentieth-century international conflicts, such as the Russo-Japanese War of 1904-1905).<sup>14</sup> WWI is understood, from this perspective, as the *raison d'être* for the consolidation and expansion of the constraining frameworks put in place by the revised Geneva Conventions and its additional Protocols in 1929 and 1949, which attended more closely to the victims of warfare. In relation to civilians, for example, according to the ICRC,

[t]he protection of the civilian population from the dangers created by hostilities was touched [in the Hague Conventions] only by some brief provisions... It is true that at that time the firing range of artillery was still relatively short and air-power and modern missiles did not yet exist... [However, t]he First World War revealed the inadequacy of such norms.<sup>15</sup>

So as a response to the substantive shift in terms of warfare technologies used during the First World War, the ICRC sees the updated versions of the Geneva Conventions and Protocols as having come to fill a regulatory gap, addressing (at least from the perspective of international normativity) the challenges posed by modern war, which only expanded and become more severe during the Second World War. For the ICRC, WWII involved a 'dramatic' extension in the use of 'projectiles dropped from aircraft or sent by long-range artillery or even self-propelled missiles', which had begun during the previous world war.<sup>16</sup> WWII witnessed, in the reading of the ICRC, the emergence of enormously more powerful weapons, used increasingly indiscriminately by belligerents who argued that they were carrying out reprisals – a process that culminated tragically with the nuclear bombardment of Hiroshima and Nagasaki.<sup>17</sup> According to the ICRC, '[a]t this point the need for restrictive regulation became necessary', unleashing a new chapter in the history of international law, or what B.S. Chimni has recently pointed out in this Journal is a new bend in what is commonly

---

<sup>14</sup> See especially on the destructive effects of these wars, Geoffrey Jukes, *The Russo-Japanese War 1904-1905* (Osprey, 2002); Hew Strachan, *The First World War* (Penguin, 2005); Alan Kramer, *Dynamic of Destruction: Culture and Mass Killing in the First World War* (Oxford University Press, 2009).

<sup>15</sup> International Committee of the Red Cross, *Commentary on the Additional Protocols to the Geneva Convention* (Martinus Nijhoff, 1987), 586.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

understood as the long road away from WWI paved with ‘peace through law’ efforts.<sup>18</sup>

A similar approach to the past-ness of WWI’s violence also underlines the official foundational narratives of several international and intergovernmental organizations, from the League of Nations (1920) and the United Nations (1945), to the Organization for the Prohibition of Chemical Weapons (OPCW) (1997).<sup>19</sup> Like the ICRC’s approach to the Geneva Convention and its Protocols, the reading of the significance of the War put forward by these and other international institutions has had a profound impact on the international legal historiography of the War, allowing the creation of these institutions to be narrated as a series of ascending steps, each of which refines the international legal order a little further. Many historians have scrutinized this reading but it remains dominant in international law handbooks and in more doctrinal accounts of the field nonetheless.<sup>20</sup>

The League of Nations and the United Nations were both constituted explicitly in direct opposition to the excesses of the First and then the Second World War. In the League’s Covenant, for example, members embraced new arms regulations and especially the principle of non-aggression, with a supervisory role assigned to the League itself, a permanent international institution. Untamed aggression and military escalation were understood as having being fully unleashed immediately after the assassination of Archduke Franz Ferdinand on 28 June 1914, allowing events quickly to spiral out of control.<sup>21</sup> According to Article 10 of the Covenant:

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of

---

<sup>18</sup> Ibid, 587. B.S. Chimni, ‘Peace through law: lessons from 1914’ (2015) 3(2) *London Review of International Law* 245.

<sup>19</sup> Based in The Hague, the OPCW is in charge to administer the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, which entered into force in 1997.

<sup>20</sup> See for example on a critical historiography of the evolution of international institutions, Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton University Press, 2009); Mark Mazower, *Governing the World: The History of an Idea* (Penguin, 2012). See on the continuing reading of international law as a history of progress: Rose Parfitt, *The Spectre of Sources* (2014) 25(1) *European Journal of International Law* 297.

<sup>21</sup> See especially, League of Nations Covenant (1924), art. 8.

such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

This commitment to leaving war behind through the institutional resolution of international disputes is present, even more strongly, during the founding of the United Nations (UN).<sup>22</sup> According to the UN Charter, the members of the organization determined at the moment of its constitution ‘to save succeeding generations from the scourge of war, which twice in [their] lifetime ... brought untold sorrow to mankind.’<sup>23</sup>

A similar narrative underpins the formal rationale for the creation of the OPCW. According to the organization’s official history, the widespread use of chemical weapons during WWI, which resulted in more than 100,000 fatalities and a million casualties, ignited international efforts to ban the use of such weapons after the war.<sup>24</sup> The result was the 1925 *Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare* (known commonly as the Geneva Protocol), which was later expanded in the 1997 *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*.<sup>25</sup> The OPCW emerged as the administering body for this latter convention. Positioning itself, once again, as the agent of transition away from the barbarity of WWI, the OPCW uses the conflict as a marker of the type of violence that was once beyond the scope of the law but which thankfully, today, has now been outlawed. The international legal order emerges through the OPCW as being on the side of progressive self-learning, decisively walking away from the errors of the past.

A final example of this trend of locating the violence of WWI as belonging to the past can be found in the typical presentation of the adjudicatory mechanisms that appeared in the interwar period and after WWII. The creation of the Permanent Court of International Justice and later the International Court of Justice and the Nuremberg

---

<sup>22</sup> See also the Kellogg-Briand Pact - *General Treaty for Renunciation of War as an Instrument of National Policy* (signed 27 August 1928, entered into force 25 July 1929).

<sup>23</sup> United Nations Charter, Preamble.

<sup>24</sup> See especially, Organization for the Prohibition of Chemical Weapons (OPCW), *Genesis and Historical Development*, <<https://www.opcw.org/chemical-weapons-convention/genesis-and-historical-development/>>

<sup>25</sup> See for example the Preamble of the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (1997).

Tribunal, as well as the more recent International Criminal Court, all tend to be presented as quintessential examples of the international legal order's capacity to resolve the problem of the lack of enforcement in international law, and in particular to overcome the legal blindspots that permitted the war excesses that marked the two world wars.<sup>26</sup> Sir Hartley Shawcross pinned this view down in his intervention at Nuremberg on the morning session of 4 December 1945. For Shawcross, Chief Prosecutor for Great Britain and Northern Ireland before the Tribunal,

One has only to recall the circumstances following upon [WWI] to see the dangers to which, in the absence of any authoritative judicial pronouncement, a tolerant or a credulous people is exposed. With the passage of time the former tend to discount... the stories of aggression and atrocity that may be handed down; and the latter... come to believe that it was not they but their opponents who were guilty of that which they would themselves condemn.<sup>27</sup>

Nuremberg had the chance, according to Shawcross, to rectify these alleged distortions which had come to affect the collective memory of the First World War, offering not only a judicial reckoning for war crimes committed during WWII but also a clear lesson for the international community, instructing it to move firmly on into the future, leaving behind the disasters of the early twentieth century.

And so we believe that this Tribunal, acting, as we know it will act notwithstanding its appointment by the victorious powers, with complete and judicial objectivity, will provide a contemporary touchstone and an authoritative and impartial record to which future historians may turn for truth, and future politicians for warning.<sup>28</sup>

The international legal order is then presented, from the perspective of Nuremberg, as emerging anew from the ashes of those mistakes and unaccounted acts of violence suffered in WWI and WWII. With adjudicatory mechanisms in place, and

---

<sup>26</sup> See especially for a critically exploration of this reading of international tribunals as markers of 'progress', Thomas Skouteris, 'The New Tribunalism: Strategies of (De)Legitimation in the Era of International Adjudication' (2006) XVII *Finnish Yearbook of International Law* 307; Thomas Skouteris, *The Notion of Progress in International Law Discourse* (T.M.C. Asser Press, 2010), 161.

<sup>27</sup> Nuremberg Trial Proceedings, Volume 3 (4 December 1945 (Morning Session)). Sir Hartley Shawcross, Available at: <<http://avalon.law.yale.edu/imt/12-04-45.asp>>

<sup>28</sup> *Ibid.*

unsanctioned violence relegated to the past, the future belongs now to a more mature international law.

From this record shall future generations know not only what our generation suffered, but also that our suffering was the result of crimes, crimes against the laws of peoples which the peoples of the world upheld and will continue in the future to uphold – to uphold by international co-operation, not based merely on military alliances, but grounded, and firmly grounded, in the rule of law.<sup>29</sup>

### *The War continues*

As valuable as these different means of locating WWI's violence in the past can be for rhetorical or institutional purposes in international law, they are problematic when we confront the way in which human suffering and destruction were themselves entrenched in the very normative and institutional apparatus that underpinned the War and that continues today in many different ways. The conceptualization of WWI, as past and as starting point of our assumingly more organized and renewed institutional and legal present, is sustained by a particular view of international law. David Kennedy has lucidly diagnosed this 'particular view' of international law. According to Kennedy, international law is conceptualized in these readings, 'as alternately strong and supple, standing above political struggle, stopping it, as well as humbly waiting in the wings, serving political debate, structuring it.'<sup>30</sup>

As Hull has shown, however, WWI was not simply the outcome of panicked decision-makers and it certainly did not occur in a legal vacuum.<sup>31</sup> As difficult as it might be, given the triumphalist and, indeed, teleological rhetoric that often accompanies international legal recollections of the War, the logic and normative underpinnings of 1914-18 were part and parcel of the terrible violence experienced during those years, and they are still with us today. WWI was not, in fact, an exceptional conflict, but took place and evolved within a thick and relatively resilient normative, political and economic environment associated with the Concert of Europe, in operation from the end of the Napoleonic Wars (1815) to the outbreak of the First World War. The

---

<sup>29</sup> Ibid.

<sup>30</sup> David Kennedy, 'The Move to Institutions' (1989) 8 *Cardozo Law Review* 841, 985.

<sup>31</sup> See especially, Hull, *Scrap of Paper*.

famous ‘web of alliances’ – crystallized through secret treaties of alliance and a (legitimate) aggrandizement of arm forces, industrial power and colonial expansion – that brewed up over the previous century in the continent, organized the different powers in such a way that the War became almost inevitable.<sup>32</sup> For some historians, the War was even an intended outcome of an imperial military-industrial complex that had expanded across Europe and much of the rest of the world by that time.<sup>33</sup> Evidence for this perspective can be found, for example, in a statement made by Albert Ballin at the turn of the century. Head of the Hamburg-America Shipping Line, Ballin joined the German Navy League which aimed to be a fleet ‘strong enough to protect Germany’s growing overseas trade and its fledging colonies with force and might.’<sup>34</sup> According to Ballin, no ‘cosmopolitan statesman’ of his time could possibly deny that ‘in any future war the fleet will play an entirely different role than before because now the whole world instead of continental Europe has become the arena of politics.’<sup>35</sup> As Carl Schmitt came to put it eventually, sea war had become ‘largely trade war’.<sup>36</sup> For Ballin, as a result,

Without a strong fleet, Germany will be very much reduced as a power, for friend and foe alike, in a future war; with a strong fleet, the German Empire will hold the balance in its hand, perhaps for a long time. But in time of peace as well, Germany needs a powerful war fleet. If England, France, Russia, and the United States of America make greater efforts from year to year to strengthen and increase their navies, so the German Empire, as a competitor in world markets, dares not content itself with a modest instrument... In the brutal struggle of nations for light and air, strength alone counts in the final analysis.<sup>37</sup>

WWI was then a result of tensions already present in Europe and it was a means through which to reassert a system of influences – ‘spheres of influence’ – over the

---

<sup>32</sup> See on the web of alliances, James Joll and Gordon Martel, *The Origins of the First World War* (Routledge, 3<sup>rd</sup> ed, 2006), 49.

<sup>33</sup> See especially, Fritz Fischer, *War of Illusions: German Policies from 1911 to 1914* (Chatto and Windus, 1975). See for example, on how Fischer’s reading of the origins of the War has come to be recently contested, Mark Hewitson, *Germany and the Causes of the First World War* (Bloomsbury, 2004). See especially on a recent recuperation of Fischer’s work, Geoff Eley, ‘Germany, the Fischer Controversy, and the Context of War: Rethinking German Imperialism, 1880–1914’ in Alexander Anievas (ed), *Cataclysm 1914: The First World and the Making of Modern World Politics* (Brill, 2015), 23.

<sup>34</sup> Lamar Cecil, *Albert Ballin: Business and Politics in Imperial Germany, 1888–1918* (Princeton University Press, 1967), 151, 155-6. Cited in Hewitson, *Germany and the Causes of the First World War*, 29-30.

<sup>35</sup> *Ibid.*

<sup>36</sup> Carl Schmitt, *Theory of the Partisan* (G.L. Ulmen, trans.) (Telos Press Publishing, 2007), 29.

<sup>37</sup> Cecil, *Albert Ballin*, cited in Hewitson, *Germany and the Causes of the First World War*, 30.

region and beyond. This pre-existing network of relations (of financial interdependence, trade expansionism and industrial growth) constituted the very ground upon which WWI was fought. It was over this ground, and not over the muddy and desolate ‘no-man’s land’ so familiar from our collective memory of trench warfare that the parties to the conflict sought to gain control.<sup>38</sup> WWI reaffirmed, in that way, the contradictions of the ‘long nineteenth century’, a period that generated, according to Hobsbawm, a ‘world made by and for the bourgeoisie.’<sup>39</sup> This was a world in which developed industrial economies, always in need of expansion and in increasing competition, came to produce all of those ‘small bodies of men who, with an almost contemptuous ease, could conquer and rule over vast empires’.<sup>40</sup> The capitalist order of the time pushed, as a result, ‘the world in the direction of state rivalry, imperial expansion, conflict and war.’<sup>41</sup> Lenin, Luxemburg, Bukharin, Du Bois and Trotsky, amongst many other influential Marxist thinkers of the time, had for these reasons no illusions about the link between imperialism, capitalism and the origins of the First World War.<sup>42</sup> The entrance of the United States into the War was, in many ways, the result of this same global economic, and also political and military, order of the early twentieth century, which industrialists and statesmen in the US sought to harness for their own benefit.<sup>43</sup>

After the War, the arrangements created through the Concert of Europe were reorganized to regulate the new European – and now also American – imperial interests in peripheral territories arising from the war. These were coordinated (from 1919) through the League of Nations’ Mandate System, and most importantly through new networks of trade and financial interests crisscrossing the world at large.<sup>44</sup> Importantly, these interests started to present themselves at this point more clearly as ‘national’ (as opposed to necessarily imperial) within Europe and increasingly also

---

<sup>38</sup> See especially on the economy as a battlefield in WWI, Hew Strachan, *Financing the First World War* (Oxford University Press, 2004); Nicholas A. Lambert, *Planning Armageddon: British Economic Warfare* (Harvard University Press, 2012).

<sup>39</sup> Eric Hobsbawm, *The Age of Empire: 1875-914* (Abacus, 1987), 6.

<sup>40</sup> *Ibid.*, 9.

<sup>41</sup> *Ibid.*, 316.

<sup>42</sup> For a systematic analysis of the contribution and importance of Marxist thinkers to the study of First World War, see especially, Alexander Anievas (ed), *Cataclysm 1914: The First World and the Making of Modern World Politics* (Brill, 2015).

<sup>43</sup> See especially, Christopher Capozzola, ‘The United States Empire’ in Robert Gerwarth and Erez Manela (eds), *Empires at War: 1911-1923* (Oxford University Press, 2014).

<sup>44</sup> See for example in the case of Latin America, Bill Albert, *South America and the First World War: The Impact of the War on Brazil, Argentina, Peru and Chile* (Cambridge University Press, 2002).

among previously colonial (and soon-to-be decolonized) territories in Latin America, Africa, Asia and the Pacific. As Gerwarth and Manela have put it,

[t]he Great War was a war of empires, fought primarily by empires and for the survival or expansion of empire. Ironically, perhaps, it delivered a debilitating blow to dynastic empires – for centuries the pre-eminent type of state organization – and to imperial expansion and acquisition as the main logic of relations between states in world affairs.<sup>45</sup>

As the ‘nation-state’ form took hold across the globe, however, local populations came to be ever more subject to (economic and political) ‘national’ interests and ‘international’ pressures.<sup>46</sup> This situation, especially from WWII onwards, transformed warfare and its technologies of killing into an increasingly internal affair. Less ‘international’ but perhaps more chronic and systemic, internal wars – categorized now as ‘mere’ civil wars – have now become a key marker of our present world.<sup>47</sup>

Violence during WWI was also shaped by the fact that the most significant mechanized means of annihilation used during the operations were clearly permitted, under contemporary international law, and in fact remain exalted and in full production today regardless of the efforts of international lawyers and organizations in this area.<sup>48</sup> The relationship between the arms industry and the pre-1914 arms race is a well-known trigger for the start of the War and its global expansion.<sup>49</sup> As stressed by Hull, ‘[a]rtillery shells and machine guns, the two main causes of combat death [during WWI], were perfectly legal.’<sup>50</sup> Today the production and trade in arms continues to be one of the most lucrative businesses in the world – a ‘legal’ trade that

---

<sup>45</sup> Robert Gerwarth and Erez Manela, ‘Introduction’ in Robert Gerwarth and Erez Manela (eds), *Empires at War: 1911-1923* (Oxford University Press, 2014), 15.

<sup>46</sup> For a critical account of this process within Europe and beyond, see for example: Mazower, *No Enchanted Palace*; Mazower, *Governing the World*.

<sup>47</sup> See e.g., Herfried Münkler, *The New Wars* (Polity, 2004); Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Stanford University Press, 3<sup>rd</sup> ed, 2012).

<sup>48</sup> See e.g., Sara Kendall and Clare da Silva, ‘Beyond the ICC: State Responsibility for the Arms Trade in Africa’ in Kamari Clarke, Abel Knottremus and Eefje de Volder (eds.), *The ICC and Africa: An Introduction* (Cambridge University Press, forthcoming).

<sup>49</sup> See especially, David G. Herrmann, *The Arming of Europe and the Making of the First World War* (Princeton University Press, 1995); David Stevenson, *Armaments and the Coming of War: Europe, 1904-1914* (Oxford University Press, 2000).

<sup>50</sup> Hull, *Scrap of Paper*, 3.



can grow up by 100 times from year to year in our convoluted present.<sup>51</sup> These arms underpins large – as well as small – scale violence: violence that continues to be experienced not only in irregular or illegal confrontations but also unleashed in the name of international and national security, regional alliances and global peace.<sup>52</sup>

Finally, and perhaps most importantly, the particular military command structures, those structures of authority perfected during the 1914-18 War, that pushed wave after wave of low-rank soldiers from across the empires to the front line as ‘cannon-fodder’, remain a key marker of present-day conflicts. By the time WWI broke out in 1914, these structures had come to be solidified after at least two centuries of refining national military forces across Europe – a process that accompanied the maturation of the idea of the nation-state in the continent and its imperial ambitions abroad.<sup>53</sup> This process produced, according to Richard Hamilton and Holger Herwing, war offices and admiralties in each state, old and new, authorised to provide both the training and the command structures without which the prosecution of a ‘world war’ would have been unthinkable.<sup>54</sup> The ‘rich modern states’ of Europe in particular were thus able to create, over the course of the eighteenth and nineteenth centuries, ‘the disciplined and organized forces that allowed the conduct of coherent and effective military operations over long periods not only in Europe, but also ... across broad expanses of the world’s oceans.’<sup>55</sup> Importantly, national armies were forced during this period of rapid professionalization and expansion ‘to give much greater emphasis to drill and discipline; much more elaborate arrangements for command and control became necessary.’<sup>56</sup> In Section III, below, I map out these structures of authority in some detail in my examination of Joe Sacco’s graphic representation of the Battle of the Somme.

---

<sup>51</sup> ‘British arms companies ramp up bomb sales to Saudi Arabia by 100 times despite air strikes on civilians’ (The Independent, 20 January 2016) <<http://www.independent.co.uk/news/world/middle-east/british-arms-companies-cash-in-on-humanitarian-catastrophe-and-ramp-up-bomb-sales-to-saudi-arabia-by-a6822491.html>>

<sup>52</sup> See for example, Rachel Stohl and Suzette Grillot, *The International Arms Trade* (Polity, 2009); Andrew Festein, *The Shadow World: Inside the Global Arms Trade* (Picador, 2012).

<sup>53</sup> Richard F. Hamilton and Holger H. Herwing, ‘World Wars: Definition and Causes’ in Richard F. Hamilton and Holger H. Herwing (eds), *The Origins of World War I* (Cambridge University Press, 2003), 5-6. See also Rose Parfitt’s article in this Special Issue.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

As we shall see, WWI's characteristic command structures, as well as army policy and military laws, deployed troops to the battlefields and trenches in large numbers, often on the basis of an unapologetic race and class imperial hierarchy, ensuring that casualties would themselves follow a social hierarchy.<sup>57</sup> Frequently the marginal nature of the military goals of these operations bore no relation to the enormous human cost associated with their achievement (or otherwise). Extreme high casualty rates were the norm.

Today, as war has significantly moved from the international to the national realm, and from the center to the peripheries of the world, casualty rates are even higher, notwithstanding the international legal 'developments' celebrated by the ICRC and others. As war has moved inwards (to the domestic) and outwards (to the peripheries), it has increasingly come to affect civilians rather than solely combatants – 'collateral damage', in modern military language.<sup>58</sup> Like today's 'collateral damage' – that 'peculiar' form of lawful killing as Frederik Rosén has recently described it – the assessment of human losses in WWI was undertaken by commanders, strategists and officials – individuals far removed from the field itself, whose role it is to attend not to the needs of individual soldiers but to the larger interests pursued by their states and allies (known today as 'the overall advantage' of military actions).<sup>59</sup> During WWI, structures of authority of this type operationalized what Anne Orford has identified, in the context of current global economic relations, as an 'economy of sacrifice': a sacrifice of some 'accompanied by the promise of the reward of the righteous in the future.'<sup>60</sup> Even a brief perusal of the extension of civilian 'collateral damage', and ongoing military losses, in recent wars confirms that this 'economy of sacrifice' is still functioning, continuing to make palatable the daily execution of often

---

<sup>57</sup> See e.g., Gerwarth and Manela, 'Introduction' in Gerwarth and Manela (eds), *Empires at War: 1911-1923*; Adriane Lentz-Smith, *Freedom Struggles: African Americans and World War I* Paperback (Harvard University Press, 2011); Richard S. Fogarty, *Race and War in France: Colonial Subjects in the French Army, 1914-1918* (Johns Hopkins University Press, 2012); Santanu Das, *Race, Empire and First World War Writing* (Cambridge University Press, 2014).

<sup>58</sup> See e.g., Stephen Rockel and Rick Halpern (eds), *Inventing Collateral Damage: Civilian Casualties, War, and Empire* (Between the Lines, 2009); Neta C. Crawford, *Accountability for Killing: Moral Responsibility for Collateral Damage in America's Post-9/11 Wars* (Routledge, 2013).

<sup>59</sup> Frederik Rosén, *Collateral Damage: A Candid History of a Peculiar For of Death* (Hurst, 2016).

<sup>60</sup> Anne Orford, 'Beyond Harmonization: Trade, Human Rights and the Economy of Sacrifice' (2005) 18 *Leiden Journal of International Law* 179, 182. See also Wendy Brown, *Undoing the Demos* (MIT Press, 2015).

racialized and low socio-economic civilians and security forces in today's many, apparently intractable conflicts.<sup>61</sup>

Interestingly, indeed tragically, these structures of authority, responsible for so much suffering both yesterday and today, are conspicuous either by their absence from official accounts of the War (especially national military histories) or by the strenuous way in which they are contested by the authors of such accounts. For instance, the British Army's current *Army Doctrine Publication*, 'the capstone doctrine for the British Army', which reflects on previous operations and 'the enduring nature and evolving character of conflict', offers a good example.<sup>62</sup> Targeted at 'British Army sub-unit, unit and formation commanders, and staffs at each level', together with 'all officers (commissioned and non-commissioned) ... and their subordinates', the *Publication* informs its readers that the 'British Army of the First World War has had a bad press'.<sup>63</sup> Accordingly, '[a]ny attempt to assess the British commanders and the way they conducted operations has to get past a series of tired stereotypes.'<sup>64</sup>

The popular image is of 'lions led by donkeys'. Baffled by trench warfare, it is commonly believed the generals (who were unimaginative at best and downright stupid at worst) could think of nothing better than to throw ever more men into battles of attrition. Some historians, while moving far beyond such overly simplistic views, have also taken a dim view of the British Army [as a whole]. It has been portrayed as inflexible, overly conservative, addicted to the offensive, wedded to manpower-centred methods of warfighting, exalting morale over technology, and seeing sheer mass of men and shells as the key to victory.<sup>65</sup>

After outlining these critiques, the manual reflects: 'One wonders, if the critics are correct, how it came about that the British Army won the First World War, and the

---

<sup>61</sup> See for example in the case of civilians deaths in Iraq, The Iraq Body Count Project <<https://www.iraqbodycount.org/>>. See in the case of military casualties in Iraq and Afghanistan, iCasualties.org <<http://icasualties.org/>>. From the perspective of UK's involvement in Afghanistan and Iraq and the number of military and civilian casualties resulting from such involvement, see e.g., Frank Ledwidge, *Losing Small Wars: British Military Failure in Iraq and Afghanistan* (Yale University Press, 2012); Frank Ledwidge, *Investment in Blood: The True Cost of Britain's Afghan War* (Yale University Press, 2013). See from the perspective of US's wars, John Tirman, *The Deaths of Others: The Fate of Civilians in America's Wars* (Oxford University Press, 2012).

<sup>62</sup> British Army, *Army Doctrine Publication* (2010). Available at: <<https://www.gov.uk/government/publications/army-doctrine-publication-operations>>.

<sup>63</sup> Ibid, E-10.

<sup>64</sup> Ibid

<sup>65</sup> Ibid.

German Army lost it.<sup>66</sup> This success, the manual insists, was the result of a process of learning.

Overcoming enormous problems, between 1914 and 1918 the British Army transformed itself from a colonial gendarmerie into a continental-sized army. In 1918 this Army took the lead in defeating the German Army on the field of battle, winning the greatest series of military.<sup>67</sup>

From this perspective, the more than 1 million military deaths across the British Empire – and the roughly 18 million deaths across the world – during WWI was a sort of necessary and external stage in the British Army’s process of structural refinement and evolution.<sup>68</sup> As British Army’s account (paradoxically) clarifies, however, these human losses were the result of an institutional exercise of violence that was (and remains) predicated on the expendability of some human life. With this, it is time to turn to Joe Sacco’s *The Great War*.

### III. Sacco’s *The Great War*

Pat Mills, the author of *Charlie’s War*, the most famous graphic account of the First World War ever published, makes a forceful denunciation of the nature of violence in WWI in his introduction to the special reissue of the full comic series, published in 2004.<sup>69</sup> *Charlie’s War* was illustrated by Joe Colquhoun and it ran in the United Kingdom in the *Battle Picture Weekly* from 1979 to 1985. For Mills, who used this comic as a means through which to express his frustrations with the mystifications associated with our received knowledge about WWI, *Charley’s War* was an attempt to show how, ‘at the deepest level’, the First World War should be understood not as an inter-state war or as a war against German expansionism but instead as ‘a class war, a war against the poor.’<sup>70</sup> According to Mills, ‘[i]t’s estimated that in World War One, American corporations made \$16 billion from the conflict. Their normal profits leapt by 200, 300, even 900 per cent!’ – profits that he claims were shared only by a

---

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Commonwealth War Graves Commission, *Annual Report (2013-2014)*

<sup>69</sup> Pat Mills ‘Introduction’ in Pat Mills and Joe Colquhoun, *Charlie’s War (2 June 1916-1 August 1916)* (Titan Books, 2004).

<sup>70</sup> Ibid.

handful of billionaires.<sup>71</sup> To put these figures in perspective, Mills notes how, in comparison with these few billionaires, ‘60,000 British soldiers were killed or wounded on the first day of the Battle of the Somme.’<sup>72</sup> Bearing this disparity in mind, and given the fact that ‘billionaires don’t tend to turn up in the trenches’, he decided that Charlie, his main protagonist, had to be a working class boy.<sup>73</sup> In this way, it became possible for Mills to denounce what ‘Charley and his mates were really fighting for and dying for’ – ‘[n]ot nationalism and outmoded power blocs, gallant little Belgium, assassins in Sarajevo or crazy Kaisers’, for at the end of the day, ‘Charlie and his mates were actually fighting to make someone else rich.’<sup>74</sup>

A similar attention to the experience of the common man of WWI and to the structures of authority which dictated his fate is evident in other recent graphic books and anthologies related to the War, many of them inspired by *Charley’s War*. Tardi’s classic graphic novels, for example, *It was the War of the Trenches* (1993) and *Goddamn this War!* (2008-09) and those of Barroux, such as *Line of Fire* (2011), as well as the childrens’ stories by Beck and Belton, *The Little Hen and the Great War* (1996), Cooper and Haywood, *One Boy’s War* (2010) and Robinson and Impey, *Where the Poppies Now Grow* (2014), all share an acute sensibility towards the everyday pain and suffering of soldiers and their families.<sup>75</sup> In particular, they all try to make evident, with a more or less critical sense, the way in which these ordinary individuals saw themselves being dragged into the War by economic and political forces that were beyond their control.

Joe Sacco’s *The Great War* arrived to join this tradition of graphic explorations of the WWI in 2013. Embracing the powerful critique of the War advanced by Mills, Tardi and others, Sacco’s *The Great War* stands out within this body of graphic engagements thanks to three distinct characteristics, which make it an invaluable artefact through which to think about violence in the context of the WWI and its

---

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> See also the illustrated collection of WWI poetry by Chris Duffy (ed), *Above the Dreamless Dead* (First Second, 2014) and the graphic anthology of the First World War by Jonathan Clode and John Stuart Clark (eds), *To End All Wars* (Soaring Penguin Press, 2014).

connection with the international legal order. Let me explain these three characteristics.

### *Violence across time*

Firstly, in *The Great War* Jose Sacco draws masterfully on his previous experience as a graphic reporter of contemporary conflicts. Born in Malta and raised in Australia and the US, Sacco has been reporting on war zones using the genre of the graphic novel over the last three decades. In his novels on Palestine and Bosnia, for example, Sacco consistently explores violence as something encountered from the bottom up: violence as experienced by individuals, with its high and low peaks, with its sudden intensities, and, especially, with its external quality – its occupation of a space that is by definition out of the individual's full control.<sup>76</sup> The same may be said of his depiction of the Battle of the Somme. In this case, Sacco offers an intimate and personal account of violence's unfurling nature and its accompanying suffering by depicting, in as much detail as possible, the physical and human terrain of the battlefield before, during and after the confrontations of the first day of the battle, 1 July 1916.

The precision of the illustrations in *The Great War* is on a magnificent scale. Sacco is able to achieve this thanks to the substantial length of the concertina that comprises the book, each square centimeter of the space packed with soldiers arriving at the front line, getting ready for the confrontations and then experiencing the carnage and consequences of that horrifying day (Fig. 3-6).

---

<sup>76</sup> See e.g., Joe Sacco, *Palestine* (Jonathan Cape, 2003); *The Fixer: A Story from Sarajevo* (Jonathan Cape, 2004); *War's End: Profiles from Bosnia 1995–96* (2005); *Safe Area Goražde: The War in Eastern Bosnia 1992–1995* (Jonathan Cape, New Ed. 2007); *Footnotes in Gaza* (Jonathan Cape, 2009).



Figure 3. Soldiers arriving at the front line.

Joe Sacco, *The Great War* (Norton & Company, 2013).

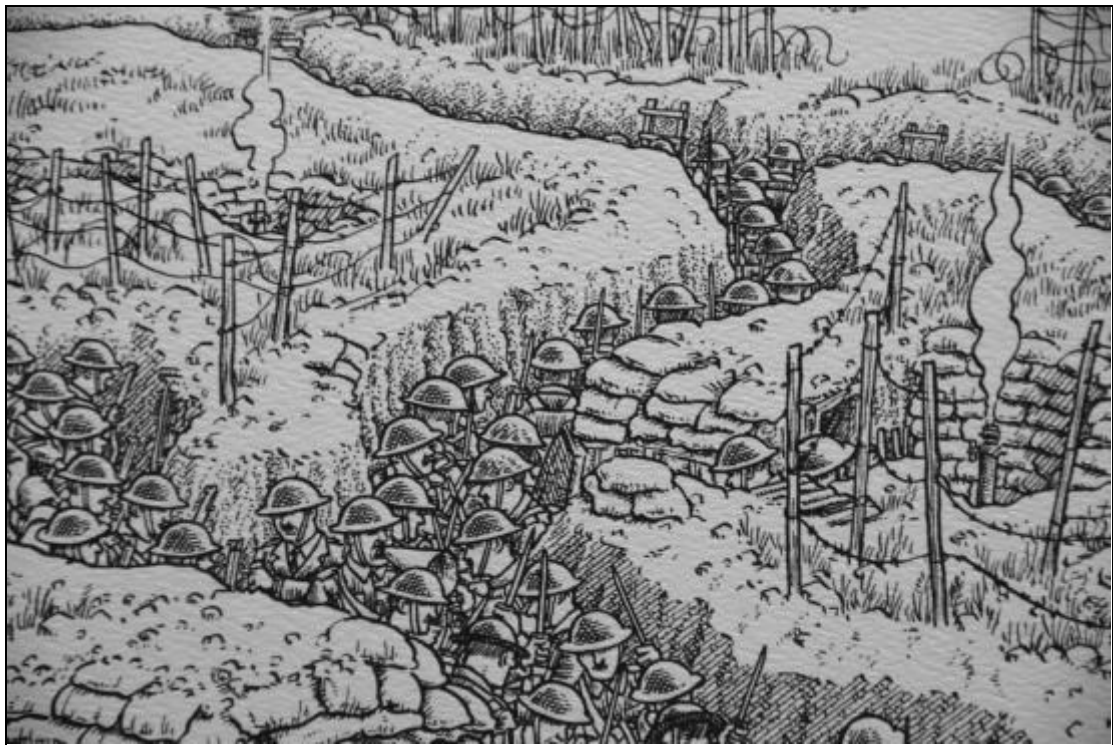


Figure 4. Preparations in the trenches before the start of the Battle of the Somme.

Joe Sacco, *The Great War* (Norton & Company, 2013).



Figure 5. Soldiers under fire in the battleground.  
Joe Sacco, *The Great War* (Norton & Company, 2013).



Figure 6. The effects of the battle.  
Joe Sacco, *The Great War* (Norton & Company, 2013).

In these intricate drawings, which co-exist in a physically unbroken interrelationship on the page, violence becomes an unrolling experience, an experience that has not



been corralled into a particular segment of time but instead remains unavoidably connected to the very passage of time itself. To achieve this effect, Sacco abandons the format of consecutive vignettes through which graphic novels and comics normally construct their narratives and adopts, instead, the typically modernist format of the panorama – a format invented in 1788, which by the 1900 Universal Exhibition (commemorating the peak of European imperialism) and certainly by 1914 had become an extremely popular and widespread style of figurative presentation.<sup>77</sup>

Interestingly, however, Sacco adopts the format of the panorama not simply to offer a wide-angle (e.g., 180° or 360°) view of space, the traditional way in which panoramas were used in the past to capture the spectator fully, immersing her in a totalizing experience of place and – in the case of classic Victorian panoramas – in the achievements of modernity, human progress and man’s apparently limitless ingenuity. Instead of this, in *The Great War*, Sacco uses the panorama format to depict a single day from start to finish, transforming time itself into the stage – or, rather, the page – upon which human affairs play out.<sup>78</sup> Thus, time in Sacco’s depiction is not a question of one moment separated from another moment, but an unfolding field, saturated with human action and, occasionally, uncontainable brutality: brutality that surfaces here and there according to its own dynamics and rationale (Fig. 7 and 8).

---

<sup>77</sup> See on the emergence and history of panoramas, Bernard Comment, *The Panorama* (Reaktion Books, 1999); Stephan Oettermann, *The Panorama: History of a Mass Medium* (Zone Books, 1997); Erkki Huhtamo, *Illusions in Motion: Media Archaeology of the Moving Panorama and Related Spectacles* (MIT Press, 2013); Denise Blake Oleksijczuk, *First Panoramas: Visions of British Imperialism* (University of Minnesota Press, 2011).

<sup>78</sup> According to Joe Sacco, the panorama he had in mind when he planned *The Great War* was the Bayeux Tapestry, which depicts the Norman invasion of England. Joe Sacco (Author’s Note) in *The Great War* Norton & Company, 2013).



Figure 7. Soldiers facing unexpected shelling.  
Joe Sacco, *The Great War* (Norton & Company, 2013).



Figure 8. Suffering in the trenches.  
Joe Sacco, *The Great War* (Norton & Company, 2013).

The end result is a brilliantly pedestrian depiction of violence: a savagery that is overwhelmingly mundane yet extraordinarily powerful, given the uncontrollability of events from the perspective of a soldier immersed in the mud and blood of the battlefield in particular. Sacco's depiction of the War and violence is thus decisively oriented towards the material, both in terms of how it depicts the events that took place in WWI and how it conveys these events for us in the present – a point that I will explore in more detail below.

*The Great War's* micro-scale, temporally pervasive and materially concerned representation of violence is particularly suitable to an exploration of the Battle of the Somme, one of the largest and bloodiest battles of WWI, fought by the armies of the British and French Empires against that of the German Empire, and hence with troops drawn from all across the world.<sup>79</sup> The battle took place between 1 July and 18 November 1916 along the banks of the river Somme in France. The sheer numbers, in terms of weaponry and artillery used during the battle, and the casualties they caused, were unprecedented in world history. According to official accounts, a million men were wounded or killed during that four and a half month period. The battle is famous also for the massive use of air power, machine guns, chemical weapons and trench warfare, as well as for the first ever use of the tank. On the first day of the battle of the Somme alone – the day portrayed, from the Western Front, in Sacco's panorama – there were 60,000 casualties among the British troops, including 20,000 deaths. Of these 20,000 killed, at least 10,000 men died in the first hour of the battle and 30,000 casualties were incurred between 7:30am and 8:30am in the morning, mostly victims of the German machine guns. On the top of these figures from the British side, the French took 1,590 casualties and the German lost between 10,000 to 12,000 men that day.<sup>80</sup>

Preparations for the battle had been underway for many months, but it unfolded unexpectedly, especially on the first day of confrontations. The Allies decided to put together a significant part of their existing resources and troops in one single battle on the French northern front, and in this way to undertake a 'Big Push' against the

---

<sup>79</sup> The most significant accounts of the Battle of the Somme are Martin Middlebrook, *The First Day on the Somme* (Penguin, 1984); Lyn Macdonald, *Somme* (Penguin, 1993); Gary Sheffield, *The Somme: A New History* (W&N, 2004).

<sup>80</sup> See especially, Middlebrook, *The First day of the Somme*, 146-158, 262-271.

German army. Britain itself, in order to display its commitment to the plan, contributed 120,000 men to the battle. As the author and journalist Adam Hochschild narrates these plans in a short essay included in a booklet that accompanies *The Great War*, employing a frantic tone that conveys the hectic pace that accompanied their formation:

Troops unrolled 70,000 miles of telephone cable. Thousands more unloaded and piled ammunition in huge dumps; stripped to the waist and sweltering in the summer heat, they dug endlessly to construct special roads to speed supplies to the front. Fifty-five miles of new standard-gauge railway line were built. With as many British soldiers crammed into the launching area as the population of a good-sized city, new wells had to be drilled and dozens of miles of water pipe laid. No details were forgotten.<sup>81</sup>

Leading to the start of the confrontation, there was intense bombardment of the German front for days, until just a few minutes before the start of the battle. Again, as Hochschild describes it,

As it grew close to zero hour, 7:30am on July 1, men detonated ten enormous mines planted by British miners tunneling deep beneath the German Trenches.... [This was preceded by the explosion of] 224,221 shells in the last sixty-five minutes... More shells were fired by the British [that] week than they had used in the entire first twelve months of the war; some gunners bled from the ears after seven days of nonstop firing.<sup>82</sup>

According to the plans, all of this bombardment, and the clouds of chlorine gas that the British also released towards the German lines, was done in order to decimate the arms and human power of Germans. Allied troops would then be able to leave the trenches safely at 7:30am that morning, walk across no-man's land, confront the few Germans who would be left, and then march on forward. The commander behind this operation, the famous British General Douglas Haig, who served as commander-in-chief of the British Expeditionary Force (BEF) on the Western front from late 1915 until the end of the war, had decided, with an invincible sense of conviction, that this

---

<sup>81</sup> Hochschild's short essay included in *The Great War* is an adaptation from Adam Hochschild, *To End All Wars: A Study of Loyalty and Rebellion* (1914-1918) (Houghton Mifflin Harcourt, 2011).

<sup>82</sup> *Ibid.*

was the way things were going to happen.<sup>83</sup> As he noted in his diary the day before the start of the battle, 30 June: ‘With God’s help I feel hopeful... The wire has never been so well cut, nor the artillery preparations so thorough. I have seen personally all the Corps Commanders and one and all are full of confidence.’<sup>84</sup>

It is with this scenario of preparation, this sense of imperial certainty, and these images of individual soldiers as the barely visible, fully dispensable cogs in a gigantic machine, that Sacco’s account of the battle begins. The unprecedented disaster that actually unfolded, in defiance of these plans and expectations, is what we find on the planes of Sacco’s panorama as it springs open in our hands (Figures 3-8). When the whistles blew, and troops started to leave the trenches, they began to be shot by German machine-guns immediately. The troops realized, at that moment, that all the bombardment of the previous days had not, in fact, destroyed the German artillery and that all the bombs that had been dropped had not, in fact, flattened the German barbed-wire. Instead, the shells had left the terrain full of dangerous holes and unexploded bombs – making an even easier target of the Allied soldiers than before.<sup>85</sup>

As if this were not enough, as panicking soldiers began to abandon their trenches they were forced back to the front by the Military Police, acting under orders from central command to deter everyone who had not been fully authorized to leave the battleground. There are reports of Military Police taking action against soldiers who had self-wounded to avoid entering into the battlefield and even reports of ‘Red Caps’ (as Military Police personnel are often known in the British Army) executing troops for cowardice on the spot.<sup>86</sup> In front of the devastation of that day, therefore, ‘there was one body of men who [continued throughout the day] to their own grim duty – the Military Police.’ As Middlebrook describes it, ‘[t]heir orders were to stop any fit man leaving the trenches without permission and to ensure that, when an attack had been ordered no one remained behind’.<sup>87</sup>

---

<sup>83</sup> See for example on the role of General Douglas Haig, and his role the Battle of the Somme: Gary Sheffield, *The Chief: Douglas Haig and the British Army* (Aurum Press, 2012); Brian Bond, *Haig: A Re-appraisal 80 Years On* (Pen & Sword Military, 2009); G.S. Duncan, *Douglas Haig as I Knew Him* (Allen & Unwin, 1966); John Charteris, *Field-Marshal Earl Haig* (Scribners, 1929).

<sup>84</sup> Gary Sheffield and John Bourne (eds), *Douglas Haig: Diaries and Letters 1914-1918* (Weidenfeld & Nicolson, 2005).

<sup>85</sup> See especially, Middlebrook, *The First day of the Somme*, 272-292.

<sup>86</sup> *Ibid.*, 108-109, 220-221.

<sup>87</sup> *Ibid.*, 220-221.

In this way, the troops were forced over the top and into no-man's land, round after round, after each artillery deployment. Indeed, this 'wave system' had been carefully preplanned. According to the *Fourth Army Tactical Notes*, which set the basis on which 'all the training of troops in reserve' during the summer of 1916 had to be carried out:<sup>88</sup>

Experience has shown that the only safe method of artillery support during an advance is a fixed time-table of lifts to which both the infantry and artillery must conform. .... No changes must be made in the time-table by subordinate formations without reference to corps H.Q.'s, or confusion is sure to ensure.<sup>89</sup>

This strategy of rigid alternated attacks between the artillery and the infantry proved disastrous. With the headquarters located many miles away from the battle-field, with soldiers carrying heavy packs of provisions and ammunition and in the midst of escalating chaos spread out over an enormous area, a day of suffering unprecedented in history unfolded, the catastrophe escalating literally from minute to minute as it is possible to perceived as the reader moves her eyes along *The Great War*.

Sacco finishes his panorama with a depiction of the end of that horrible day: wounded soldiers being dragged to hospital tents and ambulances; uncountable corpses, of both men and horses, being carried around and buried in improvised graveyards in order to clear the ground for the continuation of the battle the next day. This physical account of the violence of the War as an uncoiling, uncontrollable experience helps us grasp the horrendous process of suffering and annihilation in which the soldiers and their surroundings were caught up on that terrible day.

### ***The violence of authority***

This reading of the uncontrollable and materially grounded character of the Somme's violence is accompanied in *The Great War* by a very particular understanding of the type of structures that made such violence possible. Although not directly accusatory

---

<sup>88</sup> *Fourth Army Tactical Notes*, May 1916 (Stationery Services Press, 1996)

<sup>89</sup> Cited in, Middlebrook, *The First day of the Somme*, 281.

(a style present in some literature about WWI),<sup>90</sup> Sacco's drawings nonetheless reveal the way in which soldiers were deployed on the battlefield as mere pawns in a grand strategy that was not only military but also economic and political. This is evident in the panorama's focus on the use of colonial battalions in an imperial battle, the cramming of nameless soldiers into trenches, the ruthless bombardment of German troops for days on end, and the senseless 'feeding' of the cannons with wave after wave of soldiers in the name of 'national' interests and power blocs. Sacco emphasizes the structures underpinning this hardheaded approach to human life by starting his book with a close-up of Lord Kitchener's famous recruitment poster of 1914, then switching focus immediately to General Haig.

The first illustration that the reader encounters as soon as the front cover of the accordion is turned over is therefore a close-up of Lord Kitchener's face, with a cold commandeering look, pointing his finger to the reader (Fig. 9). As Secretary of State for War from 1914 until he was drowned in 1916 en route to Russia in the sinking of the *HMS Hampshire*, Lord Kitchener led the recruitment of the largest volunteer army that the world had seen, in response to the infamous 'Great Retreat' of the British Army after its crushing defeat by the Germans in August 1914. Some two million men were eventually recruited into 'Kitchener's Army', as it became known. These were the soldiers who would eventually be sent to the Somme and other war fronts over the following two years.<sup>91</sup> With this allusion to the recruitment operation behind the British campaign, Sacco catapults us into his panorama, which begins in earnest with an illustration of General Haig taking his morning stroll around the Allies' headquarters at the Château de Beauquesne. Located at a safe distance from the actual battlefield, we see the General, by himself, calmly absorbed in his own thoughts, while – as the following pages illustrates – hundreds of his men are already fully engaged in a chaos of anxious preparation for the start of the confrontation (Fig. 10-11, see also Fig. 3-4).

---

<sup>90</sup> See for example the theatrical piece, Joan Littlewood, *Oh What A Lovely War* (Methuen Drama, 1967).

<sup>91</sup> See especially, Middlebrook, *The First day of the Somme*.

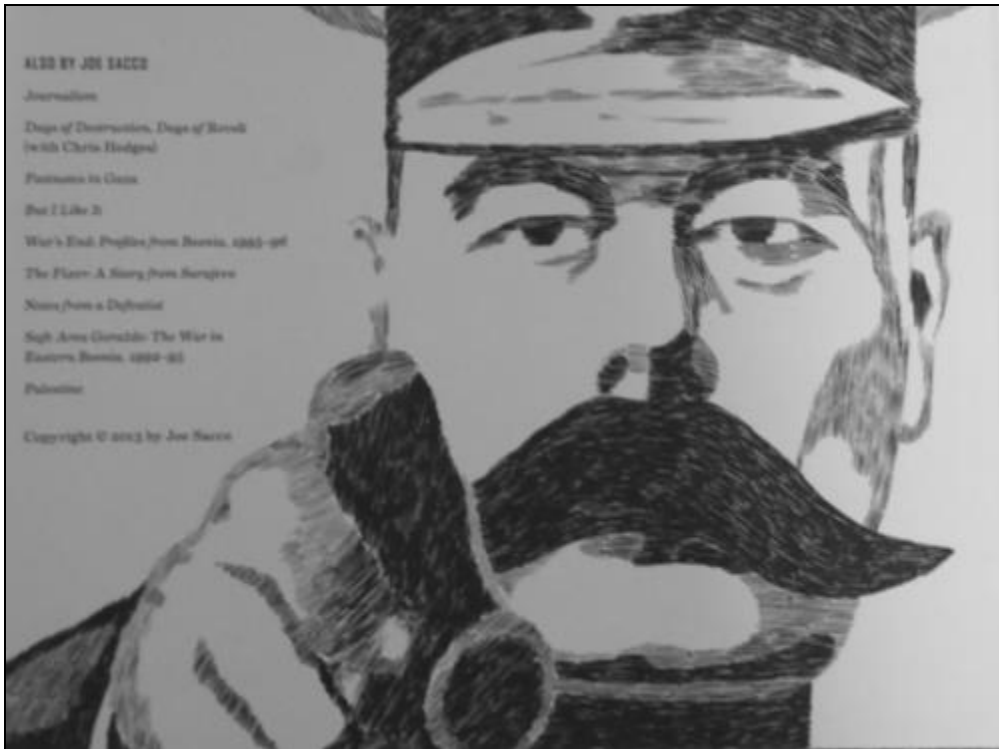


Figure 9. Sacco's version of the famous image from the 'Lord Kitchener Wants You!' recruitment poster.

Joe Sacco, *The Great War* (Norton & Company, 2013).



Figure 10. General Haig at the Château de Beauquesne.

Joe Sacco, *The Great War* (Norton & Company, 2013).



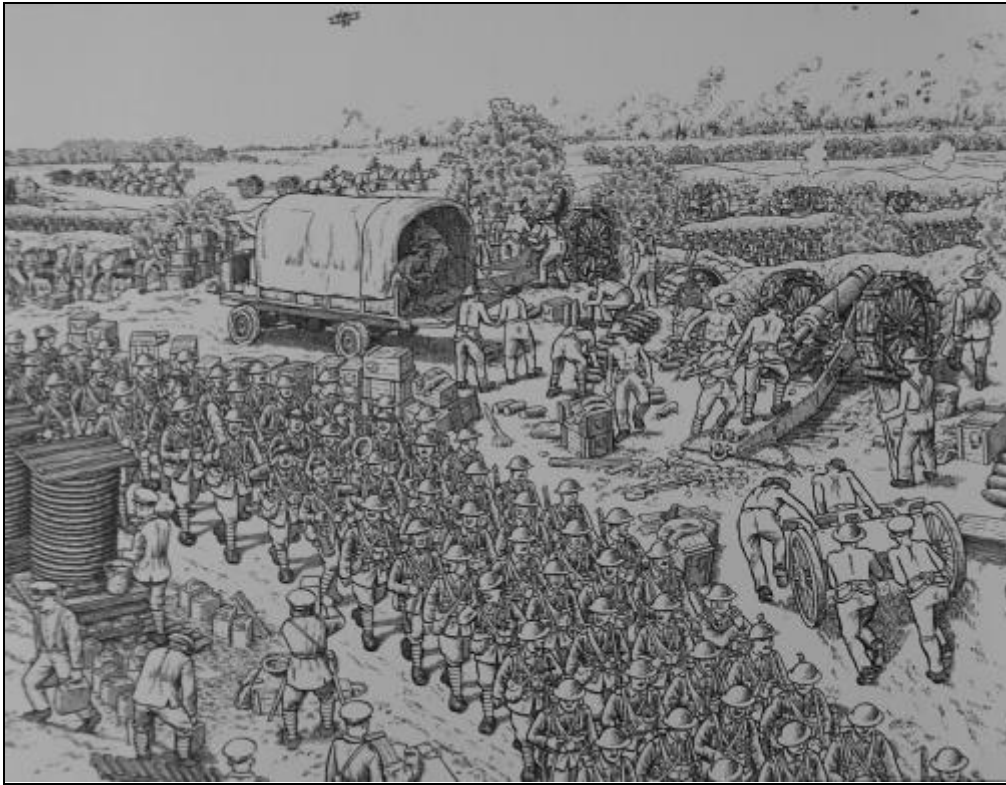


Figure 11. Soldiers arriving at the front line.

Joe Sacco, *The Great War* (Norton & Company, 2013).

Crucially, the point of Sacco’s focus on Haig is not to single him out as personally responsible for the disaster of 1 July 1916, notwithstanding the historical evidence as to the General’s role not only in the catastrophe of the Somme but also that of Passchendaele (1917) and others.<sup>92</sup> Instead, Sacco’s aim is to emphasize the way in which the self-assurance of the General and his hierarchical positioning vis-à-vis the soldiers was itself the consequence of a pre-existing system in which some human lives were widely accepted as being more dispensable than others. Again, this dispensability was a feature not only of the Battle of the Somme but of the entire War. ‘After that disastrous first day’, as Sacco points out, ‘the army butted its bloody head for a few more months and then stopped, licked its wounds and set its mind on the next “Big Push”.’<sup>93</sup> For Sacco, as a result:

---

<sup>92</sup> See for example, J.P. Harris, *Douglas Haig and the First World War* (Cambridge University Press, 2009). See on revisionist readings of General Haig, Gary Mead, *The Good Soldier: The Biography of Douglas Haig* (Atlantic Books, 2014), Gary Sheffield, *The Chief: Douglas Haig and the British Army* (Aurum Press, 2012); Brian Bond and Nigel Cave (eds), *Haig: A Re-appraisal 80 Years* (Pen & Sword Military, 2009).

<sup>93</sup> Joe Sacco (Author’s Note) in *The Great War*.

Except for General Douglas Haig ... I call attention to no one individual [in the *Great War*]. The army was a single organism made up of hundreds of thousands of mostly enthusiastic men devoted to preparing a way for getting some large portion of itself to a jumping-off point in time and advancing on fixed objectives in accordance to a predetermined schedule.<sup>94</sup>

Behind the repetitious cycle of death and suffering, as *The Great War* makes clear, lay not a single, flawed individual but a wide network of imperial interests and many years of national militarisation, including not just the accumulation of hardware but also the coding of national military laws and the creation of Military Police forces, which would ensure that by 1914, as we saw above, soldiers *could* be commanded to die by their millions, whether by Haig or by another general. These developments in military law had reached a pinnacle by the time of the outbreak of the War and were crucial to the latter's unfolding.

In the context of the British Empire, Military Law rose to the top of the agenda during the late 19<sup>th</sup> century with the passage of the Army Discipline and Regulation Act of 1879, which finally brought together, in one piece of legislation, a whole series of different laws relating to mutiny and insubordination among Britain's imperial subjects, along with the more general laws of war. The Act was a response to the significant expansion of the British Empire and the increasing complications it faced across its diverse and expansive territories. By 1914, the Act had already been revised (in 1881), and complimented with additional pieces of legislation, for example the Territorial and Reserve Forces Act of 1907 and the Official Secrets Act of 1911. A full account of this updated body of law was given in the *Manual of Military Law*, re-published by the War Office in 1914, and reprinted in 1916. The development of the British Military Police followed this process of legal consolidation. With its early origins in the 14<sup>th</sup> century in the form of the Royal Provost Marshal, the modern Military Police emerged with the professionalization of the army and the enlargement of the British Empire in the 19<sup>th</sup> century. With the outbreak of the First World War, the Military Police grew rapidly from 508 men across all ranks to 25,000 by 1918.<sup>95</sup> During the War, Military Police personnel were key to the process of enforcing order

---

<sup>94</sup> Ibid.

<sup>95</sup> Regimental Headquarters of the Royal Military Police, *Short History of the Royal Military Police and its Antecedents* <[http://rhqrmp.org/rmp\\_history.html](http://rhqrmp.org/rmp_history.html)>

and discipline amongst the troops, and were responsible for arresting those who ended up court-martialed, with punishments ranging from penal servitude and cashiering to death. Just as an indication of the role of such punishments in the trajectory of the War, 5,952 officers and 298,310 men from other ranks were court-martialed in total during those four years, 3,080 of them sentenced to death.<sup>96</sup>

It was this particular body of Military Law, and its accompanying institutional outcomes, that informed and gave voice to those structures of authority whose devastating effects Sacco's panorama depicts. These legal and institutional structures translated the large interests underpinning the War onto the battlefield and made the many men brought to the trenches into moving, killing and killable beings, even though their motives for signing up for the War were, in the first place very different (e.g. from earning a salary to travel and see the world).<sup>97</sup> Military laws helped thus to channel the aura of certainty that surrounded the planning of the Battle of the Somme into a relentless 'push' forwards that took no need of the unfolding human catastrophe. As Middelbrook puts it in his famous account of this fateful day, the 'supreme confidence' of the Allied generals in their supposedly fool-proof plan passed down to corps commanders and then '[found] its way down to the ordinary soldiers',<sup>98</sup> cascading down the structures of authority as '[b]attalions were paraded and addressed by senior officers, usually brigadier-generals', immediately prior to the battle.<sup>99</sup> As the 11<sup>th</sup> Battalion Sherwood Foresters, for example, were informed by one of their commanders:

You will meet nothing but dead and wounded Germans. You will advance to Mouquet Farm and be there by 11 a.m. The field kitchens will follow you and give you a good meal.<sup>100</sup>

Of course, all of these cheery words from the leaders 'sounded very easy and the noise in the background of hundreds of [Allied] guns, firing night and day into the

---

<sup>96</sup> Chris Baker, *The Long, Long Trail: The British Army in the Great War of 1914-1918* <<http://www.1914-1918.net/crime.htm>>

<sup>97</sup> See especially the articles by Madelaine Chiam and Genevieve Painter in this Special Issue.

<sup>98</sup> Middelbrook, *The First day of the Somme*, 96-97.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

German lines, added reassurance.<sup>101</sup> The outcome of the battle was, however, far from victorious as we have seen and as Sacco carefully illustrates in his panorama. As soon as the battle started and men began to climb out of the trenches, the first German ‘machine-guns were soon in action and found easy targets’, ‘their reaction was swift and deadly.’<sup>102</sup> From this moment, large geo-political and economic interest channeled through laws and articulated through structures of authority were transformed into ‘waves’ of sheer pain, suffering and death. The battle thus continued until the end of that day, restarting the following morning and continuing for many more months. Sacco hints at this protracted character of war and violence, by pointing at the end of his panorama to how those structures of authority that had already condemned so many men to death that first day of the Battle of the Somme began to bring at dusk new ‘waves’ of fresh troops to continue the conflagration for the days to come (Fig. 12).



Figure 12. Arrival of new troops in the background, as troops killed during the first day of the battle are being buried.

Joe Sacco, *The Great War* (Norton & Company, 2013).

---

<sup>101</sup> Ibid.

<sup>102</sup> Ibid, 122-123.

### *The materiality of violence*

This brings us to the third characteristic that makes *The Great War* a unique artefact from the perspective of international legal history: Sacco's acute awareness of what we could call the resilient materiality of the violence within the Great War and, indeed, beyond.

We can appreciate this by paying attention at Sacco's honest explanation of why he depicted the Battle of the Somme from the point of view of the Allies. For Sacco, the question of choosing a side was not a matter of joining in unapologetically with the commemorations of the 100-year anniversary of WWI as a war of bravery and manhood fought against all odds, common themes of the memorialization in recent years. Instead, Sacco's decision to depict the War from the Allies' the point of view corresponds, he tells us, to his ingrained familiarity with the war. Raised in Australia, the First World War had 'loomed large in [his] psyche since [his] school days when every 25 April [they] commemorated the anniversary of the ANZAC landing at Gallipoli.'<sup>103</sup> This experience made him 'cognizant', even from this early age, 'that a war dubbed the The War to End All Wars must have thrown up such horrors that the survivors believed it was the last word on the matter.'<sup>104</sup> As a result of this, when he engaged in his illustration of WWI, he chose to depict the Battle of the Somme – which according to Sacco, was 'the point where the common man could have no more illusions about the modern nature of warfare.'<sup>105</sup> His aim was 'to get the details right'<sup>106</sup> – to depict how violence took place on the ground and through the spaces, people and objects that were there.

Sacco's attention to this materiality, this groundedness, of violence is also clearly conveyed through his deliberate omission of any dialogue or explanatory notes in the panorama. This absence of text invites the reader to question for herself the actions that took place in the battlefield in their gross materiality and to question for herself how this materiality has come to be the outcome and the vassels of a particular 'order

---

<sup>103</sup> Joe Sacco (Author's Note) in *The Great War* (Norton & Company, 2013).

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

of things’ – an order of things that has not necessarily been transcended by the passage of time.<sup>107</sup> According to Sacco:

Making this illustration wordless made it impossible to provide context or add explanations. I had no means of indicting the high command or lauding the sacrifice of the soldiers. It was a relief not to do these things. All I could do was show what happened between the general and the grave, and hope that even after a hundred years the bad taste has not been washed from our mouths.<sup>108</sup>

This invitation to remember, in full material awareness, was picked up by Rachel Cooke in her short but moving review of *The Great War* for *The Guardian*. According to Cooke, Sacco’s dispensation of realistic proportions, both spatial and temporal, in his panorama and his decision to omit all types of text in his illustration of the battle, makes time shift ‘queasily’ for the reader.<sup>109</sup> ‘The reader’s eye’, as a result, ‘doesn’t dart quickly over the pages, pulled along by a sense of narrative.’

[R]ather, we are invited to look closely at every inch of every page, and it’s only in this intense inspection that the horror hits. Over there, an officer quietly vomits. Over here, a horse is put out of its misery. And in this corner, a soldier twists on a stretcher, his arms thrown out in front of him as if he wants nothing more than to embrace death. Most of the time there are so many men ... that all we can see from our position behind the lines are the massed ranks of their helmets, piled and gently curved as if they were just counters in a particularly heinous form of tiddlywinks. So when a face or a gesture is visible, you’re pulled up, caught out, remembrance suddenly sour and fierce rather than merely mournful.<sup>110</sup>

As this indicates, Joe Sacco invites us to approach the suffering of the Battle of the Somme not as a situation that can be simply pigeonholed in a particular time and space but as phenomenon that must be understood as part of a continuum that is produced by structures – sometimes visible, sometimes silent – that are often beyond our reach. From this reading, a historical approach to WWI and its violence, or to the ‘past’ in general, becomes more than a preoccupation with irretrievable truths. It

---

<sup>107</sup> Michel Foucault, *The Order of Things: An Archeology of Human Sciences* (Routledge, 1989).

<sup>108</sup> Joe Sacco (Author’s Note) in *The Great War*.

<sup>109</sup> Rachel Cooke, ‘The Great War by Joe Sacco’ (The Guardian, 9 September 2013). Available at: <<http://www.theguardian.com/books/2013/sep/09/great-war-joe-sacco-review>>

<sup>110</sup> Ibid.

becomes, instead, an exercise in understanding how the world (past and present) is the result of a long world-making process. The materiality of the world is, from this point of view, both the detritus of history and the container of history. Violence ends up, in turn, being not simply the outcome of a particular unruly action but the result of structures and forces that crisscross that very reality that surrounds us, and of which we are also a part of.

From this reading it is possible to appreciate how the bodies of soldiers blown up in the air, as well as the cannons deployed on the field and the trenches dug at the Somme – that we can see for example in Fig. 4-8 – are not just features or facts of WWI. They were instead part of a material universe produced by history and full of history. But they were, indeed, the most visible features of a violent battle and, as such, woven in themselves were clear traces of both those military structures and those large forces underpinning the War. But this also holds in the case of some of the more innocuous elements, which Sacco's panorama does not leave aside, like the tents for the wounded and the shovels used to dig trenches and the mass graves for the fallen (see Fig. 6 and 12). These less extraordinary artefacts are also part of the same history, perhaps in a less silent way and surely not necessarily used for violence or being violent by themselves. They were, however, all fractions of that material universe – of that history – that marked the Battle of the Somme and the rest of the War, and that remains with us today.

The value of Sacco's *The Great War* resides, as a result, not only in the way it draws our attention to the nature and dynamics of the violence that underpinned so much of the suffering in WWI. *The Great War* also makes us aware of the materiality that has always been an intrinsic part of the history of the international legal order by the power of its illustrations and its format, which makes the book itself a wonderful container of history. As an accordion that we can open and close, this book is a perfect instantiation – a clear pedagogical statement – of the way in which even innocuous artefacts, even ordinary present things and bodies, contain history and are full of history. Let me use the final section to explore this point in more detail.

#### **IV. Artefactuality and International Law**

Asserting that the history of the world and the international legal order resides in the material world, even in ordinary artefacts, does not mean that ‘all’ the history of the world and of international law reside in ‘all’ the objects that surround us. The point here is instead to appreciate the widespread effects of the evolution of the international legal order, and their inseparability from the production, organization and re-organization of our material, as well as our political, economic and social, realities.

Approaching international law in this way, of course, challenges one of the main assumptions that sustain this field of law – that it is, in essence, a construction of the mind.<sup>111</sup> This ‘abstractness’ is underpinned by the common identification of international law as a technical space in which to think about and to search for global order and justice – order and justice which are normally defined in opposition to ‘hard’ realities. Yet international law is also a social process.<sup>112</sup> In particular, it has been a process that has aimed to regulate life across the world at all levels. Indeed, it is a process of ‘constituting order’ in the world.<sup>113</sup> Understanding international law in this way offers one explanation for the inescapable interpenetration that has come, undeniably, to exist between international law and national and local legal, institutional and social orders. Today our everyday lives and surroundings, and the sense of ourselves, are already embedded, and will become increasingly imbricated, in the sweeping yet particular juridical framework – the *ius publicum europaeum* – that began to unroll across the planet in the XVI century with the expansion of European empires and their accompanying economic, political and cultural forces.<sup>114</sup>

#### ***The place of history and international law***

---

<sup>111</sup> See for example on international law as belonging to the realm of ideology as belief and power, Shirley Scott, ‘International Law as Ideology: Theorizing the Relationship Between International Law and Politics’ (1994) 5 *European Journal of International Law* 313. See also on international law as being primarily an (indeterminate) ‘discourse’, Martii Koskenniemi, *From Apology to Utopia* (Finnish Lawyers’ Pub. Co., 1989).

<sup>112</sup> See especially, Susan Marks, ‘Introduction’ in Susan Marks (ed), *International Law on the Left: Re-examining Marxist Legacies* (Cambridge University Press, 2008) 1, 6.

<sup>113</sup> Anne Orford, ‘Constituting Order’, in J Crawford & M Koskenniemi (eds), *The Cambridge Companion to International Law* (Cambridge UP, 2012) 271.

<sup>114</sup> See especially, Eslava, *Local Space, Global Life*; Eslava, *Istanbul Vignettes*.



China Miéville has pointed, in this context, to the importance of approaching international law not just as an ideological or normative project, but also as something that is inescapably and constantly exteriorized in materially grounded practices, processes and objects that organize our human relations and give sense to our existence.<sup>115</sup> We as corporeal material beings ended up, in this process, forming also part of the material economy of international law. In Marx's *Preface to a Critique of Political Economy* (1859) we can find the most succinct summary of this approach to international law and to law in general:<sup>116</sup>

[L]egal relations as well as forms of the state are to be grasped neither from themselves nor from the so-called general development of the human mind, but rather have their roots in the material conditions of life.<sup>117</sup>

At its core, the attention by Marx to materiality aims to overcome the ostensibly clean distinctions that underpin (international) law – and modern thought broadly – not only between the ideal and the material *and* law and reality, but also between subjects and objects *and* structure and agency. Departing from Hegel in order to theorize the inescapability of materiality, Daniel Miller has argued convincingly that these dichotomies blind us to the fact that ‘there can be no fundamental separation between humanity and materiality.’<sup>118</sup> According to Miller, this is because, at the end of the day, ‘everything that we are and do arises out of the reflection upon ourselves given by the mirror image of the process by which we create form and are created by this same process.’<sup>119</sup> As a result, ‘[w]e cannot know who we are, or become what we are, except by looking in a material mirror, which is the historical [material] world created by those who lived before us’ and that we go on creating.<sup>120</sup> We are thus always already, and have always been, engaged in a ‘fundamental process of

---

<sup>115</sup> China Miéville, ‘The Commodity-Form Theory of International Law: An Introduction’ (2004) *Leiden Journal of International Law* 271, 280.

<sup>116</sup> See also on international law as being not just an ideological or normative discourse, Susan Marks, *The Riddle of All Constitutions: International Law, Democracy and the Critique of Ideology* (Oxford University Press, 2000), 28-29; Akbar Rasulov, ‘“The Nameless Rapture of the Struggle”: Towards a Marxist Class-Theoretic Approach to International Law’ (2010) 21 *Finnish Yearbook of International Law* 243; Robert Knox and Paavo Kotiaho, ‘Beyond Competing Liberalisms: The World Trade Organization as a Class Project’ (2014) 23 *Social and Legal Studies* 426; Robert Knox, ‘Marxist Approaches to International Law’ in Anne Orford and Florian Hoffman (eds.), *The Oxford Handbook of the Theory of International Law* (Oxford University Press, forthcoming 2016).

<sup>117</sup> David McLellan (ed), *Karl Marx: Selected Writings* (Oxford University Press, 1977), 389

<sup>118</sup> Daniel Miller, ‘Materiality’ in Miller, *Materiality*, 8. Miller grounds his reading of materiality on G. W. F. Hegel, *Phenomenology of Spirit* (University Park, Pa.: Pennsylvania State University Press, 1994).

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*

objectification.’<sup>121</sup> In this sense, there is really no pre-objectified or purely immaterial form either in the shape of law or in the shape of culture or history. All of these are material ventures that reside – as I described referring to Benjamin in Section I – in ‘the here-and-now’.<sup>122</sup>

Interestingly, this attention to the materiality or what we can call the artifactuality of international law, is not something new or even something necessarily radical. Bronislaw Malinowski had already invited us to approach law and international law in this way in his classic study of the Kula exchange in the Trobriand Islands. In the *Argonauts of the Western Pacific*, first published in 1922, Malinowski convincingly advanced a reading of social (international) relations in which material objects were the repositories and the channels of particular distributions of power, identity and wealth. As he put it, the Kula exchange did not only supply some reflections about the origins and evolution of ‘wealth and value, of trade and economic relations in general.’ It also ‘shed light upon the development of ceremonial life, and upon the influence of economic aims and ambitions upon the evolution of intertribal intercourse and of primitive international law.’<sup>123</sup>

Mainstream accounts of international law continue, however, to disavow its widespread materiality. Nor is this unique to international law. Yet it seems, as Miller has also argued, that ‘the more humanity reaches toward the conceptualization of the immaterial’, either through theological discourses or through secular projects (such as international law in the form of claims to global order and justice), ‘the more important the specific form of its materialization.’<sup>124</sup> This materialization, however, tends to constantly drift away to the background of our visual scope. As he puts it, our material surroundings are important,

not because they are evident and physically constrain or enable, but often precisely because we do not “see” them. The less we are aware of them, the more powerfully they can determine our expectations by setting the scene and ensuring normative

---

<sup>121</sup> Ibid. See also, Tara Hamling and Catherine Richardson, *Everyday Objects: Medieval and Early Modern Material Culture and its Meanings* (Ashgate, 2010).

<sup>122</sup> Miller, ‘Materiality’, 8.

<sup>123</sup> Bronislaw Malinowski, *Argonauts of the Western Pacific: An account of a Native Enterprise and Adventure in the Archipelagoes of Melanesian New Guinea* (Routledge & Kegan Paul, 1922) 515.

<sup>124</sup> Miller, ‘Materiality’, 28

behavior, without being open to challenge. They determine what takes place to the extent that we are unconscious of their capacity to do so.<sup>125</sup>

Focusing this argument specifically on the international legal context, it is then important to realize that the material objects that international law creates sometimes present themselves to us explicitly as ‘international’ and therefore as exceptional (in the form, for example, of an international tribunal, an international intervention, a fact-finding mission or indeed an international confrontation like the Battle of the Somme). We know, however, that, as significant as they may be, these international events and the exceptional ‘things’ that characterise them are, in fact, very rare in international law – and that they are hardly ever able actually to alter political or economic patterns if we think of these in terms of their assumed objectives.<sup>126</sup> On other occasions, however, international law exists and presents itself to us in the form of things that are ordinary or foreign to its economy, in that they exist under the rubric of the national or the local, or are understood simply as being too banal to fit in to the glamorous, crisis-ridden realm of the ‘international’.<sup>127</sup> But these ordinary (‘domestic’, banal) things form and channel our lives profoundly. Think, for example, of all of those objects around us that are constituted through the regime of private property, today a key part of the international legal order.<sup>128</sup> Think also of the role of money in the disciplining of population.<sup>129</sup> Or think about how ‘natural’ spaces, such as the Mediterranean sea or ‘national’ territories, have been constituted through international legal arrangements in order to produce specific outcomes in terms, for example, of deterring ‘migrants’, or of leaving them to die.<sup>130</sup> Or think about all of those little things that are produced, traded and delivered through the international

---

<sup>125</sup> Ibid, 5.

<sup>126</sup> See for example, on the limited ability of international humanitarian interventions, international judicial mechanisms and fact-finding missions to alter conditions on the ground, Stephen Wertheim, ‘A Solution from Hell: The United States and the Rise of Humanitarian Interventionism, 1991-2003’ (2010) 12 *Journal of Genocide Research* 149; Michael Kearney, ‘Any Other Contribution? Ascribing Liability for Cover-Ups of International Crimes’ (2013) 24 *Criminal Law Forum* 331; Charles De Bock, ‘The Crime of Aggression Prospects and Perils for the Third World’ (2014) 13 *Chinese Journal of International Law* 91.

<sup>127</sup> See especially, Anne Orford, ‘Embodying Internationalism: The Making of International Lawyers’ (1998) 19 *Australian Year Book of International Law* 1; Hilary Charlesworth, ‘International Law: A Discipline of Crisis’ (2002) 65(3) *Modern Law Review* 377.

<sup>128</sup> See for example on the long standing and important role of private property in the history of the international legal order: Martii Koskenniemi, ‘Empire and International Law: The Real Spanish Contribution’ (2011) 61 *University of Toronto Law Journal* 1.

<sup>129</sup> See for example, Keith Hart, *Money in an Unequal World* (W.W. Norton, 2000); Roy Kreitner, ‘Legal History of Money’ (2012) 8 *Annual Review of Law and Social Science* 415.

<sup>130</sup> See for example, Charles Heller and Lorenzo Pezzani, ‘The Left-To-Die Boat: The Deadly Drift of a Migrants’ Boat in the Central Mediterranean’ *Forensic Architecture*. Available at: <<http://www.forensic-architecture.org/case/left-die-boat/>>.

legal economic order – little things that end up furnishing and organising our daily lives through and through.<sup>131</sup> Or think about how some ‘people’, some bodies on the ground and not others, continue to be deemed killable on the basis of rationales and structures of authority that were in operation in the battle of the Somme and that continue to exist today in less overt ways, as we saw in Section II.

### ***History and the present***

Although all of these examples of ‘extraordinary’ and ‘ordinary things’ that I just gave come from disparate sections of our heavily fragmented global legal order, they are still all part of ‘the general economy’ of international law, using Bataille’s language.<sup>132</sup> They are all part of the world created by international law forms, and by all the forces and structures that run through them. Some objects, of course, find themselves carrying through their function, shape and location a clearer, more explicit story about international law. As we saw above, soldiers in the front line, canons and trenches are a good example of this when we think about WWI and how the war and its violence, and its structures of authority, were materialised and lived on the ground. But less conspicuous things on the battlefield, and in the towns and cities across Europe and beyond were also carrying the traces of the international legal order of that terrible time. As I have suggested above, even a shovel, on the battlefield, was no longer just a shovel. It was a shovel in the midst of war, in which millions of men had been commanded to die by the same structures that ordered them to dig the trenches in which they would live and the mass graves in which they would be laid to rest. The shovels had been issued in every case according to clearly stipulated regulations which also laid out the ‘shoveling’ ratios for each activity – for example, one cubic foot of loose earth to be shovelled by one unit per minute. Such instructions were to be found for instance in the *Field Service Pocket* manual, published in 1914 and revised in 1916, which all officers were given upon deployment.<sup>133</sup>

---

<sup>131</sup> See for example, Peter Robbins, *Stolen Fruit: The Tropical Commodities Disaster* (Zed Books, 2003); Luigi Russi, *Hungry Capital: The Financialization of Food* (Zero, 2013).

<sup>132</sup> Georges Bataille, *The Accursed Share: An essay on General Economy* (Zone, 1988).

<sup>133</sup> Published by the War Office and given to all officers, the *Field Service Pocket* (General Staff, War Office, 1914) contained a detailed overview of all aspects of army life and operations, including army structures, march discipline, food rations, information and intercommunication procedures, instructions for building and demolitions, etc.

We can see today how drones and the victims of collateral damage continue to carry the international legal order of our time and its structures of authority within them. In so doing, these present things carry, as I show in Section II, the history of the world within them. But ordinary present-day things, even our own bodies, also do the same. After all, as Foucault demonstrates, our bodies should be understood as the inscribed surface of past and present events.<sup>134</sup> Again, if perhaps not as conspicuously, all these things, from bodies to shovels, are, whether willingly or not, part of the ‘general economy’ of a world that is profoundly shaped by international law.

The task ahead is then to figure out how and which part of the international legal order reside in the objects around us. My aim with this article has not been to set out a list of instructions about how to do this. This is a complex exercise that can take different forms and follow different avenues of inquiry – as this Special Issue as a whole attempts to show. My aim instead has been to use *The Great War* to illustrate the importance of this task, and the value of it if we want to grasp the resilient structures of authority that underpinned the massive violence both of WWI and of the present day. *The Great War*, I have suggested, helps us to engage critically with these structures of authority and their deep connection with the international legal order.

As part of the large body of literature that has tried to grapple with the First World War, especially in recent years with the arrival of its centenary, *The Great War* is, in an important way, part of the world created by international law. But the beauty of this book is not simply that it gives us another account of the War. Instead, the kind of ‘graphic justice’ that we can see on display in its illustrations and format aims specifically to display the history of the War before our ‘present’ eyes.<sup>135</sup> In this sense the book, as an object, makes explicit one way in which we could approach our material world – again using Benjamin – as a site for ‘telescoping the past through the present’.<sup>136</sup> Sacco’s invitation, I believe, is that we should approach many of the other things that surround us, and of which we are also a part of, in the same way – not as ‘mere’ objects, but instead as artefacts which tell us as much about the past as they do

---

<sup>134</sup> Michel Foucault, ‘Nietzsche, Genealogy, History’ in Paul Rabinow (ed.), *The Foucault Reader* (Penguin, 1991), 83.

<sup>135</sup> See especially on the concept of ‘graphic justice’, Thomas Giddens, ‘Lex comica: On comics and legal theory’ in Thomas Giddens (ed), *Graphic Justice: Intersections of Comics and Law* (Routledge, 2015).

<sup>136</sup> Walter Benjamin, *Arcades Project* (Howard Eiland and Kevin McLaughlin, trans, Harvard University Press, 2002), 471.

about the present. As Hobsbawm once explained it, history (and, we might add, also international law) is ‘not not like a bus-line on which the vehicle changes all its passengers and crew whenever it gets to the point marking its terminus.’<sup>137</sup> Instead history and international law unfold and unroll continually in and through the world.

The end result is surely far from neat. The material world is not just full of history, but it is constituted and continually reconstituted by a contradictory and multiple living network of histories. In many occasions, our material world has also an agency of its own. The world that we have constituted backfires on us every now and then, as the phenomenon of global warming reminds us no less than the resistance displayed by people with their own bodies and through their own artifacts of disobedience to each wave of international disciplining.<sup>138</sup> Here we can find an additional value of paying attention to the past and present artifactuality of international law and its history.

---

<sup>137</sup> Hobsbawm, *The Age of Empire*, 6.

<sup>138</sup> See especially, Catherine Flood and Gavin Grindon, *Disobedient Objects* (V&A Publishing, 2014).