A Disappearing Boundary?: The Changing Distinction between Combatants and Civilians from the First World War to the Present Day

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A Disappearing Boundary?:
The Changing Distinction between Combatants and Civilians from the First World War to the Present Day

by

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A Disappearing Boundary?:
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ABSTRACT

The issue of terrorism has stimulated intellectual debate regarding the rights and protections that should be afforded to civilians. However, the practice of targeting noncombatants in warfare extends far beyond terrorism and has roots deep in the historical past. This study looks at violence against civilians over a series of case studies from the First and Second World Wars as well as the French-Algerian War of the 1950s and 1960s. By looking at the changing legal distinctions between combatants and noncombatants, the study first establishes a trend in international law toward increasing protection of civilians. Yet, these legal advances are not reflected in the actuality of modern warfare. Each case study shows continued, and at times more profound, violations of civilian immunity. Violence against civilians is not restricted by international law; rather, international law permits, and even sanctions, justifications that place civilians at risk of becoming tools, weapons, and targets in the war strategies of opposing forces.
INTRODUCTION

The "basic operating principle...seemed to be that since 'people' were the basic source of strength for the enemy's armed forces, then the 'people' themselves became a legitimate military target."\(^1\)

The distinctions between combatants and noncombatants have a significant impact on the conduct of armed groups during conflicts. For this reason, international treaties and conventions heavily regulate the definition and protection assigned to each category. These agreements do not inherently represent the actual behavior of actors within a conflict; rather, they present the ideal to which these actors should adhere. To fully understand the issue of differentiating between combatants and noncombatants, it is necessary to look at how these categories change over time—both as they are drawn up legally and used in practice.

The issue of the historical development of the demarcation between combatant and noncombatant is particularly important given the current trend toward atypical warfare, including the current War on Terror. Regardless of the legal distinctions, the practical application of the various categories is vital to the conduct of modern warfare. In a conflict where every individual who approaches a soldier could be a terrorist, blurred lines and perceptions determine whether the individual is treated as a civilian or as a potential terrorist. A thorough study of the historical development of how these groups are distinguished can reveal the nuanced changes in warfare since the acknowledged shift to 'total war' during the First World War. Detailed analysis of the trends in legal and actual distinctions between combatants and noncombatants will provide a clearer picture of the overall trends in the development of these two categories, as well as the broader implications for modern warfare and military strategy.

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In particular, this study will look at conflicts in Europe or with European involvement, examining the changing nature of warfare with regards to the ways in which combatants and noncombatants are differentiated—both in law and in practice. Specifically, the central issue will be the development of these distinctions from the Second World War to the present-day War on Terror, through a series of case studies. The project will deal specifically with how armed forces actually differentiate between combatants and noncombatants, as well as the development of the legal distinction between these groups. Particular attention will be paid to how these categories have changed over time.

Definitions of certain terms, combatant and noncombatant being the most obvious, will be vital to the study of the distinctions between groups. According to the Additional Protocol 1 of the Geneva Convention, the term 'combatant' includes “all members of the armed forces of a party to a conflict, except for the medical and religious personnel belonging to these forces.” Additional qualifications involve adherence to a chain of command and the laws of armed conflict, in addition to a clear distinction from the civilian population. Therefore, the classification of guerrillas in particular depends heavily upon the group's organization and conduct. Combatants can include “all organized groups and units, as long as...[they] are under a command that is responsible for the conduct of its subordinates,” which encompasses any organized resistance movements or other small armed groups. By contrast, the status of noncombatant affords numerous protections to “all persons who are not, or are no longer, taking part in hostilities.” This group includes all individuals who have ceased to participate in a conflict, regardless of their former status as combatants, as well as all civilians. The subtle

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difference between civilians, who are not members of the armed forces, and noncombatants, who are no longer—if they ever were—participating in the conflict, can be particularly difficult to discern. This issue is further complicated in the case of guerrilla movements or in situations of resistance, especially within occupied territories. Arguments of military necessity and the need for preemptive action, attempts to gain information or to combat an enemy who uses guerrilla tactics often seem to justify indiscriminate action that affects civilians. The protections afforded to all noncombatants by the Geneva Convention of 1949 and the Additional Protocols of 1977 make distinctions between combatants and noncombatants vital to the conduct of war.

Each case must be examined with regards to the legal strictures that applied at the time. Yet even the legal categories of combatant and noncombatant remain somewhat hazy, in actuality if not in the law. These inexact categories leave room for confusion and manipulation of the law such that “there will always be ways [around]” legislation through the use of any number of excuses, including “reprisals, retaliation...mistakes, misinformation” and military necessity. This ambiguity creates problems with the adherence to, as well as the enforcement of, the law. The international community’s response to violations of the laws of war varies throughout history. At times, any violation met with condemnation, trial, and punishment. During these ‘utopian trends’ in international law, a distinct optimism prevails, and the common perspective on the conduct of war lacks a ‘realist tone.’ In addition, new civilian protections are added and court cases rule that “states must never make civilians the object of attack” nor may they “use weapons that are incapable of distinguishing between civilian and military targets.” At other times, the international community tends more toward what Mika Nishimura Hayashi

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refers to as ‘apologetic trends.’ Apologetic trends in law often characterize violations of the principle of civilian protection as reprisals or as inevitable. In these periods the “regular and massive violations” of civilian immunity invalidate the principle itself.8 The international community’s reaction cycles through these trends: at times apologizing for the ‘inevitable,’ repeated violations of civilian protections and at other times increasing protections and punishing any violation.

The approach to civilian protections developed out of a centuries-old tradition of war. While the practice and discourse of war theory extends back much farther than the nineteenth century, the most significant written work on the subject was written by Prussian military theorist Carl von Clausewitz in the 1820s. Carl von Clausewitz wrote one of the most influential works on war and strategy in history: students of various military academies still read his On War. Clausewitz came from a middle-class Prussian family, although his family was eventually ennobled for achievements in the army. Clausewitz entered the army at age twelve, eventually gaining admittance into the Institute for Young Officers in Berlin.9 He rose steadily through the ranks until he resigned and enlisted in the Russian army, disgusted by the Prussian defeat and alliance with France in 1812. Later reinstated to the Prussian army, he rose to become a respected general and administrator of Berlin’s General War College.10 This new position gave him the time to translate his experiences into a written theory, which would become both controversial and influential following its publication.

In Prussia during, and after, the Napoleonic wars, Clausewitz wrote his most well-known work, On War. The centrality of this study in Western thinking and perceptions of modern

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10 Bassford, Clausewitz and His Works.
warfare make an understanding of Clausewitz's theories crucial for any war-related study. This
treatise, published posthumously in 1832, brought about a profound change in the study of war.
Despite the belief of many scholars that "much of what he wrote is no longer relevant to our own
times," his theories provide a starting point on which nearly all later thinking has been based.\textsuperscript{11} Clausewitz argues that wars can not be fought by laws. Instead, once war begins, "a totally
different state of things ensues, subject to no laws but its own."\textsuperscript{12} Conflict is inherently tied to
politics and cannot be understood alone; therefore, \textit{On War} discusses war as an instrument of
policy. According to Clausewitz, "war is nothing but a continuation of political intercourse, with
a mixture of other means" and cannot be considered separate from the policies of governments
and nations.\textsuperscript{13} Yet this is only one aspect of war. For Clausewitz, war had four dimensions: the
human interaction of fighting between soldiers, the struggle between armies, the policies of
states, and the behavior of society.\textsuperscript{14} Each of these levels provided a different perspective on war
and presented its own challenges.

Of particular relevance to this study, Clausewitz assumes in his theory that fighting takes
place between soldiers—not civilians. The only exceptions to this rule were those instances in
which a city came under siege for refusing to surrender in time or in which soldiers needed to
subdue rebel forces. On the whole, while Clausewitz does not recognize any rules for the
conduct of war among soldiers, he acknowledges the demands of honor, chivalry, and custom.\textsuperscript{15}
As part of this, he described war as brutal and bloody in character, yet with exceptions for the
"immunity of non-combatants [that] reflected the chivalrous tradition in military conduct."\textsuperscript{16}

\textsuperscript{12} Leonard, ed., \textit{A Short Guide}, 215.
\textsuperscript{13} Leonard, ed., \textit{A Short Guide}, 215.
\textsuperscript{14} Hugh Smith, \textit{On Clausewitz: A Study of Military and Political Ideas} (New York: Palgrave Macmillan, 2004),
68.
\textsuperscript{15} Smith, \textit{On Clausewitz}, 75.
\textsuperscript{16} Smith, \textit{On Clausewitz}, 74.
Humanitarianism did not play a role in this depiction of war. The protection of non-combatants was an expression of intelligence triumphing over instinct: when it was not necessary to kill them, warring parties should avoid doing so.\textsuperscript{17} Clausewitz regarded brutality against civilians as repulsive. More to the point, he saw it as unnecessary, inviting reprisal and affecting the enemy’s subject, not its government; therefore, killing civilians and ruining cities was an ineffective, and possibly counterproductive, military strategy.\textsuperscript{18} Respect for civilian immunity was meant only to honor traditional codes of chivalry and to reduce superfluous brutality. Should civilians interfere in the affairs of soldiers or stand in the way of military goals, Clausewitz echoed Machiavelli’s belief that the end would justify the means.

This belief that military necessity can transform civilians into expendable units or instruments of war continues to the present day. Eighteenth- and nineteenth-century lawyers began to grapple with the concept of civilian immunity. Successive laws and treaties have attempted to further outline this principle. In order to successfully protect civilians, international law is forced to delineate combatants and noncombatants since protections can not be applied unless the recipient group is clearly defined. The moves first to total war then to terrorism and atypical warfare as the primary forms of armed conflict make the lines between armed and civilian groups much more difficult to distinguish. As the forms of conflict change and evolve it becomes ever more important to clearly delineate the various groups so as to maintain civilian protections. As a result, the period from the nineteenth century to the present day has been characterized by an increase in laws designed to regulate war, as well as define and protect noncombatants. Yet the practice of war does not reflect this increasing legal distinction. In fact, the period since the First World War has seen a progressive blurring of the line between

\textsuperscript{17} Smith, \textit{On Clausewitz}, 75.

\textsuperscript{18} Smith, \textit{On Clausewitz}, 75.
combatants and noncombatants during war and conflict, which runs counter to the increasing legal restrictions. Conflicts such as the First and Second World Wars as well as the French involvement in Algeria reflect a reality far different from that prescribed in the international treaties—a reality in which military strategy, necessity, and goals sideline the principle of noncombatant immunity when it becomes inconvenient or inefficient to enforce. However, in light of international law and the legal protections afforded to civilians, armed forces must carefully justify any action that results, or may result, in harm to noncombatants.

The reasons for indiscriminate attacks, and subsequently the justification for violence against noncombatants, fall into two main categories: military necessity and preventative or preemptive measures. Each reasoning attempts to morally justify collateral damage, the “harm done to illegitimate targets of war as a side effect of attacks on legitimate targets of war,” thus making the military actions permissible. Critique of military action that results in civilian casualties relies on both legal and moral bases. The arguments in favor of any strategy or attack with anticipated civilian damage, or injury, must take into account both of these bases. As the laws regarding legitimate and illegitimate targets as well as permissible collateral damage are fairly clear, the emphasis is on providing a moral justification for a given action, although it is less clear whether this moral reasoning is incorporated before or after the action is taken.

Military necessity is both a moral and a legal basis for the use of force in an armed conflict. The principle of military necessity states “only that degree and kind of force, not otherwise prohibited by the law of armed conflict, required for the partial or complete

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19 There is a third justification category that exists, but which I do not deal with here. The doctrine of double effect, as described by David Lefkowitz, is similar to the two categories that I have mentioned. As a result, it will be addressed more directly with regards to the case studies of this investigation in Chapter 5: Implications and Conclusions. See also David Lefkowitz, “Collateral Damage,” in Larry May, ed. with the assistance of Emily Crookston, War: Essays in Political Philosophy (New York: Cambridge University Press, 2008), 145-164.

20 Lefkowitz, “Collateral Damage,” in May, War, 145.
submission of the enemy with a minimum expenditure of time, life, and physical resources may be applied." Any attack or action must:

- a) be intended to aid in the defeat of the opposing military,
- b) must be directed at a legitimate military target or objective, and
- c) be proportional. The anticipated civilian injuries can not be excessive in relation to the concrete, direct military advantage expected to result from the action.

These criteria determine whether or not a particular action can be understood as resulting from necessity. Thus, military necessity is legally bound by certain basic constraints used to analyze whether or not a given action was permissible. These limitations, in particular, form the basis for the moral justification in the principle of military necessity. Much of international law, including the 1949 Geneva Convention and the 1998 Rome Statute, declares that a specific set of actions is prohibited unless justified by military necessity. For example, Article 147 of 1949 Geneva Convention IV states, "grave breaches...shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health...taking of hostages and extensive destruction and appropriation of property, not justified by military necessity." Any action validated by the principle can claim that such measures were necessary for bringing about the end of the conflict and that any civilian casualties were minimized and a side effect rather than an intended outcome.

The preventative and the preemptive justifications for military action resulting in civilian injury both rely on anticipating future conflict. One vital difference separates the two types, however. Preemptive action is "to launch an attack against an attack that one has

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22 Roberts and Guelff, eds., Documents, 352.
Incontrovertible evidence is either actually underway or has been ordered... Preemption is all about self-defense...it is not really controversial.\textsuperscript{23} Preventative military action, by contrast, is a country's decision "to wage war, at least to launch military action, because of its fears for the future should it fail to act now...A precautionary war is one waged not out of strong conviction that a dangerous threat is brewing in the target state, but rather because it is suspected that such a threat might one day emerge, and it is better to be safe than sorry."\textsuperscript{24} This type of attack differs from a preemptive attack with regards to timing and motivation, and is highly susceptible to criticism and controversy. Preemptive action is therefore justified morally because it refers to action taken once the decision to engage in a conflict has already been made by the enemy, and the only decision remaining is whether to strike first and limit the damages or to wait and strike after the enemy completes its attack. The air of inevitability lends a certain amount of moral credibility to the preemptive attack, even if it results in civilian damages. Preventative action provides little moral justification for collateral damage, as the decision to act is vulnerable to controversy as to whether or not such an action was truly necessary given that the threat was neither imminent nor certain.

International law increasingly protects noncombatants from a variety of abuses, clearly defining this privileged group and requiring that all parties to an armed conflict distinguish combatants from civilians so as to abide by these protections. Yet, the actuality of modern warfare does not reflect these legal advances. Over the course of the twentieth century, case studies from the World Wars and the Algerian War show continued, and at times more profound, violations of civilian immunity. Violence against civilians is theoretically restricted by

\textsuperscript{24} Gray, \textit{The Implications}, v-vi.
international law; yet, those same laws allow for a broad range of circumstances in which violations are tolerated or are not addressed because the combatant groups are not officially recognized. In this way, international law permits, and even sanctions, justifications that place civilians at risk of becoming tools and targets in the war strategies of opposing forces.
LEGAL DEVELOPMENT

"From the earliest times of the earliest oral and written testimony there is evidence that those who planned and conducted public war could admire and recommend practices designed to control its course and moderate its nastiness."

The concept of an 'international community' developed only recently in human history. To this day many political scientists still regard the state as the main actor in both politics and history. However, as trade and travel draw nations together from around the globe, a set of international statutes becomes increasingly important. The rise of international governing bodies did not begin with the League of Nations in the aftermath of the First World War. The Hague Conventions, in particular, predated the major 'global' conflict. Many of the laws of war and international conduct began to emerge in the late nineteenth century. Yet, these laws did not simply appear; rather, they were based on centuries-old traditions and understandings that existed between warring parties. Some of these implied behavioral contracts differed depending on the location or era in which the conflict occurred as cultural values shifted and collided, but others of these traditions remained the same.

Regardless of the time period, the actors or the location of conflict, one principle remains applicable—the 'just war theory.' The just war theory encompasses "a set of mutually agreed rules of combat." This tradition has existed since the earliest days of warfare, although it was initially closely linked with questions of honor. Although they were not the only intellectuals discussing war conduct, many of the early commentators on the subject viewed ethics in war from a uniquely Christian perspective. St. Augustine presented one of the first discussions on the morality of war. In the thirteenth century, St. Thomas Aquinas developed the outline for today's just war theory, laying out "not only the justification of war but also the kinds of activity

that are permissible.\textsuperscript{3} Aquinas laid out a number of conditions for just war stating that war must be initiated by a state authority and conducted for a just cause in order to restore law and order.\textsuperscript{4} As warfare evolved, so too did the just war tradition. While the heart of the theory remains unchanged, the introduction of new weapons and the rise of atypical warfare challenged and altered the early principles.

Today the just war theory consists of three parts: \textit{jus ad bellum, jus in bello, and jus post bellum}. The latter refers to the “accountability of warring parties after the war” and therefore bears little relevance to the central issue of this study—the distinctions made during war.\textsuperscript{5} \textit{Jus ad bellum} encompasses all of the rules that determine whether or not the war itself was just or unjust. Very similar to the conditions dictated by St. Thomas Aquinas, the current theory sets out requirements for entering into a ‘just’ war, such as “having just cause, being a last resort, being declared by a proper authority, possessing right intention, having a reasonable chance of success, and the end being proportional to the means used.”\textsuperscript{6} However, the third aspect of just war theory is the most significant for this study. \textit{Jus in bello} determines whether or not conduct within a war is just and consists of two major principles: “the principle of discrimination concerns who are legitimate targets in war, whilst the principle of proportionality concerns how much force is morally appropriate.”\textsuperscript{7} The first of these reflects directly on the subject of this study. Some people argue that legitimate targets are determined by military status: those who are armed versus those who are unarmed. Others counter that even unarmed soldiers, including those who have surrendered or returned to civilian life, have accepted their status in the conflict

\textsuperscript{3} Moseley, “Just War Theory,” 2.
\textsuperscript{5} Moseley, “Just War Theory,” 2.
\textsuperscript{6} Moseley, “Just War Theory,” 3.
\textsuperscript{7} Moseley, “Just War Theory,” 4.
and remain legitimate. While some groups believe that the government should be responsible for distinguishing combatants and refraining from attack if there is any uncertainty, others argue that "the nature of modern warfare dissolves the possibility of discrimination." The latter believe that civilians are just as necessary as combatants in sustaining the war effort; therefore, they cannot be afforded separate protections. Yet despite these disagreements, the general consensus is that civilians are not legitimate targets for war. Given this, distinguishing between civilians and noncombatants becomes crucial to the conduct of modern warfare.

The first major international treaties addressing the issue of civilian immunity were the Hague Conventions of 1899 and 1907. Prior to the Hague Conventions, laws to restrict the conduct of war were enforced almost exclusively at the level of the individual states. The Brussels Conference of 1874, for example, drew up laws of warfare at the behest of Tsar Alexander II, but was not a formal treaty. Similarly, the 1880 Oxford Manual of the Laws and Customs of War was a basis for national legislation not an international agreement. The Hague Declarations of 1899 represented an attempt to create a cohesive set of international laws that would restrict states' behavior during an armed conflict. However, the document did not focus on protecting civilians; it only indirectly did so by "prohibiting the launching of projectiles and explosives from balloons." These methods led to indiscriminate or uncontrolled attacks and could not be relied upon to strike only their designated targets. Ultimately, the First Hague Peace Conference of 1899 laid out very few formal agreements, but it did pave the way for further international collaboration. The final act of the conference planned for a second conference to be held in the subsequent years. The goal of this second convention would be to

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10 Roberts and Guelff, Documents, 67.
consider the points on which the attendees had been unable to reach an agreement. The Second Hague Peace Conference of 1907 resulted in a series of international treaties addressing a wide variety of issues. Forty-four states, including Russia and the United States, attended the talks, which lasted from 15 June to 18 October 1907. In addition to revising or renewing the agreements of the 1899 convention, the Second Hague Conference added ten new international treaties. Of these ten, Convention IV dealt the closest with concepts of civilian protection and the distinctions between combatants and noncombatants.

The Annex to the Convention (IV) Regulations Respecting the Laws and Customs of War on Land addressed the qualifications of lawful belligerents as they apply to armed forces, militias, volunteer corps, and spontaneous resistance to invading troops. The annex also specified that “the right of belligerents to adopt means of injuring the enemy is not unlimited.” This prohibited the use of poison, anything that was designed to cause ‘unnecessary suffering,’ and the killing or wounding of an enemy who has lain down his weapon or surrendered. Under this same article, the annex forbade “the attack or bombardment, by whatever means, of towns, dwellings, or buildings which are undefended” as well as the “pillage of a town or place, even when taken by assault.” This article protected undefended civilians, prisoners of war, and cultural and religious centers in wars on land. Similar protections were also provided in Convention (IX) Concerning Bombardment by Naval Forces in Time of War to prevent naval attacks on civilians or undefended civilian areas. Like the First Hague Peace Conference, the second convention provided for another conference to take place at a specified later date to address any unresolved issues. The outbreak of the First World War interrupted this plan and the Third Hague Peace Conference never occurred.

12 Roberts and Guelff, Documents, 77.
13 Roberts and Guelff, Documents, 78.
Aerial warfare had not yet come into its own by the time of The Second Hague Peace Conference. By 1919, the importance of aircraft in the First World War led nations to believe that a set of rules should be drawn up to regulate air wars. The Hague Rules of Aerial Warfare were drafted in 1923, following the conclusion of World War I. Signed on 19 February 1923, the draft rules contained three articles specifically relating to the bombardment of civilians. Article 22 prohibited “aerial bombardment for the purpose of terrorizing the civilian population, of destroying or damaging private property not of military character, or of injuring non-combatants.” This article in particular would have presented the most direct challenge to the area bombings of the Second World War two decades later. Article 23 specified that bombardment of civilian regions to enforce compliance with monetary demands was illegal. The twenty-fourth article defined legitimate aerial targets as being only those of military importance to the enemy, including communication or transportation lines used by the troops, armament factories, and military establishments. Each of these three articles added another layer to the protections already afforded to civilians under the 1907 Hague Convention.

The Hague Draft Rules laid out fairly comprehensive protections of civilians from aerial attacks. However, the airplane was still relatively new, and the authors of the rules were unable to agree on whether aerial warfare should be treated as a separate legal category or a subset of land and naval warfare. In addition, each of the signers had a “heightened awareness of the military potential of aircraft” such that, while all recognized the need for a regulating code, none of the countries wanted to limit their ability to utilize the new technology. Some countries, such as Great Britain, stressed similar restrictions in their national legislation; however, the

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12 Roberts and Guelff, *Documents*, 140.
Hague Draft Rules were never formally adopted. No nation was ever formally bound by the document that set out strong civilian protections in the face of aerial warfare.

The Second World War brought about massive civilian casualties. The bombings and firestorms in cities such as Dresden, Hamburg, Cologne, Coventry, London, and others placed local populations directly in the line of fire. The horrors of the Holocaust opened a worldwide discussion of genocide more generally and the massacres of civilians by Nazi troops as part of the antipartisan war focused the conversation on the abuse of civilian populations in occupied territories. All of these civilian casualties had occurred despite attempts to protect noncombatants through international law. In the decade following the Second World War, world leaders reconvened at Geneva to try to correct the ‘failings’ of the earlier Hague Conventions. Previous treaties had dealt almost exclusively with the treatment of combatants. Those that did discuss civilians did so in the context of occupation or internment. The 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War was the first treaty devoted to the protection of civilians in time of war.

Civilians have received explicit protection since the 1949 Geneva Convention, but their protection is dependent upon their continued status as noncombatants. Civilians who take part in hostilities lose their civilian status and protection “for the duration of their direct participation.” Article 3 of Geneva Convention IV details one of the most significant and comprehensive protections for noncombatants, stating that “persons taking no active part in the hostilities...shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any similar criteria.” The Convention wording makes very clear that discrimination with regards to the application of these protections will not,

17 Roberts and Guelff, Documents, 302.
in theory, be tolerated by the international community. In addition, the article details the acts which are prohibited with respect to said persons, no matter the time or place. These acts include:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
(b) taking of hostages;
(c) outrages upon personal dignity, in particular humiliating and degrading treatment;
(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are regarded as indispensable by civilized peoples. 18

Failure to prevent acts of this nature had been seen as one of the primary failings of the Hague Convention. Geneva Convention IV laid out civilian protections far more comprehensive than had been seen in any previous document. It also included safeguards for these protections. For example, Article 8 of Convention IV stated that protected persons could “in no circumstances renounce in part or in entirety the rights secured to them by the present Convention” and by any subsequent special agreements. 19 The rights afforded to civilians by the treaty were always applicable and no belligerent could force or entice them into giving up those rights.

In addition to Article 3, the Convention included articles regarding treatment of the sick and wounded, treatment of women, “respect for and protection of hospitals; special guarantees for children, especially those separated from their families; the possibility of passing medical supplies through the blockade to an enemy population; [and] the right to send and receive family news.” 20 Article 49 prohibited the forcible transfer or deportation of civilians except temporarily. Article 55 specified that the “civilian population must possess adequate food and

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18 Roberts and Guelff, Documents, 302.
19 Roberts and Guelff, Documents, 304.
medical supplies." This article was especially controversial as the cost of ensuring that an occupied territory was adequately fed would, some argued, cripple the war effort and could even result in starvation at home. Indeed, a great deal of controversy existed surrounding the four Conventions of 1949. However, all four 1949 Geneva Conventions were eventually signed that year and ratified in the following decades. The 1949 Convention IV tried to apply its protections to all civilians in wartime, with particular attention to more vulnerable groups such as children.

The Geneva Convention of 1949 had one major failing—it applied only to international armed conflicts. This still left civilians unprotected during civil wars and other forms of internal armed conflict. In the years following the Second World War, many conflicts that occurred were regarded as non-international in nature, and the growing use of guerrilla warfare raised concern about the status of these groups under international law. In 1977, the Additional Protocols to the Geneva Convention were added to supplement the 1949 Geneva Convention and to address these problems. Additional Protocol I considered the protection of victims of international armed conflicts and further expanded civilian protections. The protocol incorporated "a wide range of provisions regarding protection of wounded and sick, methods and means of warfare, and protection of the civilian population and civilian objects from dangers arising from hostilities." It also dealt with issues of medical transport, missing persons, the role of aid societies, and others. Most importantly for civilians, 1977 Additional Protocol I specified that "the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives." This made the distinction between combatants and noncombatants a crucial part of wartime operations and recognized its vital role in the application of civilian

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21 Best, War and Law, 121.
22 Roberts and Guelff, Documents, 420.
23 Roberts and Guelff, Documents, 447.
protections under international law. The protocol continued by defining precisely who was to be
categorized as part of the civilian population and clearly states that, when in doubt, the person
should be considered a civilian.

The 1977 Additional Protocol II to the 1949 Geneva Convention expanded the existing
protections to encompass all victims of non-international armed conflicts, specifically civil or
internal wars. The protocol reinforces the fundamental rights that a state must afford to its
nationals during conflict, including the rights of children as well as the right to protection from
gender violence and from slavery. Article 4 of the protocol prohibits acts of terrorism, provides
for the education of children and the reunification of families, and prevents the recruitment of
children under the age of fifteen to the armed forces or other belligerent groups. The article also
expands upon Article 3 of the 1949 Geneva Convention to include the prohibition of mental
torture as well as physical, of slavery and the slave trade, and of threats to commit any prohibited
act. In addition, it adds rape, enforced prostitution and all forms of indecent assault to the
category of 'outrages upon personal dignity' illegal under the Geneva Convention. While
Additional Protocol II does not apply in the case of riots or isolated and sporadic acts of
violence, it does significantly increase the civilian protections and their applicability to evolving
forms of conflict.

International law has evolved over the course of history to better legally protect
noncombatants from the effects of hostilities. With this increase in protection comes an
increased need to legally define combatants and noncombatants such that the law can be
realistically applied during conflict. However, international law is limited in its ability to
protect. The protections in the Geneva Convention and its supplements only apply to those
countries that have signed and ratified them or in some other way declared themselves bound by
it. In addition, many of the present day hostilities are conducted by groups neither recognized nor bound by international law, such as terrorist cells or international networks that do not adhere to recognized political boundaries or societal norms. In addition, there are some groups, such as the Red Cross, that can call attention to violations of civilian protections and lend aid as well as international courts and tribunals that can penalize violations. However, there is no intergovernmental body that enforces compliance with these international treaties. Limited means exist for stopping violations as they occur. This retroactive nature of international law—the punishment of violations after the fact and the amendment of the law to prevent any further crimes against civilians similar to those that have already occurred and been deemed unacceptable—makes the legal protections of civilians disconnected from their actual application.
THE FIRST WORLD WAR

"This embargo aimed to break the morale of the enemy civilian population through their stomachs...because they thought that denying food to noncombatants might help win the war."

Over the course of the eighteenth century, the Industrial Revolution in Europe changed the face of society. Industrial Revolution was a period of massive economic, technological, social and cultural change that lasted roughly from 1760 to 1830, although its effects continued to mold nations well into the early twentieth century. New technology and ideas spread rapidly across Britain and the continent to the United States, Japan, and the rest of the world. Water turbines and steam locomotives, along with canals and railways, increased population mobility and facilitated the production and transport of more factory goods. Refrigeration and steamships made it possible for industrialized nations to import perishable food items from overseas, including the transport of beef from Argentina. Telegraphs and telephones dramatically improved communication, both civilian and military. Even military technology made great strides during this time period. Ironclad battleships, submarines, advances in metallurgy and chemical production, the first oil wells for the commercial exploit of petroleum, and the invention of the motor car and the airplane changed the way nations would wage warfare in the decades to come.

During the Industrial Revolution, technology was not the only thing to change. New technology resulted in drastically higher production levels, increased population size and density, and rapid urbanization. This, in turn, sparked debates about public health and welfare and reorganized many family and social groups. Concepts of nationalism and equality swept through

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European populations. Governments were forced to adapt, with those that survived intact becoming more accountable to the public than ever before.

The increased population and dense population centers made it easier to recruit soldiers in the early years of the war. However, the average civilian played a much more significant role in his country and government than had previously been the case. This made it much more difficult to separate the civilian population from the workings of the state and contributed to the forces that pulled noncombatants closer to the front lines. New weapons and technology increased the casualties of war, but were at times difficult to accurately utilize against a precise target. Indiscriminate weapons combined with a strategy through which the military targeted its enemy’s population, hoping that angry voters and workers in enemy countries would turn against their governments to stop the war. This combination proved deadly. Thousands of civilians perished as a result of indiscriminate attacks, bombings, blockades, and other strategies of ‘total,’ modern war. The British naval blockades were one such strategy, although their effects were cumulative which made it difficult to determine their precise impact and effectiveness. Nevertheless, the blockade did not only target raw materials for munitions manufacturing, but also food and supplies necessary for the survival of the civilian population. Indirectly, the blockade contributed to the deprivation and death of German civilians in the hopes of starving Germany into submission.

The Allies justified the blockade as an unfortunate side effect of a legitimate military strategy. The underlying belief was that the civilian deaths were tolerable if the blockade could bring the war to an early end, thereby saving the lives of unknown numbers of soldiers. For the Allies, the potential rewards of a successful blockade outweighed the consequences for German civilians. The limited efficacy of the blockade in ending the war—it was more effective in
forcing Germany to concede the terms of the Versailles Treaty—combined with the significant, anticipated civilian suffering make this justification problematic. The legality of the blockade was questioned at the time, but ultimately deemed by the Allies to be permissible. They purportedly distinguished between food for civilians and that destined for the military; however, in reality this distinction was impossible to enforce as Germany could simply divert its civilian provisions to its armed forces. The case of the Allied blockade of Germany demonstrates the difficulty of applying a moral rationale of military necessity of collateral damage to a situation in which the Allies knew that, and even intended that, the blockade would cause suffering and death among the noncombatants in Germany.

“STARVE THEM OUT”: THE BRITISH BLOCKADE OF GERMANY

During the First World War, the British naval blockade prevented goods from reaching Germany and Central Europe. The resulting privation prompted German women to take to the streets in protest. Britain’s economic war against Germany resulted in riots, increased crime, rampant starvation, and significantly reduced morale. As the state shifted the majority of its resources to the military, hoping to feed the army and state officials, the German masses suffered from increasing ration cuts and substitutions. Those most affected were not the soldiers and factory workers who received priority during the food shortages, but rather women, children, and the elderly who were seen as less socially useful during the crisis than able-bodied men. Thus, indirectly, the British blockade of Germany caused the undue suffering of millions of German civilians in the name of military strategy.

As early as 1909, Britain began developing a strategy to place economic pressure on Germany in the event of a war. Anticipating the outbreak of a war yet uncertain what such a
conflict would entail, the British government revived a Standing Committee to discuss the issue of economic warfare. Both Britain and Germany relied on imports to support the war economy and feed the civilian population, which made the impact of a possible wartime economic blockade a question of significant concern. Beginning with the Invasion Inquiry of 1908, Britain investigated its vulnerability and the role of sea power in any future wars. Ultimately, the Invasion Inquiry determined that invasion was nearly impossible as long as Britain maintained naval supremacy, but that if they permanently lost "command of the sea, whatever may be the strength and organization of the home force, the subjection of the country to the enemy [would be] inevitable." In August 1909, the Committee began to assemble plans revolving around the various conclusions reached in the policy meetings of the preceding years. In addition to the policies laid out by the 1908 Invasion Inquiry, Lord Maurice Hankey—Secretary to the Committee on Imperial Defense, the Cabinet, and the War Council—submitted a Memorandum in 1909 suggesting further study of many aspects of Britain’s defensive preparations, including the question of a blockade. Among the concerns he raised were questions of Britain’s own economic vulnerability, a possible ‘grace’ period for enemy ships, and issues concerning the implementation of a blockade. One of the offices most concerned with developing policies and procedures for applying economic pressures was the British Admiralty, office of the commissioners for naval affairs.

In planning an economic program for the war, the Admiralty considered two strategic options: ‘distant’ and ‘close’ blockades. The Committee of 1907 had favored the use of a ‘distant blockade’ in the event of a war with the Continent, particularly with Germany. A distant blockade involved using natural geographic choke points in order to intercept all

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4 Hankey, *Supreme Command*, 77.
commercial sea traffic. This method places ships well off the coast of belligerent nations.

Farther from the blockaded coast they are able to intercept any incoming or outgoing ships and are more protected from enemy attacks, although the German U-boats threatened this increased safety. By contrast, a 'close blockade' occurs very close to the enemy coastline. While it is a more effective blockade form, it also leaves the blockaders constantly at sea away from support and vulnerable to attack by enemy ships remaining in their home harbors. The First Sea Lord in 1909, Arthur Wilson, advocated the use of the more drastic close blockade; his strategy involved a “close blockade of the North Sea coast, attacks on Heligoland and some of the outer forts of the Weser and Jade defences, occupation of points of strategic importance in the Frisian Islands and even on the mainland, and generally the harassment of the German littoral.”

During the prewar years, the debate raged back-and-forth over the advantages and disadvantages of both distant and close blockades. Officials were uncertain which method would be the most feasible and effective, the Navy was undecided on how to implement such a policy, and the Admiralty failed to coordinate its plans with those of the War Office. As a result, British blockade plans remained in a state of near-constant flux in the years leading up to the outbreak of the First World War.

Naval mobilization began on 1 August 1914 and, when Britain declared war on Germany on 4 August, the British Royal Navy sprang into action. From the first day of the war, British naval vessels captured and detained enemy merchant ships, and the Royal Navy began its

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2 Hankey, *Supreme Command*, 77-8.; The First Sea Lord was the man in charge of The British Admiralty.; Heligoland was an archipelago just off the coast of Germany. During the First World War, the islands were a major naval base. Due to its military importance and the subsequent naval battles, the civilian population of Heligoland was evacuated to the German mainland for the duration of the war.; The German littoral refers to the region within a certain distance of the coastline in which naval operations were conducted.

6 Hankey, *Supreme Command*, 82.
blockade of Germany along the German North Sea coast. Despite plans for a ‘close’ blockade of Germany, Britain quickly found their efforts to be equally effective by blocking the northern and southern entrances to the North Sea. From these ‘distant’-blockade positions, their ships were less vulnerable to attack by submarines and German ships leaving port. Beginning in the early months of the war, a French blockade of Austria’s Adriatic ports complemented the British blockade of the North Sea, cutting Germany and its allies off from critical imported supplies, such as raw materials and food.

Image reduced to a lower resolution.

On 3 November 1914, Britain declared the North Sea a ‘military area.’ Naval ships cruised the northern and southern access points to the North Sea, intercepting and diverting any ship they

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7 Nigel Hawkins, *The Starvation Blockades: Naval Blockades of WWI* (South Yorkshire: Leo Cooper, 2002), 14-5.
encountered to British ports. They laid minefields, intercepted and detained any merchant ship thought to be carrying cargo destined for Germany, and patrolled the North Sea continuously throughout the war. The blockade effectively sealed off the North Sea and significantly impacted German imports.

The British navy decided on a strategy of distant blockading quickly following the outbreak of the war. The British Isles formed a geographic barrier, making it easier for the Royal Navy to block the exits to the outer seas and trap German and neutral ships in the North Sea. This decision was in part due to the German war plan and response. The German navy’s answer to the initial British plan for a close blockade was “Kleinkrieg, small operations to erode the Royal Navy’s superiority through the use of mines, coastal batteries and submarines.”10 In response, Britain chose to engage in a distant blockade, sealing off the North Sea while their allies focused attention on the Adriatic Sea. Britain set up minefields off its eastern shore, fortified its coastal ports and maintained constant patrols by naval ships. Communication was another concern for both sides. Britain typically maintained radio silence no matter the conditions, relying on flags for communication even if the weather made them difficult to read. By contrast, Germany relied on wireless signals, which were often intercepted. Only four months into the war, the British already possessed all three German naval codes: for shipping, the imperial navy, and the traffic signals for destroyers.11 The ability to intercept and decode enemy naval transmissions increased the effectiveness of the blockade, giving the British navy an advantage. However, the Royal Navy had difficulty utilizing these communications in their operations, and their limited success kept the Germans from learning that their codes had been compromised. The prolonged blockade generated its own bureaucracy to handle all of these

11 Strachan, The First World War, 205.
issues, culminating in the creation of the Ministry of Blockade in Britain in 1916, headed by Lord Robert Cecil. His nephew later noted that this appointment was particularly distressing since “to administer the blockade...meant starving the German people out.” Although this was not originally the focus of the British blockade, it did come to constitute a major portion of the motivation.

The intention of the blockade was, according to Reginald McKenna, that the enemy “would neither be able to transport his forces nor continue his trade, and the result of the economic pressure of the destruction of overseas trade in almost any modern state would be so serious as...to constitute something even more than a crippling blow.” However, the intention went well beyond this. By the latter half of the war, British intentions had shifted and solidified. In remarks circulated to the British Cabinet in late 1915 argued that

The object of our blockade is to cause as much inconvenience, loss, dislocation of trade and finance, expenditure of effort, depression, and despair, as is possible.... It may be that years must elapse before its effect is decisive. But when the psychological moment arrives, and the cumulative effects of the blockade reach their maximum, and are perhaps combined with crushing defeats of the enemy, the result may be not merely material but decisive. And finally, when the war reached its inevitable end and terms of peace are discussed, one of the greatest assets remaining in our hands is the cutting off of the enemy from access by sea to the outer world.... These inestimable advantages should not be bartered except for some adequate return.

The blockade became both a means of pressuring Germany into surrender and a bargaining chip during post-war negotiations. The blockade would continue even after the end of the war as a way to force Germany to sign the controversial Versailles Treaty.

Despite broad intentions, the British navy restricted the blockade in 1914 and early 1915 to maintain support from the United States. The economic presence of the United States, which

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14 Hawkins, *The Starvation Blockades*, 15; Reginald McKenna was the First Lord of the Admiralty in 1911.
was a strong voice for neutral rights in the early years of the war, complicated Britain’s efforts to control maritime trade. Sir Edward Grey, British Secretary of State for Foreign Affairs, quickly realized that “opposition to British policy was formulated on grounds of international law, but arose, as far as American commercial interests were concerned, from a desire to trade uninterruptedly with Germany (as well as the allied powers) irrespective of the fact that a war was in progress.” American influence and concerns forced the British government to balance its desire to choke the German economy with its hesitancy to antagonize the United States. As a result, in the initial phases of the blockade, Grey allowed the trade in grain, meat, and cotton and “continued to honour the unreal distinction between foodstuffs for civilians and soldiers.” Gradually these allowances faded until, with the sinking of the *Lusitania* in 1915 and the entry of the United States into the war in April 1917, Britain imposed a nearly complete blockade on materials destined for Germany or her allies.

The blockade affected most neutral countries and shipping companies, not just those connected with the United States. Many neutral countries, such as Norway, Sweden, and Denmark had strong trade ties with Germany and resented the aggressive British intervention into all maritime commerce. However, despite their complaints, most neutral ships “agrees to put into British ports for inspection and were subsequently escorted—minus any ‘illegal’ cargo bound for Germany—through the British-laid minefields to their final destinations.” Upon inspection of a merchant ship, the Royal Navy checked manifestos against cargo, seized any contraband goods, and ensured that the import of accepted goods did not exceed the country’s rations, seizing any excess. Not all ships were so cooperative. Regardless of the national stance,

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18 “The Blockade of Germany.” The National Archives, U.K.
neutral ships often tried to smuggle contraband materials to Germany. One British officer recounted that:

... when the suspected ship is stopped—and one out of every eight of them was attempting to run the blockade—there remained the multitudinous tricks to be detected, the false manifestos, the hollow spars and hollow bottoms, stuffed with contraband, the copper keels, the cotton in flour barrels and the rubber in coffee bags, so that only a kind of second-sight could divine the endless and unheard-of expedients.\footnote{W. Macneile Dixon, \textit{The British Navy at War} (Boston: Houghton Mifflin Company, 1917), 56.}

While a significant percentage of contraband goods were stopped in this manner, ships could speed up the inspection process by notifying the Blockade Committee of their shipping intent in advance. To minimize seizures, neutral ships could complete export applications, which were submitted to the Allied Blockade Committee or one of its partners. Records from the meetings of the Allied Blockade Committee indicate that the group regularly dealt with thousands of applications for exporting everything from leather wallets, straw hats, baking powder, and shoe laces to copper sulfate, cotton, and rubber.\footnote{Minutes and Agenda of Meetings of the Allied Blockade Committee. (P1-100, Entry 55. 130/12/11 Shelf 6-2; Record Group 182; National Archives at College Park (NACP), College Park, MD), Box 1, Folder 2: 2 September 1918.} By either approving or prohibiting these items in specified quantities before they shipped, the Committee was able to keep a tight rein on nearly all commercial traffic across the North Sea.

At times the blockade running and smuggling was an individual initiative on the part of shipping companies or merchant ships. However, at times it was government-sanctioned. For example, the Norwegian government often tried to renegotiate its rations and licenses. Even in 1918, Norway refused to issue export licenses unless it received a certain amount of Russian goods as compensation.\footnote{Minutes and Agenda of Meetings of the Allied Blockade Committee. (P1-100, Entry 55. 130/12/11 Shelf 6-2; Record Group 182; NACP, College Park, MD), Box 1, Folder 4.} Each country bargained with what it had, trying to gain concessions by promising or withholding materials for which it had a controlling market share. Some neutral
countries, particularly Sweden, continued to trade certain materials with Germany despite their agreements with Britain. In a 1917 memorandum to the War Cabinet regarding the blockade, Sir E. Carson noted that “the Germans have made great efforts to induce the Norwegians to break their agreements and, as I have said, there is some ground for thinking that the agreements have not been perfectly kept.” Throughout the war Britain balanced its blockade aims with the need for the cooperation of the United States and neutral countries; maintaining this balance required constant delicate negotiations between Britain, her allies, and the neutrals.

Germany bore the brunt of the blockade, despite the inconvenience for neutral ships of submitting to inspections. The war plan they had developed prior to the outbreak of the war relied on the British opting for a close blockade. When this situation did not arise, the German navy was forced to rethink its strategy. It had far fewer ships than did the British and, after 1914, the German cruiser ships no longer had the power to threaten British naval supremacy. Germany placed all of its faith in the U-boat. Throughout the war, these submarines had sporadically attacked Allied and neutral ships, although to limited effect. Admiral Viscount Jellicoe, British naval officer and later First Sea Lord of the Admiralty, commented on the effectiveness of the blockade and the limited German response in the first years of the war:

The blockade was becoming daily more effective, although the blockading crusaders worked at so great a distance from the German coast. The only interference ever attempted by the enemy was by submarine attack or by mines, and during the year 1915 no great success was achieved by them in this respect when the conditions are considered.

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23 Strachan, The First World War, 222.
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23 Strachan, The First World War, 222.

His observations, while representative of the average experience with the German navy, neglected one incident in particular. The most recognized victim of the U-boat war, the *Lusitania*, sank as a result of a submarine attack in May 1915.

The *Lusitania* had been carrying munitions, but it was primarily a passenger ship. Germany had declared the start of submarine warfare against British commerce on 18 February 1915. Several other passenger ships had been sunk in the subsequent months, including the British liner *Falaba*. Then, on the afternoon of 7 May, within sight of the Irish coast, a U-boat fired one torpedo, sinking the *Lusitania* too rapidly for many of its life boats to deploy. The attack resulted in the deaths of 1,201, the majority of which were women and children. Among the dead were 128 Americans, inciting the United States against Germany and increasing its support of the British naval war and blockade. In London, *The Times* proclaimed the attack to be the "culminating crime of the German war on peaceful merchant shipping" and the "wanton destruction of the ship and disregard for the lives and property of neutrals." By carrying munitions in her hold, the *Lusitania* became a legitimate target for German attack; however, the death of over a thousand civilian passengers sparked an intense outrage that fueled the British propaganda efforts and helped to draw the United States into the war.

The United States was further pushed to enter the war in February 1917 when Germany advanced the naval war. The German ambassador to the United States, Johann Heinrich von Bernstorff, pleaded with the United States, trying to convince them that the German submarine warfare was a practical response to Britain's illegal blockade. When he failed to convince the

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Americans to intervene, he sought alternative solutions, knowing that "unless the blockade was broken, Germany eventually faced starvation and defeat." As a result the Kaiser signed a decree on 17 January 1917 ordering "unrestricted submarine war to be commenced on 1 February, and to be prosecuted with the utmost energy." The decision proved to be a disaster for Germany. With the introduction of the convoy system, a collection of ships travelling under armed protection, the submarine warfare's effectiveness faded. With the entrance of the United States to the war, the blockade quickly evolved into an Allied affair, rather than a British one. The Allied Blockade Committee was formed in 1918 to manage the newly combined efforts. Other organizations such as the War Trade Board, the Inter-Allied Food Council, and the Allied Rationing and Statistical Committee were formed in the last year of the war to further increase the blockade's efficiency. When the submarine war began on 1 February, Dr. David, German spokesperson for the Social Democrats, stated that "as far as the financial and economic situation is concerned, I have always laid great stress on the importance of America's entrance into the war. But from a military point of view, her entrance means nothing. I repeat: from a military point of view America is as nothing." The assumption that the United States would not enter the war and mobilize quickly enough to counteract the submarine war being waged on the Allies was common among German admirals. The United States was not ready to go to war in April 1917 and, while few people doubted its eventual military significance, German admirals believed that submarines would decide the war before the U.S. military could land major forces in Europe. David's assumptions proved inaccurate, and, by October 1918, Prince Max von Baden had

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requested that U.S. President Wilson fashion an armistice on the basis of the Fourteen Points.  

By 11 November 1918, the war was over; Germany had lost.

The blockade’s biggest impact was neither on the military nor even the outcome of the war, but rather on the civilian population of Germany. Official figures after the war estimated that more than 700,000 civilians across Germany “died directly from malnutrition during the war” and this figure did not include the deaths due to the 1918 Influenza, which was made only more deadly by the deteriorating sanitation, nutrition, and overall health of the population.

![Graph showing civilian and military mortality rates from 1914-1918.]

Despite their distance from the front, German civilians were suffering higher mortality rates than the military. Sole responsibility for the deprivation on the German home front did not lie with the British blockade. The economic pressure of the blockade and the subsequent shortages combined with domestic problems to place increased stress on civilians. Such problems included

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32 Vincent, *The Politics of Hunger*, 49.; Prince Max von Baden was appointed Chancellor of Germany in October 1918 in order to negotiate an armistice at the end of the First World War. He resigned in favor of Friedrich Ebert on 9 November 1918.

the difficulties "in extracting food from reluctant farmers and distributing it equitably; the indiscriminate priority to be given to supplies for military use;...[and] the unwise conscription of experienced labour." These domestic problems only served to exacerbate the existing crisis and hasten the decrease in the German quality of life.

German imports fell dramatically during the first year of the blockade; by 1915, "German imports had fallen by 55% from pre-war levels." The blockade reached its peak effectiveness in 1917-18, by which time it had combined with the effects of prolonged warfare, production shortages, and inflation to contribute to the deprivation of the German civilians. Over the course of the entire war, German imports fell by sixty percent. While neutral countries had been willing to sell increased amounts of their domestic products to the Central Powers, turning a tidy profit, the Entente intentionally purchased these materials to keep them from being sold to the enemy. Germany's foreign trade fell to "one-seventh of its former proportions." The use of nitrates in the making of explosives meant that there were less of the fertilizers that were so vital to agriculture in Central Europe. The war removed many horses and workers from the farms, compounding the problem. As a result, between 1913 and 1918, "the area of Germany under cultivation fell by 15 per cent and yields of cereals by a minimum of 30 per cent." The shortage of food supplies prompted Germany to divert the majority of its resources to the war and give priority to feeding the military and the factory workers. This meant that "those most likely to suffer from shortages were the militarily useless, the old and the weak." Death rates in Prussian sanatoriums rose from 9.9% to 28.1% in the first year of the war alone, and, by 1918.

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34 Marsden, "The Blockade," 492.
35 "The Blockade of Germany," The National Archives, U.K.
36 Strachan, The First World War, 218.
the overall civilian mortality rate in Germany was thirty-seven percent higher than in 1913. In many cases, the most vulnerable groups in the country received the lowest priority when it came to food distribution.

The limited amount of food in Germany was not equitably distributed. While most Germans did not have enough to eat, some received better rations than others. Military families often received more food supplies than others. Soldiers’ wives, in particular, became a target of resentment from other parts of society that complained that “these malicious soldiers’ wives...in fact live now much better than they did before the war....They receive separation and rent allowances and still pay the landlord no rent....The wives of active soldiers are well taken care of...the others, the city lets drop.” Each group could give a list of reasons why they were more deserving of better rations than were the soldiers’ wives.

Other targets for resentment were pregnant women and families with young children. These groups often had better milk rations than others, and had higher feeding priority as well. The Milk Office gave priority to women in the last two months of pregnancy, children through age six, and the ill who had a doctor’s note, and “designated children aged seven to fourteen years for milk-preferred status.” However, families with few or no children bitterly resented the preferential treatment given to children and pregnant women. Eventually, bitterness and necessity forced the German government to rescind the milk-preferred status of children aged seven and older and to turn down all applications based on illness, turning all excess milk into butter in hopes of pacifying the civilian population.

Those who were able to obtain permission for higher rations faced many of the same problems as those with lower rations: long lines, short supply, price-gouging by merchants, and

substitutes. People often had to stand in ration lines for hours to receive only a portion of their weekly ration as there were different lines for each food. An American newspaper correspondent, George Schreiner, recorded his observations of the ration lines in Germany saying:

> Once I set out for the purpose of finding in these food-lines a face that did not show the ravages of hunger. That was in Berlin. Four long lines were inspected with the closest scrutiny. But among the 300 applicants for food there was not one who had had enough to eat for weeks. In the case of the younger women and children the skin was drawn hard to the bones and bloodless. Eyes had fallen deeper into sockets. From the lips all color was gone and the tufts of hair which fell over parchmented foreheads seemed dull and famished—a sign that the nervous vigor of the body was departing with the physical strength.

Often families had to balance the time spent in ration lines to obtain food for the week with extended working hours. Each hour spent in a line reduced the amount of time that a person could work, which was vital to surviving the war.

Not all who waited in these long lines even obtained their prescribed ration. Supplies were limited, and often civilians had to contend with merchants who charged high prices and hoarded food for certain customers. Inflation and greed contributed to the rise in prices. During the autumn of 1917, “rye was being sold for 380 per cent more than the official price, beans for 200 per cent and butter for 90 per cent.” Merchant schemes often involved increased prices or telling customers that they could purchase their items only if they also purchased some other good as well.

Schreiner observed the rise in prices as food became scarce, commenting that “food had become the irreducible minimum. Not alone was the quantity on hand barely sufficient to feed the population, but its price could no longer be increased if the masses were not

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44 Strachan, *The First World War*, 221.
to starve for lack of money instead of lack of food."  In an effort to supplement their rations, many civilians turned to the growing black market; even the army used the black market to feed its soldiers. Riots, looting, and theft increased throughout Germany as tension and unrest followed hunger. Ethel Cooper, an Austrian musician living in Leipzig during the war, noted in late 1917 that "those who will not, or cannot bribe, are told that the meat is sold out, and the others get four times the proper amount." Merchants and the public alike turned to crime to supplement their diet; those who lost out were either unable or unwilling to participate.

In order to stretch the food supply even further, Germany began to introduce substitutes at the beginning of the war. This involved watering down the milk before distributing it so that supplies would last longer and using potato flour in bread instead of grain. Powdered milk often substituted for already watered-down milk, and most bread rations were actually distributed in the form of Kriegsbrot, or 'war bread.' Substitution accelerated in mid-1917 after the winter crisis. Bread rations were reduced once more, offset by an increase in more available substances such as eggs and potatoes. Jam replaced butter; turnips and potatoes became staple foods.

Ersatz, or substitute, foods continually decreased in taste and nutritional value, as well as quantity, until ersatz came to mean 'fake' rather than 'substitute.' Eventually even the good substitutes began to disappear. Newspapers complained that "coffee has disappeared, the finer substitutes have disappeared; only the price, the price, has remained." Powders were sold as everything from dried egg to dried milk; substitutes began to replace even the substitutes, and these new foods were often of little or no nutritional value and dubious origin. In the latter half

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47 Strachan, *The First World War*, 221.
of the war, one Leipzig resident “observed dryly that she did not mind eating rat; it was rat substitute she objected to.”\(^{51}\) The blockade was a long-term strategy and, as it began to reach its peak efficacy of the war in 1917, the hunger and deprivation in Germany increased as well.\(^{52}\)

The winter of 1916-1917, which represented the worst deprivation of the war, came to be known as the ‘turnip winter’ when turnips replaced potatoes following the failed harvest of 1916. The daily caloric intake of German civilians plummeted to one thousand calories per day between the turnip winter and the end of the war. The reluctance of farmers to kill livestock increased the incidence of tuberculosis. Farmers often had to choose between keeping their livestock alive as a future source of food and killing them off to avoid the spread of disease. Hunger had become such a concern that most farmers chose to risk their livestock transmitting diseases such as tuberculosis rather than kill them and lose the assurance of being able to feed their family as the war continued. Disease, including tuberculosis, scurvy, and dysentery, spread through the population, worsened by the high rates of malnutrition among Germans. In 1918, the Spanish Influenza hit Germany, dramatically increasing the suffering of the population and contributing to roughly 150,000 more civilian deaths.\(^{53}\) The combination of hunger and disease broke the will of the German people. Police Officer Ludwig wrote as early as December 1915 that “even good, faithful patriots have begun to turn into pessimists, and the thought that Germany could be brought to its knees as a result of its internal economic defectiveness is continually gaining ground.”\(^{54}\) The overwhelming social tension and unrest that resulted from food shortages, deprivation, and deteriorating conditions may have hastened the end of the war,


\(^{52}\) After the war ended, the deprivation resulting from the blockade worsened. The armistice made it possible to cut off any supplies that Germany had been receiving from neutral countries. As a result, the starvation reached the highest levels of the blockade between November 1918 and June 1919.

\(^{53}\) “The Blockade of Germany,” National Archives, U.K.

\(^{54}\) Davis, *Home Fires Burning*, 100.
and certainly the effects of prolonged malnutrition continued to be felt in the decades following
the war's end. However, the increasing discontent of the civilian population did not play a
significant role in Germany's ultimate defeat on the Western Front. The British blockade
achieved its stated goals, but it did not cause the German war effort to collapse. Instead, its
effects combined with problems on the German home front to cause intense suffering among the
civilian population.
THE SECOND WORLD WAR

"Civilian victimization as punishment targets the enemy civilian population's will to resist." 1

The end of the First World War brought stilted attempts to update the framework of international law. The founding of the League of Nations, an inter-governmental organization created in 1919 as a result of the Versailles Treaty, tried to set up an international governing body. The primary aim of the League of Nations was to provide the collective security deemed necessary to prevent another world war. The United States, one of the earliest proponents of the League, had refused to participate, preferring a policy of isolation from European events. The refusal of the world’s leading postwar superpower to join damaged the League’s legitimacy and prestige. Germany had not been allowed to join the League of Nations in the wake of the First World War, nor was communist Russia. As a result of its limited support, the League remained unable to exert its authority and lost much of its legitimacy in the eyes of the international community. 2 A series of failures to intervene when participatory nations violated its covenant confirmed the League’s lack of power. By the start of the Second World War, the League of Nations had essentially ceased to function, and several nations withdrew.

In addition to creating an inter-governmental security organization, national leaders in the inter-war years came up with The Hague Draft Rules of Aerial Warfare in 1923. The Hague Rules attempted to address the issues raised by the use of new technology, such as the airplane, in the First World War. The First World War experience, “particularly the indiscriminate bombing of cities with non-combatant civilian populations and the destruction of non-military

targets,” led nations to agree that they needed regulations specifically related to aerial warfare.\(^3\) Unfortunately, “the heightened awareness of the military potential of aircraft” stymied any attempts to agree on these regulations.\(^4\) In addition, negotiations stalled over the debate “as to whether a new legal regime specifically relating to air warfare should be developed, or whether air warfare should be treated as an extension to land and naval warfare.”\(^5\) Although considered an authoritative attempt at clarification, the document never became legally binding. The rules were not formally adopted because all of the countries involved had too heightened an awareness of the military potential of aircraft to restrict their options in any way. Despite the idealism and attempts to change the international stance on war, the years following the First World War brought few concrete legal changes. For most people the conflict had been ‘the war to end all wars,’ and they could not yet see the storm gathering on the horizon.

By the time that the Second World War began, there were few legal protections for civilians beyond those that had existed during the previous war. Both the Allied and Axis powers fought to maintain morale while bringing the war to a quick end. Civilians became caught up in the military strategy and efforts to ‘break’ the enemy home front. Aerial bombardment, in particular, targeted civilians in the hopes that they would rise up against their government and bring the war to a rapid conclusion. The legality of these raids was questionable, even at the time. In the aftermath of the war, the Allies specifically did not put any German officers on trial for the bombardment of Britain because this would have forced an investigation of Britain’s own bombing attacks. In addition, laws were added following the Second World War prohibiting aerial attacks on noncombatants. The Allies, therefore,

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\(^4\) Roberts and Guelff, eds., *Documents*, 140.
\(^5\) Roberts and Guelff, eds., *Documents*, 140.
recognized the illegitimate nature of these air raids on civilians. As a result, during the war, they attempted to justify these attacks using rationales such as the civilian casualties had been collateral damage as a result of raids on legitimate military targets and that the attacks would end the war more rapidly thereby saving lives. However, the Allies expressed a clear intention to harm civilians as part of their war strategy. This intent combined with the sheer scale of the noncombatant injury, which exceeded the military benefits of the attacks, to create a strategy that existed in the grey zone of international law and did not conform to any redeeming moral justification.

As the war dragged on, resistance groups formed in occupied Europe. In an effort to quell opposition, the Nazi leadership developed the idea of collective responsibility into an antipartisan campaign based on civilian reprisals. In each case leaders made conscious decisions to target civilians despite their protected status. Each nation provided its own justifications for the civilian casualties that resulted from both the bombings and the Nazi reprisals. The Nazi antipartisan campaign presents a unique example from the Second World War in which no concrete attempt was made to morally or legally justify the attacks. An attempt was made to present all civilians as combatants, or at least supporters of one side of the conflict, through the principle of collective responsibility; however, this was more of a rationale for the attacks rather than a means of justifying them. This lack of justification, in conjunction with Germany’s status as the loser of the Second World War, meant that there were more extensive investigations into these violations of civilian immunity, although some of these investigations did not occur until decades after the event.
‘Breaking the Enemy Home Front’

The First World War left nations with an increased understanding of the military potential of airplanes. A relatively new technology, planes had changed the face of warfare, extending it far beyond the immediate operation of land forces. By the outbreak of the Second World War, aerial warfare had developed into its own form, separate from merely supporting the army. Mrs. Uttin, a London resident during the Blitz, looked back in January 1941 on the introduction of the airplane wondering if “when the Wright Bros. invented them [airplanes] in the calm and peaceful days prior to 1914, [they thought] the plane would be used to such a cruel purpose.” This purpose was the aerial bombardment of cities and residential areas—civilian targets.

The development of the air war did not begin with these bombings of civilians. During the First World War, planes were used primarily for reconnaissance. Militaries then began to arm aircraft for use in supporting the ground troops and in denying enemy reconnaissance, which ultimately led to ‘dogfights’ between pilots of opposing armies. Air war developed even further during the Second World War as “advances in aircraft design and weaponry greatly improved the aircraft’s capacity to engage” in military operations. The first half of the twentieth century also saw advances in the techniques and strategies utilized by air forces. One of these new forms of aerial warfare was strategic bombing, which did not target enemy troops as had previous bombing campaigns. Strategic bombing involved attacking “targets far removed from the battlefield, including factories, transport networks and centres of government and population.” In doing this, military leaders hoped to “destroy an enemy’s willingness to wage war by cutting

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6 R.E. Uttin, catalogue number 547 88/50/1, Private Papers of R.E. Uttin (Imperial War Museum, Great Britain), 5.
8 “War in the Air,” Imperial War Museum.
off his armed forces from vital supplies and breaking the morale of his people. Strategic bombing reached its peak during World War II as the air forces of all of the belligerents targeted the industries and populations that comprised the very foundation of the war effort.

At the time of the Second World War, two bombing techniques could be used by the air forces of both the Axis and the Allies. The first method was precision bombing. General Carl Spaatz, Air Commander and Chief of Staff of the U.S. Air Force, initially advocated the use of precision bombing. The method required the bombing of specific strategic military or industrial targets, with the goal of disrupting production enough to deplete the German resources and undermine their war effort. Other Allied commanders, Sir Arthur Harris in particular, did not agree with Spaatz’s support of precision bombing. The second strategy, supported by Harris and others, involved area bombing. This did not require pilots to hit a specific target; rather, they dropped a multitude of bombs on a general area. Also referred to as saturation bombing, it often resulted in the indiscriminate attack on built-up city areas rather than military sites.

Spaatz acknowledged that area bombing presented a serious dilemma with regard to the ethics of targeting civilians. Although the British Royal Air Force (RAF) and Harris both advocated this strategy, Spaatz had no doubt “that the RAF wanted [sic] very much to have the U.S. Air Forces tarred with the morale bombing aftermath which we feel will be terrific.” The commander was convinced that there would be a significant backlash against area bombing in the postwar period, and he felt that the RAF wanted the Air Force involvement so as to spread the blame after the war. However, disillusioned with the limited success and heavy casualties of his efforts, Spaatz eventually began to support the area bombings favored by Harris and the

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9 “War in the Air,” Imperial War Museum.
RAF. The goal of area bombing was “to deprive its civilian population of their housing, thus sapping their will to continue the war” in the hopes that the enemy war effort would collapse as its population rose up in protest.\textsuperscript{11} Since democratic governments stressed the importance of civilian participation, Harris and the RAF believed that if the population refused to support its own government, the country would be forced to surrender.

Similar to the aims of the Allied campaign, the Germans used area, or saturation, bombing in an attempt to demoralize Britain and “to seize mastery of the skies over England in preparation for invasion.”\textsuperscript{12} The German air raids targeted governmental, industrial, and financial targets. In London, these critical areas were located near the East End, where many of the city’s residents lived. Therefore, the raids ultimately killed a large portion of the population and destroyed many of the residential areas of London as well despite the fact that “the German Luftwaffe did not target civilian neighborhoods specifically.”\textsuperscript{13} The aim of the German bombers in 1940 was to continue the attacks on London against military and other vital centers, but “terror attacks against purely residential areas [were] reserved for use as an ultimate means of pressure.”\textsuperscript{14} Despite this intention, the crowding of the East End where many of these centers were located made it impossible to use saturation bombing without high civilian casualties. For the German military, the terrorization of British civilians was an added bonus to their campaign.\textsuperscript{15} It may not have been the primary aim of the air raids, but the German Naval Staff concluded that “the will to fight of the London population [was] considerably affected by lack of

\begin{thebibliography}{99}
\bibitem{Downes}Alexander B. Downes, Targeting Civilians in War (Ithaca: Cornell University Press, 2008), 143.
\bibitem{Flower}Desmond Flower and James Reeves, eds., The War 1939-1945: A Documentary History (New York: De Capo Press, 1997), 158.
\bibitem{Downes2}Downes, Targeting Civilians, 143.
\end{thebibliography}
sleep. This physical weakness [was] regarded as the worst danger to morale."16 The Germans did not specifically target noncombatants, although they welcomed the civilian casualties as a blow to British morale. However, killing civilians was technically a result of the raids on British military and economic installations rather than the objective of the German Luftwaffe.

The fact that the Germans prioritized centers of economic and political importance to London over civilian centers is especially evident when one considers that the German raids included proportionately low numbers of incendiary bombs. Incendiary bombs would have caused a great deal of devastation in civilian areas, but in the factories and docks being targeted, saturation bombing could destroy the target without the need for many incendiaries. Also, Hitler still held out some hope that once the British morale collapsed, Britain would join Germany in attacking the Soviet Union. Hitler admired Britain's military, industrial, and colonial success. He viewed the British as a strong ally that would give him free rein in Eastern Europe while turning its own attention to the United States.17 To this end, he limited the use of incendiaries for full-scale devastation of the British population. The Luftwaffe used a strategy very similar to that of the British, but with a slightly different intent. Where Harris wanted to de-house the working class of Germany, the Germans bombed Britain in hopes of demoralizing the population and furthering their own war efforts through the "destruction of war production...and concomitant civilian fatalities."18 With this goal in mind, the German leadership chose to target productive centers in London and welcome the accompanying civilian casualties, rather than simply target civilian centers.

16 Flower and Reeves, eds., The War, 144.
18 Downes, Targeting Civilians, 143.
One significant advantage of area bombing was that, unlike precision bombing, it could be conducted at night under the cover of darkness, which limited the number of casualties. Area bombing did not need to be as precise either—an ideal situation for pilots who often could not find, or whose bombs missed, their targets. During the initial years of the bombing campaigns, their “instrument bombing was accurate enough for a wide area like the city of Berlin, but not accurate enough for a single factory.” In the case of an American raid on Berlin, the intended target was a ball-bearing factory. However, the Air Force anticipated that poor weather and smoke from the bombs would limit visibility. The commander decided to make the center of Berlin the primary target instead. He told his pilots before the raid, if “you have a malfunction of a bombsight or for any reason fail to drop on the factory…you will simply turn north and fly over the center of town and let them have it.” Often planes did not have enough fuel to make the return trip if they did not drop the bombs they carried so if they could not find the target they still had to bomb something. Pilots radioed each other, saying “I’ve got a target in the sight… I’m not sure it’s the one we’re supposed to hit, but it’s the only one I can see… Bombs away.” This meant that, even if the raid started with a legitimate target, leaders could not ensure that the bombs would fall on the correct location.

The main problem with saturation bombing raids was the issue of their legality. A resolution was drafted by the Hague Convention in 1923 which declared the “bombardment of cities… not in the immediate neighborhood of the operations of land forces” to be illegal, but it was never officially ratified. A similar resolution passed unanimously by the League of

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19 Flower and Reeves, eds., *The War*, 168.
21 Flower and Reeves, eds., *The War*, 139.
Nations in 1928 stated that "the intentional bombing of civilian populations is illegal." These resolutions were largely ignored by both sides, or the countries worked around the statutes in order to be able to bomb any city that had not been declared 'open.' With both Germany and the Allied countries increasingly opting for saturation bombing of the enemy home front, the nature of the civilian experience shifted dramatically.

In response to the increased area bombings, both Britain and Germany built up defense networks either to prevent air raids or to warn and protect civilians; these defenses would play a significant role in the outcome of the air raids on each country. Each country had a distinct defense system that coincided with their specific strategies for the air war. In Germany, General Josef Kammhuber designed the Kammhuber Line, a series of overlapping defense zones set up with radar monitored by a control officer, night fighters, and anti-aircraft and searchlight units. The system was set up along two 'lines' in Western Germany in order to protect major cities and large industrial centers, with a separate inner line specifically for the protection of Berlin. The Kammhuber Line was ultimately designed to protect civilian centers; yet it did so through a series of more proactive, offensive strategies. The German defense consisted of a system of airports from which German fighter planes could take off to engage the enemy bombers. To this end, the line also consisted of an elaborate chain of detection systems, including multiple radar devices, infrared beams and search lights intended to warn of approaching enemy aircraft, as well as anti-aircraft guns to shoot them down. Overall, this defense strategy was extremely effective, particularly against single-bomber raids. Germany had air raid shelters as well.

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24 Kammhuber Line was the Allied term for this German defense network; it had no specific name in Germany during the war.
which Churchill admits were “far better shelters” than the ones built in Britain.\textsuperscript{26} However, the
Kamrnhuber Line was the primary defense for German cities. Unfortunately, by 1945, very few
defenses remained to protect the German cities. As evidenced by Dresden and other air raids, once Germany lost air superiority or if a bomber got through the line, the civilians were vulnerable.

The situation differed for Britain’s defense system. A portion of the RAF could intercept
German bomber planes; however, it also had a system of alarms and shelters to warn and protect
the civilian population in the event of an air raid. The sound of screaming air raid sirens became
a common experience for many civilians in Britain during the Second World War. In 1938-39, a
British air raid warning system—first used in 1939—was developed which used a rising and
falling signal to issue the alarm and a two-minute-long continuous note to announce the ‘all clear.’ When civilians heard the air raid warning, they stopped what they were doing and headed for a designated air raid shelter. These shelters came in two forms: Andersen shelters, made of
corrugated iron, were constructed in gardens, while Morrison shelters were built within the
home.\textsuperscript{27} Many of the people in London simply “crowded into tube stations and spent the raid underground.”\textsuperscript{28} Once the ‘all-clear’ signal sounded, people emerged from the shelters and
continued with their daily lives. Eventually it became common for people to continue with their
daily lives, but to sleep in the air raid shelter since most of the attacks occurred at night.
Civilians of both Britain and Germany became accustomed to living amidst the interruptions of
air raids and the ever-present fear of bombardment.

\textsuperscript{26} Angus Calder, \textit{The People’s War: Britain 1939-1945} (New York: Pantheon Books, 1969), 220.
\textsuperscript{27} “An Air Raid Siren Sounds the Warning,” WWII Audio Clips Library, clip 2. BBC Schoolradio. 19 April
\textsuperscript{28} “An Air Raid Siren Sounds the Warning.”
All of the preparation aside, bombardment of civilian targets occurred frequently on both sides throughout the war. Over the course of the Second World War, German planes bombed many areas of Great Britain, including London, Coventry and the Midlands, South Wales, Scotland, Birmingham, and towns in southern England. Coventry had a centuries-old history, unlike many of the other towns that had grown up around industrial centers, and was home to several well-known legends including Lady Godiva and Peeping Tom.29 As a result, the town was a cultural and historical landmark as well as a center for manufacturing and commerce. In 1937, the town authorities had begun to prepare for the event of an air raid, and in 1939, they offered Anderson shelters to residents desiring one. Although some people accepted the offer and others made their own arrangements, many residents made few provisions for a shelter because they “were not going to have their gardens disfigured” by the hole that such shelters required.30 When evacuation began in late 1939 this pattern continued and “only about 20 per cent of those eligible actually left for the country... and few stayed very long.”31 People felt safe due to the defenses set up around the town as well as the location of the town so far inland. As a result, Coventry and its residents were relatively unprepared for the attack that was to come.

The first bombs fell near Coventry in June 1940. In the months leading up to the worst attack, ever more bombs hit the town. On the night of 25 August 1940, “most of the sixty-five raids plotted in attacked industrial centres in the midlands, where bombs fell on forty places” including Coventry.32 In addition to being a historical city, Coventry was a strong industrial city containing many of Britain’s metal-working factories. Intermixed with the residential buildings were factories producing airplane engines and munitions. By October of the same year.

30 Longmate, Air Raid, 20-1.
31 Longmate, Air Raid, 24.
Coventry had become one of the main targets of the Luftwaffe, and several factories, including the Armstrong-Siddeley and Singer Motor Works, were damaged. Since the residents lived side-by-side with the factories in many cases, the threat was greater in these areas. A thirteen-year-old schoolgirl living in Cheylesmore Avenue remembered thinking "we were only about a quarter of a mile from the main Standard Factories and the No. 2 Shadow Factory, so the feeling was if the Jerry [a German pilot] wasn't a very good shot—we were for it." German figures estimate that between August and October 1940, the Luftwaffe dropped 271 tons of high-explosive bombs and 831 tons of incendiary bombs on Coventry alone. Then by November, the Battle of Britain fizzled out as Germany gave up hope of invading the nation. Instead, "Göring issued new orders for the attack on Britain, by night. They showed a clear-cut change of policy with the whole weight of the offensive concentrated on bombing major cities, industries and ports by night." From this policy stemmed the wide-scale destruction of civilian areas.

The heaviest bombing of Coventry commenced on 14 November 1940. The raid began much like those of the previous months, with one exception—"that particular night the sirens sounded much earlier than usual. No preparations had been made." The clear moonlight could have aided either side—the anti-aircraft guns would be able to see the German planes and the pilots would be able to find and identify Coventry. A mix of incendiary and high-explosive bombs fell throughout Coventry and the surrounding area, making it difficult for firemen to effectively battle the many fires started by the attack. At the local hospital, men from the staff

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33 Wood and Dempster, *The Narrow Margin*, 396.
35 Wood and Dempster, *The Narrow Margin*, 481.
37 Longmate, *Air Raid*, 70.
could be seen “running from bomb to bomb, dousing them with buckets of sand.”38 By 15 November 1940, the Luftwaffe had dropped more than one thousand bombs carrying 503 tons of high explosives and roughly 30,000 incendiaries.39 The heavy attack devastated the town and, between evacuations and deaths, the population of Coventry reached an all-time low.

The pilots were successful in hitting nearly every major factory in the area. However, this reflected the sheer extent of the devastation rather than increased accuracy. After the attack, authorities determined that “out of some 75000 buildings, 60000 had been destroyed or damaged” and over 75% of residential homes had sustained damage.40 In addition, the public utility services had been completely disrupted so that “by dawn most of the water supply of the city had been cut off... Almost the whole of the city was without light or power... The city was entirely without gas,” the sewers had been damaged and the railways were destroyed.41 Yet despite the destruction of the city, the majority of Coventry residents had spent the raid in shelters, and the death toll was relatively low. Out of 238,400 residents, only 568 were killed and 1,256 were injured. Although this seems low, statistics after the war showed that “a civilian had a 60 per cent greater chance of being killed or seriously wounded during that one night in Coventry than during the whole six years of the war elsewhere.”42 The attack on Coventry had been disastrous for the residents, but mercifully short— unlike the attacks on London that began around the same time.

The November raid on Coventry sparked intense anger among the British population and sympathy among Americans. In response, the term ‘Coventried’ developed early in the war to describe any place that had been devastated by German bombing raids in a similar way. Shortly

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38 Longmate, Air Raid, 91.
39 Longmate, Air Raid, 180.
40 Longmate, Air Raid, 184-5.
41 Longmate, Air Raid, 185.
42 Longmate, Air Raid, 190.
after the raid, "the town of Coventry, Rhode Island, USA, cabled its 'greatest sympathy in your hour of trial' as a show of solidarity with its British sister city."43 Messages and provisions began to pour in to support the survivors. This display of sympathy also came from Germany as citizens began to question the necessity and the legitimacy of the aerial attacks on civilians. Else Wendel, a German housewife living in Berlin, felt that "surely we needn't bomb civilians as we did at Coventry."44 Her husband sought to assure her that the raid was a reprisal and that "targets are close together sometimes. Bombs fall where they are not meant to," but even he admitted that it came down to a simple ultimatum: "it's the enemy or me."45 Acceptance of aerial attacks on civilians was not universal and many, on both sides of the war, questioned the practice and its legitimacy. Despite the vast number of attacks on the British home front, Coventry and the London blitz became the most remembered of these, and the two came to represent all of the attacks on the country.

The German Luftwaffe bombed London beginning in September 1940, an attack that was unique in both its intensity and duration. The heaviest bombing of London, however, began on 7 September 1940 when German bombers broke through British defenses and "set the docks alight with their incendiaries..., pouring high explosive into the blazing East End."46 In September 1940 alone, the Luftwaffe bombed London with 5,300 tons of high explosives over the course of twenty-four nights.47 Before 13 November 1940, "an average of 160 bombers dropped an average of 200 tons of high explosives and 182 canisters of incendiaries nightly" on the ravaged

43 Longmate, Air Raid, 219.
44 Desmond Flower and James Reeves, eds., The War 1939-1945: A Documentary History (New York: De Capo Press, 1997), 555; Else Wendel was a young housewife in wartime Berlin. She would later write a memoir about everyday life in Berlin under the Third Reich. See Else Wendel in collaboration with Eileen Winncroft, Hausfrau At War: A German Woman's Account of Life in Hitler's Reich (London: Odhams Press, 1957).
45 Flower and Reeves, eds., The War, 555.
46 Calder, The People's War, 154.
city. However this increased over time, particularly on nights when the full moon guided enemy planes. On 15 October 1940 for example, 410 bombers released 538 tons of high explosive over London, more than double the average for the time. In total, the city was “hit with a raid of at least one hundred bombers on all but ten nights” between September and mid-November 1940 “for a total of fifty-eight major strikes” and thirteen thousand fatalities. London was by no means the only city in Britain that was hit by German bombers during the war, but it was bombed the most consistently and the heaviest. The majority of the bombing was concentrated on the crowded boroughs of the city’s East End, and the extreme bombing experienced by the city was unique to London in both intensity and duration.

The London Blitz continued until the spring of 1941, at which time the bombing raids became less frequent although they occurred until the war’s end. The bombing raids occurred primarily at night, and the continual bombardment of the city meant that London was “blackened out” every night to avoid any light from helping to guide the enemy planes to their targets. As the night raids began in earnest, daily life for Britons developed a surreal quality. Civilians became accustomed to the air raid warnings and to living life in and out of the air raid shelters. During the day, life went on as usual and seemed to diminish the looming threat. During the night, terror reigned over the population. Mrs. E.H. Cotton, a British woman living in the city during the Blitz, wrote in her diary: “It is late at night that I sense that Frightful horror of a deadly missile, against which one has absolutely no protection. I lie in bed—unuttered prayers in a continuous stream, milling ‘round and ‘round within my subconscious mind, and wait for the

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46 Calder, *The People’s War*, 168.
49 Calder, *The People’s War*, 168.
next explosion." While most of the bombs caused a great deal of damage or were incendiary bombs designed to start fires, roughly "one in ten of the bombs dropped on London were duds." Since the Germans also used bombs with delayed-action fuses, all unexploded bombs had to be treated as though they were delay-action bombs, causing mass evacuations until a bomb squad could dispose of them. In this manner, even those whose homes were not destroyed may have been driven out of their homes by an unexploded bomb, not knowing that it was a dud.

Finally, on 10 May 1941, came the worst and final night of the London Blitz experience. There were 2,200 fires, "1,436 people killed...1,792 Londoners seriously injured...a third of the streets in Greater London were impassable...[and] every main railway station but one was blocked for weeks." By the time the Blitz was over on 10 May, the German Luftwaffe had "dropped a total of 21,774 tons of bombs on London,...12 percent of which were incendiaries." Over the course of the entire war, two-thirds of all 29,890 people killed as a result of enemy action in London died between 1940 and 1941. London experienced unprecedented damage and teetered on the verge of collapse, but the anticipated final blow never came—finally, the bombardment of London eased as Germany prepared to invade the Soviet Union. With this shift in the focus of the German war effort, the Luftwaffe eased up on London.

The Allies used the aerial bombardment of cities to demoralize and try to defeat Germany, much the way the Luftwaffe had. One of the best known examples of the Allied bombing campaign was the attack on Hamburg in 1943. In the weeks leading up to the attack "the R.A.F. had dropped leaflets over Hamburg calling on the citizens to leave the city," but "no

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52 Calder, The People's War, 165.
53 Calder, The People's War, 214.
54 Downes, Targeting Civilians, 143.
one left; everyone was too used to official exaggeration to believe anything very seriously."^{56}

This was not the first raid on the city, but it was the most devastating. At the time, Harris stated his desire to hit Germany's second biggest city, Hamburg, as a dramatic show of strength.^{57} The raid began just after midnight on the morning of 25 July 1943 and lasted until 3 August. On the first morning, seven hundred forty bombers dropped 'window,' or small strips of tin foil colored black on one side that were designed to confuse enemy radar. This technique "proved very effective in diminishing the accuracy of enemy fighter activity and of the antiaircraft defense of the city."^{58} Public service utilities such as gas, water, and electricity were damaged and fires broke out throughout the city. Despite the devastation, Hamburg quickly recovered.^{59} The city survived the first raid relatively unscathed in comparison to what was still to come.

The bombings continued with the same intensity the following day, and this time the results were disastrous for the town's residents. The weather prior to and during the raid had been very hot and dry. This meant that "as the incendiary bombs fell, the heated air rose much more rapidly than usual" and "the air brought in from the areas surrounding the major fires attained cyclonic force."^{60} What could have been an ordinary firestorm, like those that occurred in most bombed cities, became a hurricane of flames due to the conditions in Hamburg. The Allies began to bomb the town center again and a German secret report recorded what happened next as

...human beings were thrown to the ground or flung alive into the flames by winds which exceeded a hundred and fifty miles an hour. The panic-stricken citizens knew not where to turn. Flames drove them from the shelters, but high-explosive bombs sent them scurrying back again. Once inside, they were

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^{56} Flower and Reeves, eds., The War, 565.
^{58} Beck, Under the Bombs, 67.
^{59} Beck, Under the Bombs, 68.
^{60} Beck, Under the Bombs, 69.
suffocated by carbon-monoxide poisoning and their bodies reduced to ashes as though they had been placed in a crematorium, which was indeed what each shelter proved to be. The fortunate were those who jumped into the canals and waterways and remained swimming or standing up to their necks in water for hours until the heat should die down.  

Stories of people suffocating or being burnt alive in shelters can be found in nearly every account of the bombing. Those who left their shelters “were standing in the middle of the square when a firestorm caught them. No one escaped.” Yet this was not the end of the aerial attack. The Allied bombers returned dropping still more bombs on the city just two nights later on 30 July and again on 2 August.

After these final raids, the attack officially ended. In total, the Allies had dropped “approximately eighty thousand H.E. [high-explosive] bombs, eighty thousand incendiary bombs and five thousand phosphorus canisters” on the Hamburg. The majority of the survivors were those who had fled the city early in the attack. Of those who had remained in the city, forty thousand were dead, including five thousand children. In addition, the trains had stopped running, public service utilities remained out, more than half of the houses in the city were destroyed and at least a million people had been bombed out of their homes or had fled, becoming refugees in the surrounding countryside. News of the devastation in Hamburg reached even the most remote corners of Germany, and frightened citizens realized that they could be next. Regarding Hamburg itself, “the wildest rumors were circulating: supposedly, plagues had broken out in Hamburg, and no one was allowed to cross the Elbe bridge. Or the other way around: you wouldn’t be let back out.” The chaos within the city was so great that

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61 Flower and Reeves, eds., The War, 568.
62 Flower and Reeves, eds., The War, 568.
63 Flower and Reeves, eds., The War, 568.
64 Flower and Reeves, eds., The War, 568.
65 Flower and Reeves, eds., The War, 568.
67 Nossack, The End, 25.
any information or official reports coming out of the city in the days following the bombing were contradictory and confusing. It would be a long time before residents began to return, and decades longer before the city could be completely restored.

The bombing of Dresden, another of the most infamous urban bombings in Germany, occurred primarily over the span of two days: 13 and 14 February 1945. This two-day raid by the British Bomber Command would be followed up by the attacks of the U.S. Air Force on 14-15 February 2009. The city itself was of limited industrial significance to Germany; however, it was a cultural center familiar even to the British. Despite this knowledge, Bomber Command briefed the squadrons for a raid on Dresden, calling it “the largest unbombed built-up area the enemy has got” and claiming that it gave “shelter to workers, refugees and troops alike.”

Although there were quite a few refugees in the city at this time, most had fled bombings in other parts of Germany and posed little threat to Britain. The briefing also referred to Dresden as “an industrial city of first-class importance, and...of major value for controlling the [defense] of that part of the front.” The raid on Dresden was not planned to be any different from scores of other raids on German cities that had been designed to prevent the city’s use in a German advance and to demoralize the enemy. On the night of 13 February 1945, 805 British aircraft descended on Dresden. Two waves of 800 British bombers each were then followed by American attacks for the subsequent two days. By the end of the raid, “over 1000 British and American bombers [dropped] nearly 4,000 tons of bombs on the city.” However, a series of

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68 Hastings, Bomber Command, 342.
69 Hastings, Bomber Command, 337.
unique conditions—including dry weather, wooden architecture and heavy amounts of incendiary bombs—sparked a massive firestorm in Dresden.

As they had in Hamburg, the fires reached temperatures of 1000 degrees Centigrade and more until they “sucked in air and bellowed themselves into hurricanes of fire and smoke.”71 The bombers of Dresden left devastation in their wake; the city burned for a week following the raid. Thousands suffocated as the air was sucked out of their shelters and thousands more were incinerated. In a report by the U.S. Air Force, researchers “concluded that 85 per cent of the ‘fully built-up city area was destroyed,’ and that over 50 per cent of residential buildings were either demolished or heavily damaged.”72 Oswald Garrison Villard would later remark that, in the Allied thinking “what was criminal in Coventry, Rotterdam, Warsaw, and London had [sic] now become heroic.”73 The Allies had condemned the Luftwaffe attacks on British cities. Now, in a combined effort by the British and Americans, Dresden had been leveled. The center of the city was closed off and the dead were cremated en masse as disease became a major concern.

The number of casualties inflicted during the Dresden firebombing was less clear and has been hotly contested ever since the raid occurred. In part this confusion resulted from the large number of undocumented refugees who had moved into Dresden from the east, causing the normal population of approximately 640,000 people to swell to nearly 1,000,000. Fatality estimates ran from 18,000 to 100,000 killed, with Neo-Nazi groups in Germany recently claiming that as many as 500,000 to 1,000,000 people were killed in the bombing and subsequent firestorm. Scholarly estimates confirmed at least 18,000 deaths and ran as high as 135,000 deaths until, in 2008, a German commission assigned to the issue placed the death toll at no more

72 Powell and Bramely, “The Bombing of Dresden.”
than 25,000 people.\textsuperscript{74} While significantly less than some of the more exaggerated claims, this number was still far more than the number killed during the blitz on London. Nearly as many people died in this brief raid as were killed by enemy action in London over the course of the entire war.

In each raid, the air force intended to demoralize the enemy and disrupt production in order to undermine the enemy war effort. In many ways, the bombings even had similar outcomes of death, destruction, and dislocation; however, the scale of the raids differed greatly. The bombardment of London occurred over years with the heaviest bombing occurring from 7 September 1940 to 10 May 1941. Hundreds of thousands of Londoners were left homeless by the Blitz, and many fled into the countryside. The East End erupted into flames and inexperienced fire brigades raced to keep up as the bombings sparked the “biggest fires seen in London since the Great Fire of 1666.”\textsuperscript{75} Over the course of eight months, nearly 20,000 Londoners were killed by the German air strikes. In the firebombing of Dresden, the RAF and the U.S. Air Force dropped roughly 4,000 tons of bombs, leveling the city and creating a massive firestorm that burned for a week. More Germans died in Dresden than had died in eight months of air raids on London, and the survivors fled the city.

The unprecedented destruction of civilian areas had an enormous impact on the lives of the populations in those regions. However, the psychological effects of the raids brought only mixed success. Theoretically, the raids were designed to demoralize the enemy. In the short term this often worked. With the July 1943 attack on Hamburg, the war psychologically “reached its most critical point. Stalingrad had been worse, but Hamburg was...right in the heart

\textsuperscript{74} The Associated Press, “Firebombing killed 25,000 in Dresden in 1945: German commission findings rebut neo-Nazi claims that as many as a million died in Allied attacks,” \textit{The Canadian Press}, 1 October 2008 http://www.cbc.ca/world/story/2008/10/01/dresden-bombing.html.

of Germany," leading many Germans to believe that the war had been lost.\footnote{Flower and Reeves, eds., \textit{The War}, 569.} As the war dragged on, people tired of spending each night in an air raid shelter, of watching their cities burn. Yet the longer the raids continued, the more people seemed to decide "that, indeed, one can get used to anything! Besides, what else can one do save carry on?"\footnote{Cotton, 134.} While the raid lasted, the mood was somber and the fears of many people could be seen in one London nurse who was "so frightened during raids that she lay [sic] in her bed moaning, ‘Oh, we shall all be murdered in our beds!—the next bomb will kill us!’"\footnote{Cotton, 122-3.} Yet Else Wendel remembered that when "at long last the all-clear sounded. Immediately Berlin became alive again. As if a spell had been lifted we all began to talk and laugh and joke again."\footnote{Flower and Reeves, eds., \textit{The War}, 563.} Surveysing the devastated city after a raid, Mrs. Cotton spoke of the tendency for the population to harden itself further against the enemy. There was an overwhelming feeling that "the hatred and determination of a thus befouled Nation will rise up and grow and strangle this enemy so surely as this planet still pulses with the breath of Life and Hope."\footnote{Cotton, 130.} The psychological impact that the military had hoped would crush the enemy war effort lasted only as long as the raids themselves.

\textbf{Noncombatants and the Nazi Antipartisan Campaign}

In the decades following the Second World War, a ‘myth of resistance’ formed in the memory of the formerly-occupied regions of Europe. Since the end of the war, most countries have created a myth of a unified, national resistance “with all manner of people claiming to have been resisters in some way—or part of ‘the resistance.’”\footnote{Bob Moore, ed., \textit{Resistance in Western Europe} (New York: Berg. 2000), 1.} The Danish myth proposed a “fight against the superior force that was won...thanks to their heroism, their sense of humour, their
ingenuity and their democratic culture." The governments of formerly-occupied countries in Europe seized the resistance myth as a way to unite the populations in the postwar period. During the rebuilding of these nations, "the resistance quickly changed from being a historical fact to becoming a political myth" in which the democratic republic "was the 'child' of the resistance." Populations generally preferred to remember a widespread, unified resistance to German occupation rather than a haphazard mix of partisan activity, defiance, and collaboration. This view of a brave, heroic population appealed to the postwar desire of occupied nations to distance themselves from their German occupiers.

For the majority of Europe, resistance was a minority phenomenon with only limited popular support—the exception, not the rule. Outside of Poland—which had a participation of ten to fifteen per cent—only one to three per cent of populations in France, Belgium, and Denmark participated in organized resistance during the Second World War. The majority of partisan groups fell under the classification of 'organized' or 'semi-organized' resistance. Many of these groups portrayed themselves as protectors of the people, both brave and heroic in their actions, although the story of the resistance was not so clear-cut. Resisters attacked German soldiers and officials, which resulted in harsh reprisals against the local civilian populations. At a glance, this would seem to further the image of the 'bad,' violent occupier. However, some partisans deliberately provoked these reprisals in order to gain local support, albeit with limited success. By contrast, many German officials were "not so much a confirmed and powerful Nazi as a diligent fusspot" carrying out orders. The line between 'good' and

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82 Moore, ed., Resistance, 118.
85 Organized resistance refers to structured underground movements in opposition to the German occupation.
‘bad’ during the Nazi occupation was not as clear as the collective memory portrays it. To accept the resistance myth and the portrayal of partisans as ‘good’ overlooks the gradations of conduct and the moral qualms that existed in such circumstances and could be manipulated to the benefit of the Nazis.

The issue of reprisals brought the war home to many civilians who might have otherwise remained detached from the immediate violence of occupation. Acts of resistance by partisans and other resisters triggered swift, severe reprisals. Often those caught up in the violence of reprisal were not resisters, nor did they have any connection to the resistance beyond location or a common socio-ethnic background. Participating as a resister carried some risk, regardless of efforts to limit exposure, and this risk was transferred to civilians through the Nazi policies that held local populations complicit in any act of resistance. Although it had previously existed in a legal ‘grey zone,’ resistance was criminalized during the war, and “Germans often took for granted that resisters and local inhabitants were accomplices.”

Within the context of this assumption, it became accepted that the entire population of an occupied territory was collectively responsible for any act of resistance.

HISTORY OF COLLECTIVE RESPONSIBILITY

The Nazi policy of collective responsibility did not arise for the first time during the war, nor was it unique to Hitler’s Germany. Attacks on the civilian population, “from siegcraft in antiquity through strategic bombing to the modern concept of information warfare,” have been a part of conflict since the earliest times. Many Western European armies practiced a tradition of ‘collective punishment’ during the nineteenth century. During the Middle Ages, kings issued

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rules of conduct and warring parties adhered, in theory, to a chivalric code. However, these
codes applied to only a limited group of people, and were frequently ignored or unenforced.
Later, in 1621, King Gustavus Adolphus of Sweden attempted to place restraints on war by
prohibiting "the pillage or damage of any hospital, church, school, or mill, except upon command.
His code also protected the clergy, the elderly, and all those who did not take up arms against him."89
Unfortunately, the extent to which his code effectively restricted the conduct of his troops is unclear,
although Michael Roberts argues "that the Swedish armies were in reality by no means so uniformly
well-behaved as has been alleged."90 Most European countries developed similar rudimentary
civilian protections in order to combat the tendency toward collective punishment.

Many western European armies practiced a tradition of 'collective punishment' into the
nineteenth century. In addition, some armed forces used civilians as pawns in warfare. For
example, the Prussian army relied on human shields during the Franco-Prussian War of 1870.
This meant that the army captured and held innocent civilians to deter the enemy from attacking.
The practice targeted the ethical code of the enemy forces by forcing them to either abandon
their attack or kill the innocents alongside the Prussians. Hostage-taking was commonly
practiced during the First World War as well.91 The use of these practices was also reflected by
The Hague Peace Treaty of 1907, which explicitly prohibited any collective punishment in
response to acts "for which they [the general population] can not [sic] be regarded as jointly and

89 Scott R. Morris, "The Laws of War: Rules by Warriors for Warriors," Department of the Army Pamphlet
Ogren, "Humanitarian Law in the Articles of War Decree in 1621 by King Gustavus II Adolphus of Sweden,"
90 Michael Roberts, Gustavus Adolphus: A History of Sweden, 1611-1632, vol. 2 (New York: Longmans,
1958), 240. See also Colonel William R. Hagan, U.S. Army, Ret., "The Yet-Unpaid Debt of King Gustavus
Adolphus: The Development of Military Law in Europe During the Cinquecento," 2 F. Grose, Military Antiquities
(accessed 22 November 2009), 3.
91 Gildea, et al., Surviving Hitler, 179.
severally responsible." Germany signed this treaty and, in doing so, promised to avoid targeting any civilians through a policy of collective reprisal.

BUILDING A POLICY

Nazi antipartisan policies rested on the idea of collective responsibility, which meant that "the population of an occupied country was treated as jointly responsible for individual acts of subversion." The punishment for these individual acts often involved "the systematic taking and killing of hostages, reprisal killings, mass deportations, [and] the burning of houses and villages...in order to deter further resistance." This vital tool in the campaign against partisan activity instilled fear in the occupied population: fear both for themselves and for friends and family. Under these circumstances, participation in partisan groups came at a much higher human cost than many civilians deemed worthwhile. After the first major reprisal in Wawer, Poland, "people realized that 'under German occupation one could die for nothing.'" This realization, along with the fear of reprisals, had a significant impact on decisions between partisan resistance and collaboration in occupied territories. Yet crafting policies of collective responsibility required Germans to consider both international and domestic law and to make legal changes that would give their actions a guise of, or even actual, legitimacy.

International law struggled to resolve the problem of the legal status of resistance and partisan groups, although the Hague Convention of 1907 sought to clarify the issue. Under the Hague Convention (IV) Respecting the Laws and Customs of War on Land, belligerent groups

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94 Bennett, Under the Shadow, 3.
95 Bennett, Under the Shadow, 3.
could be considered legitimate only by meeting certain criteria. These criteria legitimized armed forces, militia, and volunteer corps so long as they adhered to the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.  

Partisan groups could be considered legitimate and receive protection under international law as long as they met these criteria. However, the resistance in occupied Europe relied on absolute secrecy for its survival, and the fulfillment of these obligations would likely have meant death. The tribunals established after the end of the war found that only “a few partisan bands met the requirements of lawful belligerency,” while the rest failed on one condition or another. Most often they did so by not wearing a distinctive emblem or carrying their arms openly. Since many of the partisan groups were not considered lawful belligerents, the international treaties of the time did not afford them protection when captured, and the Germany army was justified in administering a death sentence. However, this acceptance of the German response to partisan activity extended only to their treatment of the partisans themselves, not the civilian population.

Significantly, although international law placed severe restrictions on the classification of lawful belligerents, German tradition had long accepted the partisan as a legitimate combat unit in theory, although less so in practice. During the Thirty Years’ War in seventeenth-century Germany, both sides experimented with ‘light’ troops and “the irregular soldier came [sic]

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96 Roberts and Guelff, eds., Documents, 73.
dangerously close to highwaymen and tramps.  

Although German officers and soldiers eventually understood the possible advantages of partisan or irregular warfare, in practice “the Prussian and Prussian-led German army provided [sic] the classical example of an army organization radically repressing the very thought of partisanship.”

By contrast, a Prussian royal edict of April 1813, which only remained in effect for three months, stated that every citizen was “obliged to resist the intruding enemy with weapons of whatever kind. Axes, pitchforks, scythes, and shotguns were [sic] explicitly recommended.” While highly unusual, the edict showed an awareness of the partisan tradition and an understanding of its potential. The status of partisans in German tradition varied widely over the years and was often ambiguous, with vast differences between theory and practice.

Under German law, the “partisan tradition...was a legally recognized combatant function,” whereas the bandit “has always been treated as an outcast and a criminal.” In order to give the army more latitude to punish resisters, the Nazis changed their antipartisan policies to reclassify partisans as criminals rather than legitimate combatants. This difference made it possible for the Wehrmacht, the SS, and the police to continue their reprisals under a guise of legality. In order to do this, the Nazi campaign against resistance groups shifted from Partisanenkrieg, or antipartisan warfare, to Bandenbekämpfung—the fight against bandit or criminal gangs. While not formally protected by international law unless they met certain specifications, partisans were legal combatants under German national law. The status of partisan groups, therefore, was neither firmly legal nor illegal. The shift from Partisanenkrieg to

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97 Schmitt, The Theory, 23.
100 The Wehrmacht was the German army; the SS was the paramilitary organization of the Nazi Party.
101 Blood, Bandit Hunters, xi.
Bandenkämpfung reflects the attempt to remove partisans from a legal 'grey area' to classify them unambiguously as unlawful belligerent groups. Once declared to be outlaws and bandit gangs, partisans could be eliminated with fewer (legal) complications.

The planning of Bandenkämpfung can be seen in military correspondence from mid-1942. Carl Zenner, the SS and Police Leader of White Ruthenia, sent the most detailed report to Heinrich Himmler. Within this report, titled Partisanenkrieg, Zenner detailed the extent of partisan activity in the Soviet territories and relayed his interpretation of the partisan mission. He also outlined the problems for the German army in eliminating these groups and offered a radical proposal for countering partisans through the formation of new combat groups called Kampfgruppen. Himmler decided to test Zenner's ideas in the regions of Eastern Europe that had experienced the most significant partisan activity since 1941. The order, issued by Himmler on 25 June 1942, "called for the application of Bandenkämpfung" and was accompanied by specific instructions for conducting "operations against 'partisans' and other 'bandits.'" These instructions outlined a strategy in which the soldiers and police were to attack the core of the group and eliminate its leaders before rounding up and killing any members who tried to escape. The order also included directives against the families of resisters and the surrounding towns. In theory, Himmler intended to separate out the supporters of the resistance from the German supporters in a town. However, this most often provided a foundation for the reprisals taken against whole villages indiscriminately. The army rarely distinguished between townspeople on the basis of whether or not they supported the partisans. Instead they applied the

104 White Ruthenia is located roughly in the eastern half of what today is Belarus; Heinrich Himmler was Chief of the German Police (including the Gestapo) and Minister of the Interior.
105 Blood, Bandit Hunters, 72-74.
106 Blood, Bandit Hunters, 74.
107 Blood, Bandit Hunters, 75.
directives that allowed them to take action against families and surrounding towns, without separating out the German-supporting or neutral townspeople as Himmler had intended.

The meeting between Himmler and Hitler on 19 June 1943 provided the strongest foundation for the reprisals to follow. During this meeting, Hitler and Himmler outlined the means for effectively combating partisan activity in any part of occupied Europe. In addition, it used the existing Bandenbekämpfung campaign in order to create a security policy that "integrated exterminating Jews with eradicating insurgency." 108 The memo of the meeting consisted of two sections. In the first, Himmler outlined the partisan problem for Hitler, including radio signals from occupation authorities and a ‘bandit map’ of the activity in the General Government. 109 Although the map only covered the General Government of Poland, the radio signals had been sent to Himmler by General Governor Hans Frank, Reichskommissar Arthur Seyss-Inquart, and Dr. Friedrich Rainer; they referred to the bandit situation in Poland, Holland, Russia, and “an area covering Slovenia, Slovakia, Croatia, and Yugoslavia.” 110 The second section outlined Hitler’s decisions regarding this information, namely that the antipartisan campaign would remain a task for the Reichsführer-SS, the SS, and the police; they would not be condemned for the increasing trouble with ‘bandits’ in the region. 111 Hitler reaffirmed the existing Bandenbekämpfung operational strategy and gave the SS and the police free rein under Himmler to carry out actions against partisans, suspected partisans and anyone providing aid to either group. The strong reliance on rumor and suspicion made this campaign particularly dangerous for innocent civilians since authorities required little or no proof and authorized field executions as punishment for ‘banditry’ or resistance activities.

108 Blood, Bandit Hunters, 95.
109 The General Government refers to the eastern parts of Poland occupied by the German military during the Second World War.
110 Blood, Bandit Hunters, 95.
111 Blood, Bandit Hunters, 96.; Reichsführer-SS was the highest-rank in the German SS after 1934.
IMPLEMENTATION

The Nazi antipartisan campaign utilized a variety of methods in an attempt to eradicate partisans in occupied territories as well as to undermine local support for the resistance. Reprisals included everything from public executions to abductions, from collective fines to the internment and the burning of whole villages. During the early years of the war, the Nazi antipartisan campaign differed greatly between eastern and western occupied territories. Collective punishment could take the milder form of large fines, labor, and temporary internment or the more severe forms of execution, hostage taking, permanent internment, and the burning of villages. Early in the war, these less severe punishments characterized the response in Western Europe, particularly France, Denmark, and the Netherlands due to the fact that the resistance was initially less active there than in the east. Particularly in 1941, “during the first year of occupation, resistance in north and west Europe was not so much a military threat as an annoyance and a threat to prestige.”¹¹² For this reason the collective punishment in this region tended toward fines and temporary internment of resisters and their families. However, in Eastern Europe the local populations faced “collective punishments earlier and more regularly,” with acts of resistance causing harsh reprisals against innocent local villagers.¹¹³ This was especially pronounced in Poland, Czechoslovakia, and the Soviet Union. Nazi racial ideology strongly influenced this difference of treatment between occupied territories in the east and those in the west.

The Nazis viewed occupied populations in racial terms, seeing Poland as inferior while the populations of Denmark and Norway were “racially highly qualified.”¹¹⁴ The degree of violence shown toward the population of an occupied country reflected this range of attitudes.

toward local inhabitants. In areas where the local population was considered 'unworthy' or racially inferior, they were "faced with punishments earlier and more regularly than in others."115 In 1940 in Poland, for example, orders were given "to shoot 169 civilians in retaliation for the murder and robbery of a German family."116 Similar actions were taken against the Czech population. In the early years of occupation, the form of collective responsibility related to the frequency and severity of the resistance in the region. In Norway, Belgium, France, and the Netherlands, resistance and sabotage were rare during the first year of occupation, and initially the Germans were less brutal in their response to these acts. As resistance increased and the war continued, German policy shifted more toward the taking and killing of hostages in retaliation rather than the implementation of fines or the destruction of property.

The Nazi antipartisan campaign relied, in part, on a system of hostage taking. Under this system, and supported by orders from the Oberkommando der Wehrmacht (OKW), German occupying authorities would hold a number of civilians from different social, economic, and political backgrounds as hostages.117 Some of these people would be well-known in the region, or the relatives of high-profile figures. When partisans committed an act of resistance, select hostages would be shot, according to the background of the resisters.118 For this reason, the hostages, who could be executed at any opportune moment, were referred to as Todeskandidaten.119 On 28 September 1941, General Wilhelm Keitel, Chief of Staff of the Wehrmacht, "instructed military commanders to have a pool of hostages available at all times in order that they might be executed if and when German troops were attacked."120 These hostages...

117 Oberkommando der Wehrmacht (OKM), literally 'High Command of the Armed Forces,' was the command structure of the German armed forces during the Second World War.
119 Literally, "candidate for death."
120 Bennett, Under the Shadow, 105.
should be from different political backgrounds, especially from the nationalists, democratic middle class, and Communists.\textsuperscript{121} By holding a variety of \textit{Todeskandidaten}, the Germans insured that everyone among the local populations had a stake in keeping these people alive.

Around the same time, General Keitel issued the Hostage Code for use in subduing resistance in occupied Europe.\textsuperscript{122} Initially intended for use in Eastern Europe, this directive became the general policy in response to violent resistance in any of the occupied territories by the end of the war. Keitel's Hostage Code declared "that a human life frequently counts for naught in the affected countries and a deterring effect can only be achieved by unusual severity."\textsuperscript{123} In addition, the code specified that "the manner of the execution must intensify the deterrent effect."\textsuperscript{124} Keitel maintained, even during the Nuremburg Trials, that "the method of execution should strengthen the intimidation measure" and that "the only way of intimidating them was to demand several sacrifices for the life of one soldier."\textsuperscript{125} The Nazi racial ideology played a role in this decree, since many of the populations of occupied territories were seen as racially inferior and, therefore, of lesser value as human beings.

In order to deter resistance, these killings were not only publicized, but often "they took place in public before an assembled population for demonstrative effect" and to terrorize the local people and turn public sentiment against the resistance.\textsuperscript{126} Victims would be left in prominent locations to be seen by townspeople. In the occupied regions of the Soviet Union, firing squads executed hostages by aiming below the waist, the logic being that when "children

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\textsuperscript{121} Bennett, \textit{Under the Shadow}, 105.\\
\textsuperscript{122} Bennett, \textit{Under the Shadow}, 102-3.\\
\textsuperscript{124} Bennett, \textit{Under the Shadow}, 103.\\
\textsuperscript{125} Richard Norton-Taylor, ed., \textit{Nuremburg—The War Crimes Trial: Transcript} (London: Nick Hern Books, 1997), 24-5.; Keitel probably said "Opfer" in German, which can also mean 'victims' instead of 'sacrifices,' and is more likely what he meant.\\
\textsuperscript{126} Bennett, \textit{Under the Shadow}, 103.
\end{flushright}
are included among the hostages [aiming at normal height] such persons may escape execution altogether. In order to ensure that any children would also be killed, the shots were all aimed low. This had the added effect of increasing the horror and deterrence since the result was that "many victims were buried alive, dying in agony from stomach wounds and suffocation." This had a profound impact on the local populations and anyone who witnessed these reprisals, discouraging support for partisans and other resisters.

To increase the deterrent effect, the Night and Fog Decree of December 1941, issued by Hitler and signed by General Keitel, ordered that anyone suspected of resistance should be shot or taken prisoner. In order to instill fear in the local populations, the prisoner should vanish without a trace, and no one was to know the person's whereabouts or fate. Often this directive extended to the relatives of a suspected resister as well. Whereas the most severe deterrence methods were often initiated in the east before spreading to the rest of the occupied territories, the Night and Fog Decree was directed specifically at resisters in France and the rest of Western Europe. Over the course of the war, the German occupation forces created an atmosphere of state terror that acted as a "powerful psychological restraint to discourage patriotic activity." Overall the tactic was extremely effective in discouraging local support and increasing the resentment of the population toward resisters. It also successfully exploited the moral code of the partisans and made resistance a difficult decision in which they were forced to weigh the effects of their act against the lives of the local population.

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127 Bennett, Under the Shadow, 103.
128 Bennett, Under the Shadow, 103.
129 Bennett, Under the Shadow, 104.
Every country occupied by Germany during the Second World War had its own experience with reprisal massacres. Perhaps one of the best known reprisals was the Lidice massacre. Czech partisans assassinated Reinhard Heydrich, the ruthless head of Reichssicherheitshauptamt, in an ambush on 27 May 1942. In response, German authorities ordered that 10,000 prominent Czech civilians be taken hostage from the nearby town of Lidice. Many of these hostages were to be shot that same day; however, the high command changed its mind and chose to instead hold these *Todeskandidaten* for a month as incentive for the capture of the responsible partisans. Not a month later, in June 1942, “Hitler gave the order to raze Lidice, execute the male inhabitants, send the women to concentration camps, and send the children” to German families or the gas chambers at Chelmno. The Czechs may not have been accustomed to such reprisals, but much of Europe had experienced these actions already or would over the course of the next few years. By the end of the war, most countries could lay claim to their own ‘Lidice,’ and many could claim hundreds.

Prior to the Lidice massacre in Czechoslovakia, Yugoslavia experienced brutal reprisals at Kraljevo and Kragujevac. On 20 October 1941, Yugoslav partisans ambushed a German convoy killing 30 Germans and wounding others. In retaliation, German forces raided Kraljevo, killing roughly 4000 civilians. Only one day later, partisan activity left 10 Germans dead and another 26 wounded. In the reprisal exacted on the nearby town of Kragujevac, “according to the official German hostage quota, 2300 people were executed: 1000 for the ten dead soldiers, 1000 for the ten dead soldiers, 1000 for the ten dead soldiers.”

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130 Reichssicherheitshauptamt refers to the German security organization whose job it was to fight all ‘enemies of Germany.’ The organization was headed by Reinhard Heydrich and subordinated to Heinrich Himmler.
133 Bennett, *Under the Shadow*, 143.
and 1300 for the 26 wounded men." Once an officer informed the major in charge that the quota had been filled, "the major ordered the shooting to continue" for unknown reasons. The shooting continued and at the end of the day, German soldiers had killed "7000 male inhabitants of the town...[and] over 300 schoolchildren." The massacre divided partisans between those who felt that they did not have the right to continue their fight at such costs and those who believed more than ever that a strong resistance needed to overcome its moral qualms and crush the German occupation.

The massacre at Oradour-sur-Glane in June 1944 was perhaps the best-known and most publicized of the massacres in occupied France. In a village of only 652 people, 642 were murdered in a reprisal for nearby resistance activity. On 10 June, just after the landing at Normandy, "445 women and children were locked in the church, which was then set on fire; the men were shot." The massacre at Oradour was not the only such reprisal in the territory. Over the course of the war, official German records show that the number of "hostages executed in France was 29,660."

Less known in France was the massacre at Maille. After resisters attacked a German convoy, soldiers moved into Maille, "massacring 124 of the 627 inhabitants" in retaliation. As they moved from "house to house through the quiet streets with machine guns, bayonets and firebombs, the Germans killed everyone they found - men, women and

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134 Bennett, Under the Shadow, 143.
135 Bennett, Under the Shadow, 143.
136 Bennett, Under the Shadow, 143-4.
137 Bennett, Under the Shadow, 107.
138 Bennett, Under the Shadow, 107.
139 Bennett, Under the Shadow, 108.
140 Robert Gildea, Marianne in Chains: Everyday Life in the French Heartland Under German Occupation (New York: Metropolitan Books, 2002), 384. Note that, even within this text, estimates of number of villagers killed range from 121 to 126.
children."141 The survivors often found places to hide and were forced to watch the Germans enter homes and open fire on the residents indiscriminately; meanwhile, Paris celebrated its liberation.142 By way of explanation the Germans left scraps of paper on the bodies with the message: "a punishment for terrorists and their assistants."143 What did three-month-old Hubert Menanteau, or the six-month-old sister of Serge Martin, do to deserve this punishment?144 The Germans systematically murdered residents of the village, yet little is known today of the massacre, even in France. It has been nearly forgotten because of the dramatic impact of the larger massacres that happened across Europe at the same time and the overwhelming joy at the liberation of Paris.

Although often overlooked, Greece had an active resistance much like the rest of occupied Europe, and with this resistance came reprisals. Indeed, over the course of the war, a "total of 91,000 Greeks died as hostage or reprisal victims during the German terror campaign, and an additional 68,000 Greeks were executed for resistance-related activities."145 In August 1943, the Wehrmacht entered Komeno and massacred 317 villagers, "including 74 children under the age of ten, and twenty entire families."146 One of the soldiers, Karl S., later recalled that he "could see from the tangled mass of humanity there were more women and children than men there."147 This massacre was rationalized as retaliation for resistance acts, although none of the soldiers could later agree on whose death they had avenged; it was also a raid in which the

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143 Davies, “64 Year After.”
144 Davies, “64 Year After.”
145 Bennett, Under the Shadow, 108.
146 Bennett, Under the Shadow, 108.
Germans made off with a number of supplies from the village. Wehrmacht surveillance had seen armed guerillas near the village, although there had been no resistance, and the partisans were only passing through Komeno hoping for food.148 In a 1971 investigation by the Austrian police, most of the soldiers involved “agreed that Oberleutnant Röser (who died in 1944) had issued the instructions that morning to ‘shoot everyone and leave nothing standing.’”149 When the soldiers attacked the village, no one returned fire; the guerillas were long gone.

On 5 October of the same year, soldiers destroyed Akmotopos and killed all of the inhabitants “as a punishment for the death of a regimental commander, and for an act of telephone sabotage.”150 A year later, on 5 April 1944, Greek Communists killed two Germans only two miles from Klissura. The male inhabitants of the village fled to the hills, expecting a reprisal.151 The fact that populations anticipated German actions following any act of resistance illustrates how widespread knowledge of the practice, and likely the practice itself, had become in Greece, as well as the rest of occupied Europe. The rest of the villagers thought that they would be safe as a result of their age and sex. However, when the Germans arrived, the SS cordoned off the village “and herded all the remaining old men, women and children into the public square.”152 The massacre that followed left 215 people dead: 128 women, 7 men over the age of eighty and 72 children under the age of fifteen, including 38 under the age of five.153

During an earlier reprisal in 1941, the 164th Infantry Division “burned down several villages near

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149 Mazower, “Military Violence,” 130.; Oberleutnant Röser was the man in charge of 12 Co., which carried out the Komeno massacre.
150 Bennett, Under the Shadow, 108.
151 Bennett, Under the Shadow, 145.
152 Bennett, Under the Shadow, 145.; Although the SS did not generally play a major role in the Balkans and most massacres there were carried out by the German army, the Klissura massacre was committed by an SS unit, specifically SS Armoured Grenadier Reg. 7 under the command of Standartenführer Schümer. For more information see International Commission of Historians, The Waldheim report: submitted February 8, 1988, to Federal Chancellor Dr. Franz Vranitzky (Copenhagen: Museum Tusculanum Press, 1993), 182-3.
153 Bennett, Under the Shadow, 145.
Salonika and shot more than four hundred male villagers, after guerrillas were reported to have rested in the vicinity.\textsuperscript{154} Although reprisals typically involved the execution of males and the internment of the women in labor camps, the Germans did not hesitate to act against women and children when there were not enough males.

Despite an Italo-German Alliance that pledged close affinity between the two countries and mutual aid, not even Italy escaped the reprisals that characterized World War II Europe. One of the larger reprisals on the Italian populations occurred as a result of resistance near Civitella. The exact details of the event that led to the Civitella massacre are contested to this day. Regardless of the motives, however, Italian partisans shot three German soldiers in Civitella on 18 April 1944, then left the bodies in the village to be found while they fled.\textsuperscript{155} When the German forces took revenge on 29 June, the partisans were long gone, and only the villagers remained. The SS troops entered the church and rounded up everyone at the mass, herding them to the village square. Anyone who did not attend mass was rousted from their home, which was then burnt down. In the end, “more than 100 men were set against the wall of a school building… and shot. The remaining villagers, mostly women and children, were chased from the village.”\textsuperscript{156} Then Civitella was burnt to the ground. The surrounding towns of La Cornia and San Pancrazio also experienced reprisals in response to the same incident, resulting in a total of 97 casualties.\textsuperscript{157} All of the participants had already fled the town, yet the Germans massacred hundreds of people from the local towns a week later. The Civitella massacre, like many others, was less of a punishment than a method of deterring civilians from aiding resisters and enabling the SS troops to take revenge for the death of their fellow Germans.

\textsuperscript{154} Mazower, “Military Violence,” 139.  
\textsuperscript{156} Gildea, et al., \textit{Surviving Hitler}, 194-5.  
\textsuperscript{157} Gildea, et al., \textit{Surviving Hitler}, 195.
One of the bloodiest revenge massacres of the Second World War took place in Holland in October 1944. Four Dutch resisters attacked a German car belonging to Hermann Göring in an act of resistance near Putten that left one German dead and another wounded. Around the same time, partisans failed in attempts to assassinate Hans Albin Rauter, the Chief of Police and the SS in Holland. Following the incidents, orders came from General Friedrich Christiansen, the Senior Commander of the Wehrmacht in the Netherlands, “to shoot those responsible for the attack (who had not been found) and to deport the entire male population of the town between the ages of 18 and 50. The women and children were to be evacuated and the whole of Putten was to be set on fire.” Germans rounded up the entire town, evicted everyone, set fire to the center and burnt down 150 houses. They sent all 622 male inhabitants to Neuengamme—a German concentration camp. In the labor camps of Neuengamme, 590 of those 622 men died. Even more civilians were murdered as a reprisal specifically for the assassination attempt. In the last eight months of occupation in Holland, Germans executed nearly 1000 Dutch citizens. The Germans attempted to squelch any resistance and maintain their control over the local populations, despite the looming end to the war.

While massacres such as Putten, Lidice, and Oradour horrified local populations and exhibited stunning German brutality, they were “trifling example[s] of what the German Army had been doing on a national scale during the war in the East, since 1941.” Particularly in Poland and the Soviet Union, reprisals occurred on a large scale from the very beginning of the

159 Bennett, Under the Shadow, 108.
160 Keizer, “The Skeleton in the Closet.”
161 Bennett, Under the Shadow, 108. See also Gildea, at al., Surviving Hitler, 195. and Keizer, “The Skeleton in the Closet.”
163 Max Hastings quoted in Bennett, Under the Shadow, 107.
German occupation. In the Soviet Union, accurate figures for the total number of hostage and reprisal killings are unknown. What is known is that “more than 1700 towns, 70,000 villages, and 100,000 farms were destroyed during the German occupation, leaving 25 million Russians homeless.”\(^{164}\) The same was true of Poland, although on a smaller scale. More than three hundred Polish towns were destroyed under the German occupation. Whole towns, such as Jozefow, were wiped out in reprisals that resulted from German deaths.\(^ {165}\) The unprecedented scale of the killings and destruction devastated the occupied territories. While the Soviet Union experienced the greatest number of reprisals, German forces carried out collective punishments in every occupied country, leaving behind very contentious feelings not only toward the Germans but also toward the resistance. The reprisals sparked intense tensions between resisters and the local populations.

**ROBIN HOOD RESISTERS?**

The Nazi policy of collective responsibility destroyed the ‘heroic’ image of the partisan and, in many cases, drove a wedge between the resistance and the local populations. “Resistance is effective only in a social environment that stimulates and protects it;” without this, the resisters are vulnerable to discovery and death, as well as the collapse of the entire movement.\(^ {166}\) One of the most effective results of the German reprisals was the severance of the ties between the resistance and its support base among the population. However, occasionally the brutality of the collective punishments turned the local populations against their German occupiers and increased support for partisans.


Some partisans exploited the German policies of collective responsibility in an effort to gain more local support. These groups deliberately provoked Nazi reprisals "in order to demonstrate the Germans' brutality and thus win more outraged recruits" to their cause.\textsuperscript{167} There are indeed accounts of massacre survivors fleeing into the forests and joining the resistance. However, there are also many accounts of reprisals that left almost no survivors at all. Some of these reprisals were a result of actions taken by partisans who knew full well that the consequence of their resistance would be someone else's death. In the case of massacres like Civitella, the resisters were not locals, and often they fled after committing a resistance act, leaving the village to face the Germans. The people who lived under German occupation had a far different perspective of the war from the British and Americans, who never experienced occupation.\textsuperscript{168} Populations in occupied Europe "could never view the war in quite the same terms of moral absolutes: of good against evil, the Allies against the Nazis."\textsuperscript{169} The war provided countless examples of "the different circles of hell to which resisters descended in order to wage their struggle."\textsuperscript{170} The truth of the war experience in occupied territories encompassed a moral complexity that had a profound impact on resistance and popular support during the war, as well as the way in which the populations remember the resistance.

The Nazi program for suppressing any partisan activity involved swift, severe reprisals designed as a deterrent. The goal was both to discourage the local population from supporting partisans and to force the partisan groups to reconsider their actions. Nazi reprisals forced partisans to consider "the appropriateness and legitimacy of certain types of resistance."\textsuperscript{171}

\textsuperscript{168} The only exception to this was the British Channel Islands, which experienced a mild German occupation.
\textsuperscript{169} Bennett, \textit{Under the Shadow}, 274.
\textsuperscript{170} Bennett, \textit{Under the Shadow}, 115.
\textsuperscript{171} Bennett, \textit{Under the Shadow}, 111.
Every partisan had the right to risk his or her own life, but did they have the right to act if it
“would in effect be passing a death sentence upon many innocent hostages?”172 Partisans placed
the towns nearby where they operated at risk “since the population was exposed to the dangers of
round-ups and the violence and destruction which these might entail.”173 The policy of
collective punishment was extremely effective since “the whole rationale underlying the seizure
of hostages and reprisal killings was to place the burden of moral responsibility upon the
potential resister.”174 The Nazi policy of collective responsibility presented a significant moral
problem for partisan groups. Policies such as Bandenkämpfung and reprisal were “built
around the simple but effective psychological strategy of exploiting the moral qualms of those
under their control.”175 For some partisans, resisting the German occupation came at too high a
cost. For others, their land and its people meant so much that there was “no price too high to pay
for the right to preserve it.”176 The Nazis recognized the dilemma that a policy of collective
responsibility created for partisan groups, who were then forced to deal with the “hopelessness of
wrestling with moral problems against an amoral enemy.”177 For partisans to combat the Nazi
occupation, they were forced to show the same disregard for the human costs of war displayed
by the Nazis.

Anyone who joined the resistance knew that they placed both their family and their
community at risk of reprisal. Many resistance groups discouraged romantic liaisons since they
could lead to capture. The presence of children complicated a person’s involvement in the

172 Bennett, Under the Shadow, 111.
173 Moore, Resistance, 168.
174 Bennett, Under the Shadow, 111.
175 Bennett, Under the Shadow, 117.
176 Lucie Aubrac, Outwitting the Gestapo, trans. Konrad Bieber with the assistance of Betsy Win (Lincoln:
University of Nebraska Press, 1993), 192.
177 Bennett, Under the Shadow, 117.
resistance since “children were potential hostages.” German soldiers often tortured captured resisters for information, threatening to kill the person’s family if they did not give up the names of other members of the resistance. One of the couriers associated with the French Resistance was arrested in 1943; he quickly “broke down during interrogation and began to talk, and as a result many names and addresses fell into the hands of the French police.” In the case of another French resistance cell, the leader questioned ‘Le Chef,’ one of the members. The leader found that ‘Le Chef’ had betrayed arms drops and resisters to the Germans, who had threatened to kill his wife. The resistance leader decided that both Le Chef and his wife must be killed since they posed a threat to the safety of all of the other resisters, although he wavered in this decision when he “asked himself what he would have done in the same circumstances.” Decisions such as this one made the resistance leaders look back on the incident with the realization that “nobody felt proud of the day’s work, but it had to be done.” Some of these groups were trying to push their own agenda rather than save people in the occupied territories. Tito’s partisans in Yugoslavia, for example, wanted to establish a Communist system in the postwar period, and their resistance efforts aimed to increase their control over the territory, not save its population. Tito even ordered assassinations of political enemies and cooperated with the Germans as necessary in order to position himself to take power after the war ended.

However, for those groups that tried to save civilians, or at least not get them killed, the brutal

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178 Margaret Collins Weitz, introduction to Outwitting the Gestapo, by Lucie Aubrac, trans. Konrad Bieber with the assistance of Betsy Win (Lincoln: University of Nebraska Press, 1993), xv.
179 Lucie Aubrac, Outwitting the Gestapo, 6.
180 Example and quote from Bennett, Under the Shadow, 115.
reprisals forced individual resisters to weigh their cause against the lives of the very people they were trying to save.

The German occupiers cleverly manipulated the emotions and moral qualms of not only the resisters, but also the innocent local populations as well. These populations were already "torn between the occupation forces, who were characterized as employing draconian measures against those who did not fully cooperate, and the partisans, who were known to punish with death the slightest support for the Germans (including the forced surrender of agricultural produce)." This meant that often they were obligated to cooperate with whichever force was strongest in the area and risk the wrath of the opposing group.

By far the worst decisions that civilians were forced to make surrounded decisions of whose lives they should save. In one example, the German occupiers discovered that one of their collaborators had been taken prisoner by a resister named Mr. Van Hoop. Armed with this knowledge, the Germans interrogated the man's wife for information on his whereabouts. When she refused to give up her husband, they informed her that if she did not give them the information they threatened that "all the men living on the right hand side of the road would be shot." Finally, "unable to contemplate being responsible for the deaths of so many men if the Germans carried out their threatened executions," Mrs. Van Hoop told them her husband's location—he was taken hostage and later executed. In forcing her to choose between her husband and half of the men on the street, the Germans extracted the desired information. The cost, both to civilians and resisters, of this type of decision haunted them for the rest of their lives.

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lives. Many resisters felt guilty for the German massacres, and many civilians suffered intense
guilt over having betrayed their family and friends to the German occupiers.

The Nazi antipartisan campaign deliberately targeted innocent civilians through a policy
of collective responsibility. The terror incited in the local population and the moral dilemma that
the policy created for resisters made the Nazi campaign extremely effective. Resistance in
Europe shifted away from violent, armed resistance to acts of sabotage and information-
gathering. Even these acts carried the risk of reprisal, but they were less easily detected and
could often be done so as to avoid the Germans tying them to a nearby population, which would
have been a target for retaliation. Throughout the building and implementation of the
antipartisan campaign, the Germans recognized that many of the people caught up in hostage and
reprisal killings had no connection to the resistance. However, they felt that this only served to
increase the deterrent effect of their policies. The inclusion of innocents in reprisals both
exploited the morality of the resisters, paralyzing many of them, and created an immense
resentment among the population toward the resistance that 'caused' the death and destruction of
their families and communities.
THE FRENCH INVOLVEMENT IN ALGERIA

Is it preferable for our cause to kill ten enemies in some riverbed in Telergma, which no one will talk about, or rather a single one in Algiers, which the American press will report the next day? Though we are taking some risks, we must make our struggle known.1

The concept of national self-determination became a key organizing principle at the end of the First World War, in the form of U.S. President Woodrow Wilson’s Fourteen Points issued on 8 January 1918.2 National self-determination refers to the right of a group of people to determine their own political future. It came to be interpreted as the right and ability of a people to achieve political independence on the basis of either a shared history or a common ethnic, religious, or linguistic identity. While it could mean greater autonomy for the group within an existing state, it often meant national sovereignty. European colonies, in particular, seized on the idea as evidence of their right to break free of colonial rule and form independent nations; the United States supported the concept of colonial independence in the interwar years. The 1920s and 1930s marked the beginning of decolonization. Lebanon ceased to be a French colony, although the French presence in the region continued.3 Countries such as Egypt, Iraq, Canada, and South Africa gained independence from Britain, although India’s independence movement was unsuccessful.

The Second World War interrupted the spread of decolonization. However, the 1941 Atlantic Charter renewed the commitment to national self-determination. The 1942 Declaration by the United Nations reaffirmed the principles laid out by the Atlantic Charter. When the United Nations Charter was ratified in 1945, the right to self-determination became a formal part

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3 After 1918, Lebanon was under French control as part of a League of Nations mandate. The country gained independence in 1943, although the last French troops did not leave until 1946.
of international law. Chapter One, Article One, Part Two of the Charter of the United Nations states that one of the organization's primary purposes is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace." However, the United Nations did not propose a method of self-determination or enforce its application.

Despite the ambivalence of the United Nations, independence movements began in earnest once again in the post-war period. The British attempted gradually to emancipate their colonies once they realized the direction of popular opinion. By contrast, "these sentiments were not all shared by the French and Dutch, respectively first-round losers and lucky last-minute winners in the colonial stakes. They, unlike the British, were determined to hang on to their empires." This determination to hang onto its colonies led France into a prolonged conflict in Algeria. However, the wartime experience of the French colonies had differed greatly from that of the British colonies. For the British, the war had disrupted communications to a limited extent, destabilizing the empire without completely disrupting the balance of power. In France, German occupation led to the Vichy government being nominally placed in control of French colonial holdings, but the administration was strongly influenced by Nazi Germany. The administrative disruption and confusion severely weakened the French hold over its colonies. As a result France lost control of the colonies, which were essentially left to oversee themselves for the duration of the war—a taste of independence that fed into nationalist desires. Algeria, in particular, was administered by the Vichy government during the early years of the Second World War. In the latter half of the war, the country served as a major base for the Allied North

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Africa campaign, with Algiers eventually acting as the capital of 'Free France.' The nationalist hopes aroused during the war were not met following the liberation of Paris, and these disappointed hopes served to heighten the tensions between Algeria and France. Between 1945 and 1962, France fought desperately against decolonization, encountering strong resistance in the form of terrorist acts and guerilla warfare. Ultimately, unable to consolidate its hold on the colony, France lost the war and, in 1962, Algeria gained its independence.

The nature of the tactics used in the Algerian independence war led to the increased involvement and targeting of the civilian populations. The presence of French civilians living in Algeria complicated the situation as they were obvious targets for insurgent attacks. In the earlier case of the Nazi antipartisan war there were generally few German civilians living in the occupied territories. Therefore, the Nazi troops did not have to worry about harming their own civilians during their antipartisan campaign. By contrast, the French troops in Algeria had to contend with French civilians who expected to be protected in the face of the growing threat presented by the insurgency. Both the colonial military and the insurgent groups hoped to deter civilians from supporting the opposition. Often the rebels took this one step further and provoked colonial troops into reprisal attacks in an attempt to galvanize the support of the local civilian populations. Significantly for this study, all parties to the Algerian War committed violence against civilians as a means of achieving their desired goal. Civilians were not harmed as an unintended consequence of necessary military action against a legitimate target. Instead, both the insurgents and the colonial forces intended to harm noncombatants as part of their strategies for war. As a result, none of the typical justifications for collateral damage can be claimed by either side of the conflict. Despite international legal protections that require the
identification and protection of noncombatants, the FLN and colonial forces violated the principle of civilian immunity in a way that was neither legally supported nor morally justified.

Many different warring groups constituted the ‘insurgency’ during the Algerian independence war. As the war progressed, the Front de Libération Nationale (FLN) became one of the most prominent actors of the conflict. The FLN was one of many Algerian nationalist groups, but it was not a cohesive unit. The group began in the 1940s and started relatively small. However, its reliance on guerrilla warfare strategies and its rapidly spreading appeal gathered Algerians to the movement. As Martin Thomas states, “part ruthless terrorist group, part socialist front, part defender of Muslim rights, and—albeit only in the latter stages of the Algerian war—a genuine mass movement, the FLN was in rapid evolution. The French authorities never bested it.” The broad appeal of the FLN’s message and its stated goals garnered support from a wide swath of society. By 1954, France struggled to subdue Algeria and the FLN.

Algeria had been a French colony since the 1830s. Although the Algerian war for independence did not officially begin until 1954, resistance and repression had begun nearly a decade earlier. As the Second World War ended on 8 May 1945, “while Algerians together with Europeans throughout the country celebrated victory over Nazism in which Algerians played an important part, horrific massacres were taking place in Setif, Guelma and Kherrata.” However, there was still a cooperative attempt to improve French-Algerian relations in the aftermath of the war. In August 1945, adult French women, including Algerians, gained the right to vote. Then,

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on 20 September 1947, a statute for Algeria “established the Algerian assembly and affirmed that all Algerians have French citizenship.” However, these freedoms extended primarily to ‘Gallicized Algerians,’ or pied noirs, a move which excluded the vast Muslim majority. Despite these attempts at inclusion, the reality of the Algerian situation and the strong nationalist streak furthered the impending confrontation.

The complicated social make up of Algerian society defied pacification efforts. The country’s large European population clashed with the Algerian elites. Muslim majorities clashed with Europeans and pied noirs. Algeria had not industrialized as France had hoped and much of the population remained impoverished, with 72% of Algerian French having an income that was 15-20% below the average standard of living for the metropolis. The majority of the population had an income even lower than that of the Algerian French. Slums, a hierarchy that resembled a ‘caste society,’ and national resources held primarily by Europeans and pied noirs led to a brewing discontent. Violent outbursts between 1945 and 1954 signaled the increasing tensions, yet none of the French concessions could prevent the eventual outbreak of war.

The eruption of hostilities in Algeria occurred when a previously-unknown group carried out a series of attacks on 1 November 1954, referring to themselves as the FLN. The FLN was not a well-established group of revolutionaries at the outbreak of the Algerian War, but rather a rebellious offshoot of the larger, more well-known Parti du Peuple Algérien/Mouvement pour le

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9 Although there were approximately one million Europeans living in Algeria at this time, they did not make up the majority in any city except Oran, which had three hundred thousand pied noirs to only one hundred fifty thousand Muslims. Even in Algiers, the capital city, Europeans made up only one-third of the city’s total population of nine hundred thousand. See Alistair Horne, A Savage War of Peace: Algeria, 1954-1962 (New York: The Viking Press, 1977), 47.

Triomphe des Libertés Démocratiques (PPA-MTLD).\textsuperscript{11} As a result, the rebellion was carried out by six men: Ben M'Hidi, Didouche Mourad, Rabah Bitat, Krim Belkacem, Mohamed Boudiaf, and Mostefa Ben Boulaïd.\textsuperscript{12} Despite their small numbers and obscurity, the FLN had one strong advantage—training. In preparation for the November 1 attacks, at least two of the rebel groups—the Aurès and the rebels of Great Kabylia—gained the cooperation of a group of experienced underground fighters and, having “trained in clandestine operations under the leadership of Amar Ouamrane and Krim Belkacem, were ready for prolonged action.”\textsuperscript{13} Ultimately the revolutionaries in Algeria wanted the same thing—indepedence from French rule. The Algerian revolutionaries had the beginnings of training in underground, guerrilla warfare, but neither numbers nor an established foothold in their territory. As the war progressed, the resistance groups would need a combination of these advantages in order to survive and succeed.

On 1 November 1954, the independence war began with a series of attacks and an FLN Proclamation that demanded that the Algerian sovereignty be reestablished and all regulations denying the culture of the Algerian people be abolished.\textsuperscript{14} The FLN wanted to force France to recognize not only the independence of Algeria, but its unique and indigenous history. In addition to its ‘internal’ objectives, the Proclamation also declared three ‘external objectives’: “internationalization of the Algerian question...realization of North African unity in its natural Arab-Muslim framework...[and] in the framework of the United Nations charter, affirmation of our sympathy with regard to all nations that support our liberating actions.”\textsuperscript{15} The FLN wanted

\begin{itemize}
\item \textsuperscript{11} Stora, Algeria, 36.
\item \textsuperscript{12} Stora, Algeria, 36.
\item \textsuperscript{13} Stora, Algeria, 35-6.
\item \textsuperscript{14} Shepard, The Invention, xiv.; Naylor, France and Algeria, 5.
\item \textsuperscript{15} Manhew Connelly, A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era (New York: Oxford University Press, 2002), 74.
\end{itemize}
the international community, not just France, to recognize its right to independent rule and self-determination.

The demands had been announced, and supporters on both sides began to riot and protest in the streets; Algeria tumbled headlong into war. No official declaration of hostilities was ever made by either side, with the exception of the 1954 FLN Proclamation. For this reason, and because “during most of the eight years the vast majority of Frenchmen lived unaffected by it,” the French-Algerian war was referred to as a ‘war of peace.’ The fighting in Algeria actually began only months after the conclusion of the First Indochina War. Even as the war in Vietnam ended, nearly a decade before the official outbreak of the Algerian war, French military officers recognized the implications of decolonization and the rising tension in North Africa. One French colonel expressed this sentiment as he left Vietnam, saying to his companions: “I won’t say goodbye to you for good, because this isn’t the end. We’re bound to meet up again in North Africa before long.” Only a few months later, the colonel’s predictions of a North African conflict materialized. Although the Algerian war began nearly a decade later, the first shots were actually fired on 8 May 1945

in Sétif, when disillusioned Muslims rioted against French rule and wantonly attacked Europeans, 103 of whom were killed in four days of disorder that spread throughout the Constantine area. Brutal repression followed; the French called in a cruiser and bombarded Muslim villages from the air in order to teach the Muslims a ‘lesson,’ although the one they learned was not the one intended.

Tensions continued to mount throughout the decade that followed until the war finally erupted following the 1 November attacks in 1954. At that time, France, having just lost its colonies in

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Indochina, was determined not to lose Algeria as well. The ensuing war lasted eight years and contributed to hundreds of thousands of deaths, both Muslim and French, combatant and civilian.

The independence war in Algeria consisted of a specific style of revolutionary warfare that relied on guerrilla tactics for success. Guerrilla warfare is a form of irregular warfare in which small bands of combatants use sabotage, ambushes, raids, and other hit-and-run military tactics against a large, formal, and less-mobile enemy force. Typically, groups with inferior numbers, resources, or formal military training rely on guerrilla tactics to compensate for their disadvantages. Guerrilla warfare bears some resemblance to partisan warfare and includes all violent and nonviolent actions, from terrorist acts to propaganda to local rumors, designed to "influence the opponent, the populations, and one's own forces, as well as foreign public opinion and governments."19 Like the partisan groups of the Second World War, guerrillas depend on the support and compliance of the local populations. For this reason, local civilians are often viewed as complicit in guerrilla acts. T.E. Lawrence recalled that a war of this nature, "we had won a province when we had taught the civilians in it to die for our ideal of freedom: the presence or absence of the enemy was a secondary matter."20 According to Lawrence, a rebellion "must have a friendly population, not actively friendly, but sympathetic to the point of not betraying rebel movements to the enemy. Rebellions can be made by 2 per cent. active in a striking force, and 98 per cent. passively sympathetic."21 Without this support base, the rebels are cut off from their means of survival: their source of food, information, and supplies.

21 Lawrence, "The Evolution of a Revolt," 22.
Access to information was vital to the survival of the guerrilla movements. This meant that the rebels often relied on rumor and propaganda to influence public opinion. The network of informants and spies kept the guerrillas informed of the French activities. Due to the importance of information, the guerrillas severely punished any one thought to be collaborating with the French, so as to discourage others from doing the same. Therefore the rebels attacked "Muslims who disobeyed their directives. In the first two and a half years of the war, they killed more than six times as many of their compatriots as Europeans." In reality many of those killed by the guerrillas as collaborators or for disobedience were civilians who refrained from entering the war on either side. Unfortunately, guerrilla warfare relies on polarizing society so that there is no neutral population; the FLN moved steadily toward a "war without quarter against the civil population." Guerrilla warfare in Algeria based its tactics on an assumption that no one is off-limits. Ho Chi Minh stated during the earlier Vietnam War that "in the long war of resistance, each citizen is a combatant, each village a fortress." If a civilian was not with the resistance, he or she sided with the French. Revolutionary strategy did not take into account the concept of neutrals, bystanders, or innocent civilians. This strategy of modern terrorism to which the FLN subscribed was well defined by a Brazilian guerrilla leader, Carlos Marighela, who stated that "a resort to blind terrorism would inevitably provoke the forces of law and order into an equally blind repression, which in turn would lead to a backlash by the hitherto uncommitted, polarize the situation into two extreme camps and make impossible any dialogue of compromise by eradicating the 'soft centre.'" The Algerian revolutionaries saw the war as one in which all of society must mobilize to free itself of French colonial rule; therefore, if individuals did not

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22 Connelly, A Diplomatic Revolution, 78.
25 Home, A Savage War, 118.
mobilize in support, they were considered collaborators regardless of their actual relationship with the French troops or administration.

In addition to information, the guerrillas relied on the villages for sustenance. However, more often, the insurgents and the state fought to gain control of the civilians themselves, rather than the supplies they could provide. While the FLN targeted European civilians in an attempt to induce panic within the French-Algerian populations, local Muslim Algerian populations suffered as well. Many of the terror attacks perpetrated by the FLN were designed to create such chaos in society as to force the government to cooperate. As a result, the attacks were indiscriminate and often targeted crowded public areas. The FLN and other rebel groups, such as the Mouvement National Algérien (MNA), waged war against each other, the community, and the French using any available method, including “traps, betrayal, infiltration, and executions to serve as an example, all of them sowing fear.” Abductions, bank or business robberies designed to fund the cause, “bazooka attacks on the barracks of mobile gendarmes, and booby-trapped cars” exploding in Muslim neighborhoods and crowded markets added to the impact of the guerrillas and ensured that the public remained frightened. The scared population, particularly those of European descent, sought help and protection from the French government, who were unable to respond effectively.

In addition to indiscriminate terror attacks, the FLN rebels carried out large-scale massacres of civilians in the disputed territories. The Setif riot in May 1945 had been only a prelude to the violence that followed. In 1955, two FLN leaders, Yousseff Zighout and Lakjdar Ben Tobbal met in desperation to plan an all-out war on French civilians hoping to bring the revolution to a successful end. They justified the killing of innocents—the violation of civilian

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immunity—with the belief that “to colonialism’s policy of collective repression we must reply with collective reprisals against the Europeans, military and civil, who are all united behind the crimes committed upon our people. For them, no pity, no quarter!”

They carefully planned the attack on Philippeville for 20 August 1955, giving no hint of the pending attack to the Europeans although many Muslims had been made informed. On the day of the attack, the FLN members mixed with an angry mob that began killing Europeans wherever they were found. They cut all communication lines and began a house-to-house search. By the time help arrived they discovered “European mothers…with their throats slit and their bellies slashed open by billhooks. Children suffered the same fate, and infants in arms had had their brains dashed out against the wall….Men returning home from the mine had been ambushed in their cars and hacked to pieces.”

French army units from the surrounding area, such as the 18th Régiment de Chasseurs Parachutistes, rushed to Philippeville to find “bodies literally strewed the town. The Arab children, wild with enthusiasm—to them it was a great holiday—rushed about yelling among the grown-ups. They finished off the dying. In one alley [they] found two of them kicking in an old woman’s head.” This was not a careful attack; it quickly became a man-hunt by an angry, uncontrolled mob urged on by members of the FLN. Yet it instilled the desired terror in the European populations, who feared to leave their houses and many of whom began leaving the area and Algeria. Even local Muslim and non-European populations feared similar attacks would occur if they were in any way seen as supporting the French colonial administration.

28 Horne, A Savage War, 119.
29 Philippeville, now known as Skikda, was a city in northern Algeria surrounded by small mining towns.
30 Horne, A Savage War, 120–1.
31 Horne, A Savage War, 121.
The guerrillas were not the only group to use indiscriminate violence against civilians. Guy Calvet, Jacques Soustelle's representative in Paris, told an American diplomat that "when some incident happens against some French citizen, the army goes in and just cleans up, killing hundreds of Arabs right and left." This description characterized the French response to the FLN massacre at Philippeville. In the aftermath of the massacre, "company commanders ordered them [the French soldiers] 'to shoot down every Arab [they] met.' There were so many bodies that they had to be buried with bulldozers. The mayor personally directed lynchings. In one case, city officials corralled all the young Muslim men that they could find into the local stadium and killed them to a man." The role of pied noirs, city officials, and Algerian authorities in the 'rampage' that followed only reaffirmed the FLN's message and caused many among the Muslim majority to join the guerrillas for protection. The government officials themselves could no longer be trusted, and faith in the state waned sharply. Similar attacks continued for the duration of the war. De Gaulle would later assert that two hundred thousand rebels were killed by the French army in the first five years of the war, meaning that "either the FLN had indeed mobilized a large part of the population or the French repression was every bit as indiscriminate as its critics claimed." Likely the answer lies somewhere between the two. However, the FLN's mobilization of society relied heavily on harsh French repression alienating society. As a result, the French repression strategy can be seen as not only indiscriminate, but ineffective.

One of the earliest French responses to the Algerian independence war involved a program of forced resettlement of the local populations. In March 1955, after the November 1

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32 Connelly, *A Diplomatic Revolution*, 86.; Jacques Soustelle was the Governor General of Algeria and favored Muslim integration over Algerian independence.

33 Connelly, *A Diplomatic Revolution*, 86.

34 Connelly, *A Diplomatic Revolution*, 78.
attacks, the Algerian National Assembly declared a state of emergency, increased military forces in the affected regions, and "authorized the displacement of 'contaminated' populations to 'settlement, camps.'"\(^\text{35}\) The relocation efforts began with the confinement of one hundred and sixty people in the first camp at Khenchela.\(^\text{36}\) This first camp was already completed "by the time Soustelle managed to release some members of the MTLD—whom the French had arrested on the mistaken assumption that Messali's group was behind the rebellion....Many of the MTLD cadres that Soustelle released from detention naturally rallied to the FLN" as a result.\(^\text{37}\) These internment camps did not just hold suspected rebels. They also held civilians, many refugees or victims of forced relocation. After 1957, French strategy emphasized the needs to deprive the FLN and the associated Armée de Libération Nationale (ALN) bands of vital resources such as supplies, people, and weapons. Ultimately, "this was to be achieved by constructing a network of barbed-wire fences, minefields, and observation towers along Algeria's frontiers with Morocco and Tunisia."\(^\text{38}\) This technique worked well militarily; however, it carried a high human cost. The goal was to deprive the guerrillas of local support, thereby hastening the pacification of the region. The strategy resulted in "the forcible relocation of tens of thousands of Algerians from border regions and other known ALN hotspots to the infamous camps de regroupement, holding centers reminiscent of the squalid British 'concentration camps' of the Second Boer War. Eviction, incarceration, and refugee hardship were persuasive recruiters for the FLN."\(^\text{39}\) As a result, the campaign eventually failed. The French response had begun to be

\(^{35}\) Stora, Algeria, 40.

\(^{36}\) Stora, Algeria, 40.


characterized by harsh repression and reprisals designed to squelch the rebellion, yet which only fed the resentment of colonial rule and encouraged support for the insurgency.

Like the guerrillas, the French relied heavily on information to formulate attack plans and anticipate enemy strikes. One of the most frequently used means of extracting information from both captured rebels and local civilians was torture. In the aftermath of an attack, “electrodes (known as gégone, a slag term for generator), dunkings in bathtubs, [and] beatings” were used to gain the information needed to dismantle guerrilla networks and arrest their members.40 Several French generals and Algerian police officers resigned over the issue, most because they could not accept the use of torture. In response, the Tenth Paratroopers’ Division declared that “one cannot fight against revolutionary war except with methods of clandestine action.”41 The use of torture was not a rare or isolated tactic; “in March 1955, a French official reported that forty of the sixty-one detainees he had interviewed complained of being tortured, many still showing the scars.”42 Yet even this official argued that torture should be sanctioned and regulated rather than condemned. The issue of torture polarized French authorities for the duration of the war.

The French quickly realized that often the most effective means of combating the guerrillas was to adopt similar tactics. However, this in turn risked further alienating the Algerian population as “the repression pushed thousands of young Algerians toward the guerrilla forces.”43 At the beginning of the Algerian war there were only an estimated 700 poorly-armed guerrillas, “but their initial dramatic success, together with the French repression, swelled their ranks.”44 The appeal of the guerrilla message and apparent efficacy drew many recruits to the group. This was supplemented by the fact that the French troops’ enforcement of “‘collective

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40 Stora, Algeria, 50.
41 Stora, Algeria, 50.
42 Connelly, A Diplomatic Revolution, 78.
43 Stora, Algeria, 48.
44 Wall, France, 13.
responsibility' through forced labor, destruction of villages, and indiscriminate use of torture yielded ready recruits for the FLN.' The French use of terror and repression only reinforced the revolutionary message and, in many cases, turned public sentiment against the ruling administration.

Besides torture and forced resettlement, the French ignored the principle of civilian immunity through their use of forced labor, executions, and rape. For example, in August 1955, the FLN ordered

a reign of terror in the Constantine and Philippeville regions. Seventy-one settlers and at least sixty-one Muslims suspected of loyalty to the French were butchered, sometimes in front of former workmates, farmhands, and other bystanders. Many were mutilated, and there was widespread evidence that female victims were raped before they were killed.46

French troops did not distinguish between those villagers who supported the guerrillas and those who had not participated in any voluntary capacity. In part this was a result of the fact that “with FLN cells proliferating in urban areas and the ALN intermingled with refugees in the countryside, it was becoming impossible to distinguish rebels from the general population.”47 As a result, “one hardened campaigner points out that there are only two choices:

Either you consider a priori that every Arab, in the country, in the street, in a passing truck is innocent until he’s proven the contrary... Or you will...consider that every Arab is a suspect, a possible jellegha...because that, my dear sir is the truth...But once you’re here, to pose yourself problems of conscience—and treat possible assassins as presumed innocents—that’s a luxury that costs dear, and costs men, dear sir, young men themselves also innocent, and our own.”48

Certainly not all of the French soldiers opted to suppress their ‘problems of conscience,’ but the mentality explains part of the reasoning for the indiscriminate attacks, if not the adherence to a policy of collective responsibility. For the sake of expedience, troop safety, and the inability to

45 Connelly, A Diplomatic Revolution, 77.
46 Dorman and Kennedy, War & Diplomacy, 63.
47 Connelly, A Diplomatic Revolution, 87.
48 Home, A Savage War, 174.
distinguish between the guilty and the innocent, the French punished the whole village without regard to civilian status.

By the end of the war, civilian casualties numbered in the tens of thousands. Many of those people simply disappeared without a trace. Others were killed by one of the various Algerian revolutionary organizations or by the French army. A smaller portion was killed as a result of the mob violence that grew out of the state of panic that accompanied the war.

<table>
<thead>
<tr>
<th></th>
<th>Killed</th>
<th>Wounded</th>
<th>Missing</th>
</tr>
</thead>
<tbody>
<tr>
<td>European descent</td>
<td>2,788</td>
<td>7,541</td>
<td>875</td>
</tr>
<tr>
<td>Muslim</td>
<td>16,378</td>
<td>13,610</td>
<td>13,296</td>
</tr>
<tr>
<td>Total</td>
<td>19,166</td>
<td>21,151</td>
<td>14,171</td>
</tr>
</tbody>
</table>

As of September 1, 1962, the requests for searches received by the Red Cross rose to 4,500 Europeans, and 6,050 Muslims.

Figure 4.2. Civilian losses in the Algerian War

Official French figures put the civilian death toll at roughly twenty thousand, but Algerian figures have placed the numbers closer to fifty thousand. The civilian casualties were not solely the result of rebel actions. Many of the French responses to the tactics of the guerrillas involved indiscriminate attacks, if not explicit targeting of civilians. This strategy of repression and violence against civilians, intended to pacify the region, only drove more and more recruits to the side of the revolutionaries. Ultimately the guerrillas won as France bowed to military defeat and popular pressure to recognize the independence of Algeria. In a poll on 1 July 1962, voters chose to become “an independent state cooperating with France” 6,000,000 to 16,534 votes. With that vote Algeria gained its independence, although the bloodshed ended later and more gradually.

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Stora, *Algeria*, 104.
IMPLICATIONS AND CONCLUSIONS

"The old distinction between combatants and noncombatants is gone. The sooner every man, woman and child old enough to think realizes that he will be a party to the next war, the better."

While the earliest legal distinctions between combatant and noncombatant groups stem from the Hague Conventions of the late nineteenth century, the impact of warfare on the civilian population stretches back farther. During the Anglo-Boer Wars, the British utilized scorched-earth tactics, also known as scorched-earth policy, "burning down the farms of all who supported the Boer cause" in retaliation for the guerilla tactics used by the Boers. Scorched earth policies refer to the military strategy of destroying everything, including all food sources, wells, communication lines, shelter and other infrastructure, as the army advances or retreats, leaving nothing salvageable for the enemy. This operational strategy has been used by the Romans, William the Conqueror's armies, advancing French armies under Napoleon, generals in the American Civil War and both World Wars, as well as others. In addition to leaving the enemy army without any supplies to refresh, these scorched-earth tactics deprived the local population of critical food sources, prompting mass starvation. However, in most of these cases, the starvation of the civilian population was a side effect of a popular military strategy rather than its desired outcome. This use of starvation as a means of bringing war to a quick conclusion was the logic that the British would later use against Germany during the First World War. While civilians suffered as a result of earlier strategies of war, making them suffer had not yet become an explicit aim of the war effort.


2 The First Anglo-Boer War was fought from 1880 to 1881 after the Transvaal region of South Africa declared its independence from the United Kingdom. The Second Anglo-Boer Wars lasted from 1899-1902 as fighting broke out between the Afrikaaners of the two independent Boer republics and the British colonists in South Africa.
The Second Anglo-Boer War saw other noncombatant fatalities as well, with "as many as forty-six thousand [Boer and African] noncombatants [dying] in the British concentration camps." When the civilian administration took control of the camps from the army in November of 1901, the mortality rates dropped noticeably proving "that the fatalities...were not due to conditions beyond the British control." This drop in mortality rates indicates that the civilian deaths that occurred while the British ran the camps were preventable. That being the case, it becomes apparent that the British armed forces did not act to differentiate between enemy combatants and enemy civilians, otherwise fewer noncombatants would have died in the British concentration camps. It was these undifferentiated camps to which Dorman and Kennedy compared the later French centres de regroupement during the Algerian war. Despite tightening restrictions on which targets and methods are legitimate, these long-standing practices continue in similar forms to the present day. Even within the limited case studies of this investigation, there are some, perhaps unlikely, comparisons.

Many characteristics of the Algerian War, including strategies used by both the state and the revolutionaries, resemble the Nazi policies against resistance in occupied Europe. Both cases involved indiscriminate repressive tactics, including the abuse of large civilian targets, and the insurgents' attempt to polarize the population and garner support by deliberately provoking reprisals. This is a particular characteristic of insurgent, or guerrilla, warfare. The insurgency creates a difficult dilemma for the state authority. Citizens of a given state expect the authority of that state to provide for their protection. If the state does not respond to the provocation, then the insurgent attacks continue and the state appears weak and indifferent in the eyes of its population. More often, governments chose to strike back against the guerrillas. However, "all warfare weighs on noncombatants...[and] the weight is heavier if the human cost of the sons,

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fathers, brothers (and perhaps the daughters, mothers, and sisters) who go to war is added."\textsuperscript{4} Thus, the civilian population bears the burden of the retaliation against the insurgents, who are often difficult to locate and distinguish from rest of the population. As one hardened campaigner of the Algerian war explained, "to pose yourself problems of conscience – and treat possible assassins as presumed innocents – that's a luxury that costs dear."\textsuperscript{5} Therefore, both insurgents and armed forces tend to assume that civilians are aligned with the opposing side unless they declare their loyalty. This eliminates the possibility for a safe position of neutrality among the civilian population. Instead they are forced to ally with either the insurgency or the state or colonial power, and often they elect to support whichever group is strongest in the area where they reside. In the event that civilians remain outside the conflict, not supporting either side, targeting them as potential combatants presents a dilemma that is difficult to resolve. Either the armed forces do nothing, treat strangers as innocents, and risk injury and defeat, or they anticipate that civilians may be enemy combatants. By doing the latter, the parties to the conflict risk polarizing or alienating the portion of the civilian population that might otherwise have remained uninvolved.

Parallels can also be drawn between the starvation blockade of the First World War and the area bombings of the Second World War. Each action was first and foremost part of a larger military strategy. The Allies hoped that the attacks would undermine the support for the war effort such that the enemy population would rise up against their government and force it to concede the war. The blockade tried to cut off any supplies that might aid the German military or war effort. It also blocked or rationed food to the enemy or neutral nations. What food the country received was directed to soldiers and support-industry workers, leaving the civilian

\textsuperscript{4} James Turner Johnson, \textit{Morality & Contemporary Warfare} (New Haven, Conn.: Yale University Press, 1999), 119.
population hungry without having the desired impact on the German military. The food shortage weakened civilian populations, affecting soldiers and potential soldiers as well, to the detriment of the German war-making capacity. However, as a result of the diversion of remaining supplies to the military, the German population suffered the majority of the consequences of the blockade. Despite the disproportionately heavy burden placed on noncombatants, the Allies continued the blockade both during the war to hinder the war effort and after the armistice to force Germany to accept the peace terms. Similarly, in the Second World War, area bombings were intended to demoralize the enemy as well as to take out military targets. As in the other cases, the Allies utilized weapons and techniques that were unable to accurately distinguish between military and civilian targets, resulting in indiscriminate attacks and high civilian casualty rates.

Civilian casualties often require that the action taken be both legal and justifiable. In cases where the action does not seem to be covered under international law, it becomes important to be able to provide a moral justification. The two main rationales used to justify collateral damage are that of preventative or preemptive action and that of military necessity. A third justification, similar to these two, exists and is described by David Lefkowitz as the doctrine of double effect. Each rationale provides a slightly different justification for violence against civilians; yet, none of them is more than superficially applicable to the cases of the World Wars and the Algerian War presented here.

Justifications that use military necessity require that the action causing collateral damage be directed at a legitimate military target for the intended purpose of defeating the enemy combatants. In addition, the casualties must be proportional to the direct military advantage gained from the action. Should the civilian damages exceed the concrete advantages gained, the

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6 The two main categories of justifications for collateral damage—military necessity and preventative/preemptive action—are defined and discussed in detail in the introduction to this project.
action is no longer justifiable under military necessity. Out of the three justifications discussed here, military necessity is the only one that applies both legally and morally. There are provisions built into most international treaties, even those laws concerning civilian immunity, that exempt actions taken in the name of military necessity. Thus, this is the only one of the three rationales for collateral damage that appears in the text of international law. For example, protection of civilians is required unless the action is justified by military necessity. U.S. President Barack Obama noted that in such cases, “you do whatever you need to do to win…A war of necessity is presumably one that is ‘fundamental to the defense of our people.’” In this way, military necessity views actions as central to the defense of the nation and its way of life, thereby deeming them permissible. This is less applicable to insurgent, or guerilla, groups as these groups do not tend to use military necessity as the justification for their attacks on the civilian population. These groups often operate outside the conventional framework of international law because they are typically in opposition to a traditional power structure, such as a state or colonial power. Military necessity works within the framework of international law to justify the actions of a state’s armed forces. The difficulty with military necessity as a justification for collateral damage is that states and armed forces often blur the line between military necessity and military expediency. Actions are, at times, claimed as military necessity for the sake of expediency. Therefore, any collateral damage resulting from the action is considered justifiable despite the fact the action does not actually meet the criteria to exempt it from the application of civilian protections.

Preventative action rarely provides any significant moral justification for collateral damage as a result of the fact that the action itself is often subject to controversy regarding

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whether or not it was necessary given that the threat was neither imminent nor even certain. By contrast, preemptive action is taken only once the enemy has already decided to engage in conflict and therefore lends an air of inevitability to the attack. Any civilian casualties are regarded as justifiable since they occurred in pursuit of an action that would save numerous lives by striking first to limit the damages. The difficulty in justifying collateral damage in a given situation lies in the boundaries between preemptive and preventative action. When is an action justified in order to prevent some future event? Is it morally justified to torture noncombatants if they are suspected to have knowledge about a possible future attack? By the same standards, the Nazi antipartisan policy could be said to have been a preventative action: eliminating potential partisans in the area of an attack so as to prevent any future attacks. This is not the consensus regarding the antipartisan policy, and rightly so, but what distinguishes this illegitimate preventative action from actions deemed legitimate? Justifications for collateral damage must carefully balance the demands of international law with those of military necessity. Often the value of a single civilian life gets lost amongst these larger concerns. Justifications for collateral damage typically stress the principle of proportionality: an action is permissible only if the civilian casualties do not exceed the direct military advantage gained. However, this reduces civilian lives to a number in the cost-benefit analysis of a given military action or strategy. The larger concerns of waging war, complying with international regulations, and justifying any infractions become the focus of political thought. The value of a human life is seen only in terms relative to the military advantages or disadvantages of a given action.

While arguments of military necessity and preemptive or preventative action are the main justifications for collateral damage, they are not the primary ones used in the World Wars or during the Algerian War. In each of the cases, a third rationale was used to justify the civilian
casualties that resulted, with one exception—the Nazi antipartisan campaign of the Second World War did not offer a justification for its actions. The Nazi officials could have argued that their antipartisan campaign was a preemptive or preventative one and that the resulting casualties were justified. They could have claimed that the partisans had chosen to engage in conflict and that, by striking first, Nazi troops were limiting the possible damages. They could also have argued that they were eliminating potential partisans, thereby preventing further attacks. Yet they did not do so. Neither did the Nazi officials claim that these civilian massacres were a function of military necessity or a double effect of legitimate military action. The antipartisan war was the only case in this study in which no concrete attempt was made to justify the civilian casualties. Instead, the Nazi officials made civilian casualties an explicit policy of the antipartisan campaign and enforced this policy with brutal efficiency. In its lack of justification, the campaign offers an important point of comparison to those incidents in which parties to a conflict attempted to justify violence against noncombatants. The civilian violence in Algeria and, in particular, the city bombings of the Second World War and the blockade of Germany during the First World War rested on a third category of justification for collateral damage: the doctrine of double effect.

The doctrine of double effect, as described by David Lefkowitz, is another justification for violence against civilians. Its definition resembles the previous two arguments of military necessity and preemptive action, but it is slightly different and bears mention. This doctrine stems from the philosophies of St. Thomas Aquinas. In *Summa Theologica*, Aquinas argues that:

Augustine says to Publicola (Ep. xlvii): "When we do a thing for a good and lawful purpose, if thereby we unintentionally cause harm to anyone, it should by no means be imputed to us." Now it sometimes happens by chance that a person is
killed as a result of something done for a good purpose. Therefore the person who did it is not accounted guilty.  

Therefore, an action can have two effects: one intended and the other beside the intention. Aquinas does, however, place some limits on the permissibility of self-defense, namely moderation. From this treatise evolved the principle of double effect. The doctrine explains the permissibility of an action causing serious harm to noncombatants as a side effect of bringing about a good result. In some sense, this principle echoes the Machiavellian concept of 'the end justifies the means.' The foreseen, but unintended, negative consequences of a given military action are justified as a side effect of the pursuit of a greater good. According to Lefkowitz, the doctrine of double effect, when applied to acts of war, argues that it is only permissible to harm noncombatants if the following requirements are met:

1. The combatant intends to attack a legitimate target of war, and to do so in a manner that conforms to the moral constraints on such acts.
2. The combatant does not intend to cause harm to noncombatants as a means of achieving his intended goal. Rather the combatant merely foresees that his attack on a legitimate target of war will cause harm to illegitimate targets of war as a side effect.
3. There is a sufficient reason to warrant the combatants’ acting in a way that can be reasonably expected to cause harm to noncombatants (or illegitimate targets of war, more broadly).

Under these criteria for morally justifying a given action on the basis of the doctrine of double effect, none of the cases in this study fall under this particular reasoning. In the aerial bombings of the Second World War and the blockade of the First World War, the Allied nations stated an intention to target civilians in hopes of achieving specific military objectives. The Nazi antipartisan campaign and the parties of the Algerian War deliberately targeted noncombatants,

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hoping that the strategy would have a deterrent effect on the population, discouraging them from supporting the opposition. In each case, the failure to comply with the second requisite of a morally-justified attack keeps the actions taken from any basis in the doctrine of double effect.

Even the doctrine of double effect does not morally justify the actions of the World Wars or the Algerian War. In the Algerian War, civilian violence often took the form of terror attacks, which deliberately aimed to cause civilian casualties as a way of spreading fear and either discrediting the colonial government or garnering support for the insurgency by provoking harsh reprisals against local populations. The other manifestation of civilian violence in Algeria took the form of massacres of civilians. Some, such as the massacre of the pied noirs at Philippeville, were an expression of anger and frustration at the colonial system and were intended to threaten or punish civilians, particularly Europeans. Other massacres, typically those carried out by the colonial authority, were in retaliation for an attack by the rebels. Both these massacres and the terror attacks intended to inflict casualties among the civilian population. This intent excludes the civilian violence in Algeria from being morally justified. It was not a result of action against a legitimate military target; rather, it was the intended outcome of action against civilians.

The civilian casualties resulting from city bombings of the Second World War were superficially justified by military necessity or the doctrine of double effect. The bombings were nominally intended to neutralize legitimate military targets, such as factories or transportation and communication lines. However, in practice, pilots targeted major cities and built-up population centers. This fact, combined with the inaccuracy of the bombings, meant that civilian casualties far exceeded any direct, concrete military advantages gained. Therefore, the actions could not have been justified by military necessity, which requires proportionality. In addition, both the Allied and Axis powers stated a desire to demoralize the enemy population through the
The British blockade of Germany during the First World War makes the strongest claim to the doctrine of double effect. The naval blockade was legitimately intended to bring about the defeat of the enemy military by denying it the supplies necessary for the continuation of the German war effort. Nominal distinctions were made between civilian and military supplies, although these were impossible to maintain in practice. This would seem to suggest that the civilian suffering was an unintended consequence of a military strategy. The stated aim of the allies to cause devastation and psychological damage as a means of bringing about the war’s end complicates this portrayal of civilian injury as a side effect.\(^\text{10}\) Even more problematic for the justification of civilian deaths and suffering is the continuation of the blockade after the armistice. Once the Axis had surrendered, the justification for the blockade and the resulting casualties disappeared. The starvation of the civilian population in Germany became a political tool to force the country to accept the terms of peace set by the Allies. The blockade was no longer a military action intended to defeat the opposing military; thus, the resulting injury to noncombatants was no longer justified, regardless of whether or not the collateral damage was permissible as a result of the wartime blockade.

In an attempt to counter the myriad of justifications for civilian casualties during armed conflict, international law has become increasingly specific and restrictive. Each successive treaty further clarifies the boundary between combatants and noncombatants and the situations in which this distinction must be recognized. In addition, international law affords increasing protection to civilians, making a particular effort to bring all new weapons and technologies

\(^{10}\) See Hankey, *The Supreme Command*, 375. Quoted on page 34 of this text.
under the law. Despite these clarifications and heightened protections, violence against civilians is still a large part of both international and domestic armed conflicts. Part of the reason for this is that international law attempts to reconcile two very disparate issues: military efficacy in armed conflict and humanitarian concerns. It seeks to limit military conduct while simultaneously providing for military necessity as a factor in armed conflict. It protects the civilian population while allowing for bombardment and civilian injuries if the anticipated importance of the action balances out the danger to noncombatants. Often the laws are full of competing interests, and the tensions between these disparate purposes make it difficult for international law to balance between military necessity and humanity.

Legal protections of noncombatants are supplemented by moral arguments for increased distinction and protection. Often this moral discourse focuses on the implications for civilians in future armed conflicts if justifications for collateral damage become too broad and inclusive or if parties to a conflict are permitted to disregard combatant-noncombatant distinctions. One serious concern is that if it becomes too easy to justify collateral damage or too common to ignore civilian status, then the lives of noncombatants in an armed conflict become little more than a numbers game. For example, F.M. Kamm discusses the doctrine of double effect and its counterparts in “Justifications for Killing Noncombatants in War.” While she objects to the use of this doctrine to justify collateral damage, Kamm offers other possible justifications, which she argues better fit a broad spectrum of circumstances. In her example of the ‘Massacre Case,’ a general wants to move one hundred important people to safety by blowing up a wall, which will unintentionally stop a mudslide and save another five hundred lives. However, the enemy will kill two hundred civilians as a result of the general’s actions. Kamm argues that “the general allows himself to act to save the 100 only because he believes that (i.e., on condition that he
believes that) the greater good (500 saved plus 100 saved) will outbalance the lesser evil (200
dead in a massacre)" and that it is permissible for him to act in this manner. The value of the
civilian lives has been reduced to a balance sheet of simple numbers. An action that will result
in the deaths of two hundred people is permissible because it will save six hundred lives. What
ratio justifies such a decision? Is it acceptable to take an action that will result in one hundred
dead but two hundred saved? What if the action will save vast amounts of natural resources
necessary for rebuilding the nation after conflict, but will result in the deaths of one hundred
civilians?

The problem with turning civilian lives into a question of numbers is that the issue is
stripped of its humanity. When the civilians affected by armed conflict have been dehumanized
and the value of their lives reduced to a simple number, it becomes dramatically more difficult to
protect them. To allow this degradation of the boundaries between combatants and
noncombatants is to risk civilians becoming tools of war and ‘collateral damage’ becoming the
intention rather than the foreseen side-effect of military action.

The use of noncombatants as weapons or bargaining chips has become apparent in more
recent armed conflicts around the world. One of the most serious implications of permissible
collateral damage, this violation of civilian protection is a strong case for stricter application of
combatant-noncombatant boundaries and for reining in use of military necessity and other
reasoning that supports civilian injury. In November 2009, political elections in the Philippines
led to the massacre of fifty-seven civilians in the Maguindanao province. Film footage taken in
the immediate aftermath of the massacre

[betrays] the brutality with which the largely female members of a politically-
ambitious family and 32 journalists were kidnapped and assassinated....Muslim

11 EM. Kamm, "Justifications for Killing Noncombatants in War," Midwest Studies in Philosophy XXIV
women shot in the groin, in the face, in the head; bodies crumpled and bloodied in the back of bullet-sprayed vehicles; and a man seemingly shot as he tried to run away. 12

While on the surface this killing was not part of an official armed conflict, it was part of a larger conflict between clans in the country. The ongoing Arab-Israeli conflict also regularly explodes in violence against civilians. In Qana, the 1996 “shelling of a UN base where hundreds of local people were sheltering” left more than one hundred dead and another hundred injured by Israeli anti-personnel shells. 13 In Sri Lanka, civil war resulted in many hostage-takings and massacres, leaving over 70,000 dead. 14 A campaign of ethnic cleansing led to the deaths of thousands of noncombatants. In October 1992, in one of the worst massacres of the war, “some 285 men, women and children, around a third of the population, were killed by a 1,000 strong force of the Liberation Tigers of Tamil Eelam (LTTE), also known as the Tamil Tigers.” 15 In each case, civilians were not the victims of military necessity, but rather the intended target of the attack.

In Guinea, the violence against civilians extends even further, turning it into a weapon. Rape, in particular, has become a “fairly common tool of military repression,” and in Guinea large-scale violence against women has become a government tactic. 16 In the fall of 2009, soldiers, including members of the elite presidential guard, entered the stadium where an opposition rally was being held and began beating, raping, and killing those in attendance. According to event witnesses, “women were raped in public by the

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15 Hosken, “Sri Lanka.”
soldiers and sexually assaulted with their guns; the military fired repeated volleys on unarmed civilians at point-blank range.”

Rape as a byproduct of war is certainly not a new phenomenon; however, the large-scale use of sexual violence as a weapon of war is a relatively recent development. A former Guinean prime minister beaten at the stadium noted that “this time, a new stage has been reached... Women as battlefield targets. We could never have imagined that.” In Guinea, violence against civilians, particularly the sexual assault of women, has become a tool of armed forces. It is no longer a side effect of war or even the intended outcome of an action; the violation of civilian immunity has become an action, a tool, of warfare in and of itself. Despite increasing legal protections for civilians, violence against noncombatants has not only continued, it has escalated.

If violence against civilians is justified as a side effect of pursuing military objectives, then there is little incentive to distinguish between combatants and noncombatants — collateral damage is accepted as a consequence of war. However, this can have serious repercussions, as illustrated by James Turner Johnson's assertion that:

> When the combatant-noncombatant distinction counts for nothing, and when the civilian population is directly and intentionally targeted as a way of waging war, not only does the burden of war shift decisively to them, but the means of war may also become uncontrolled, as enemy soldiers engage in murder, rape, torture, pillage, and wanton destruction with the aim of creating terror among those who might expect to be the next victims.

This escalation to uncontrollable means of war is no longer an uncertainty, as evidenced by the use of rape in Guinea. Broad justifications have developed around the increase in legal protections for noncombatants. As a result, the legal protections are often not applied in

18 Nossiter, “In a Guinea Seized by Violence, Women as Prey.”
19 Johnson, Morality, 120.
situations where one of these rationales can be used to account for civilian damages. Indeed, the legal framework itself allows for justifications such as military necessity. While at times true military necessity may require actions with unintended civilian casualties proportional to the benefits of the act, the allowance for a vague claim to military necessity undermines the international laws that provide protection to civilians during armed conflict.

Not only are the distinctions between combatants and noncombatants applied less strictly, but the strategies of war begin to incorporate civilians. In the midst of the international community’s push for broader consideration of human rights, including those of civilians, French foreign minister Bernard Kouchner acknowledged that “there is a permanent contradiction between human rights and the foreign policy of a state...One cannot decide the foreign policy of a country only as a function of human rights.”20 In this assessment he is correct. However, to bypass issues of human rights is equally dangerous. In particular, it becomes all too common to equate military expediency with military necessity, broadening the scope of accepted actions regardless of their effect on civilians. It becomes crucial to balance very carefully the needs of foreign policy with the protection of noncombatants. To allow broad justifications for collateral damage and violations of the legal demarcation is to push civilians closer to becoming weapons of war rather than solely accidental victims.

APPENDIX A: Maps

Map of Europe Showing German-Occupied Territories, 1943-1944

Image reduced to a lower resolution.
Map of Algeria

APPENDIX B: A Brief Chronology of the Algerian War
(adapted from Horne, *A Savage War of Peace*, 568-9.)

1830 France occupies Algeria
1871 Colonization of Algeria increases
1918 Woodrow Wilson issues his Fourteen Points
1942 8 November: Allied landings in Algeria
1945 8 May: Algerian revolt in Sétif followed by severe reprisals
1947 20 September: establishment of Algerian National Assembly; all Algerians granted French citizenship
1954 1 November: Algerian War begins; emergence of FLN
1955 March: Algerian National Assembly declares state of emergency
   20 August: FLN massacre *pied noirs* at Philippeville
1956 18 May: Palestro Massacre of French conscripts
   20 August: Soummam Conference establishes FLN policy
   30 September: Yacef's girls bomb Milk-Bar and Cafétéria; Battle of Algiers begins
   5 November: Anglo-French landings at Suez
1957 7 January: Massu's paras take over Algiers
   28 January: General strike begins in Algiers—broken by paras
   21 May: Mollet falls: France is 22 days with no government
   31 May: Massacre of peasants by FLN at Mélouza
   2 July: John F. Kennedy's speech supporting Algerian independence
   24 September: Yacef captured: Battle of Algiers won by Massu
   26 December: Liquidation of Ramdane Abane
1958 8 February: French bomb Sakiet in Tunisia
   15 April: Gaillard falls: France 37 days with no government
   13 May: Algiers mob seizes government buildings and demand de Gaulle
1 June: de Gaulle becomes prime minister
4 June: de Gaulle makes triumphant visit to Algeria
19 September: Provisional Government of the Algerian Revolution formed
3 October: de Gaulle offers *paix des braves* to the rebels
21 December: de Gaulle is elected president of France

1959
16 September: de Gaulle offers Algeria “self-determination”

1960
24 January: “Barricades Week”; “ultras” shoot gendarmes
29 January: de Gaulle speaks, revolt collapses
10 June: Si Salah makes abortive peace approach to de Gaulle
25-29 June: French peace talks with FLN at Melun fail
20 December: United Nations recognizes Algeria’s right to self-determination

1961
25 January: OAS emerges; assassination of Maître Popie
20-26 April: “Generals’ putsch” in Algiers; de Gaulle triumphs
19 May: 19 OAS explosions in Algiers
20 May-28 July: First peace talks at Evian fail

1962
7 February: Bomb intended for Malraux in Paris blinds girl of 4
February: OAS kills 553 people
7-18 March: Second Evian peace talks, agreement signed
19 March: Cease-fire between French and FLN
17 June: Truce between OAS and FLN; exodus of *pied noirs*
1 July: Referendum on independence; Algeria becomes independent state
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