Global War and Mass Terror at the Example of the History of Bombing

At the end of this session, you should be able to understand
- Terms, definitions, characteristics, and types of total war, global war, terror, war crimes
- The history and rationale of bombing, its terror effects, and its limitations
- Why bombing is an integral part of global and total war
- Rules of war (Geneva Convention). Who and what can be bombed.
- Examples of violations

Definition of War
- **Definition 1**: War is violent conflict among nations or organized groups. Peace is absence of violent conflict
- **Definition 2**: War is violent conflict AND the absence of justice. Peace is the absence of violent, collective conflict AND the presence of justice

**Total war**
- Total war is the attempt to incorporate a whole society into the war effort AND to target a whole society indiscriminately by instrumentalizing the Increasing destructive capacity of war technology to reach war objectives
- The level and destructive nature of war (weaponry) has increased over time. But only in the twentieth century mankind developed weapons of mass destruction that have the destructive capacity to kill hundreds, thousands and millions of people at the same time.

**Global war**
- Involves and affects the socio- and bio-sphere of the globe. All of humankind is to some degree affected--a result of new technologies and the pervasiveness of new war strategies and weaponry.
- **Characteristics of traditional wars**
  - requires central organization and political objectives transformed into military tactics and strategy ("war is just another form of politics", von Clausewitz in 19th century)
  - characterized by marked/uniformed combatants under legitimate political authority
  - has a bounded state territory from which it takes its war making human/financial/material resources
- **Characteristics of new "global wars"**
  - predominant religious and ethnic conflicts/identity politics
  - WMD proliferation-rogue states concept
  - global terrorism/non-state actors, decentralized & deterritorialized guerilla war
  - global organized crime/mafias selling oil, diamonds, arms, drugs…
  - regional rivalries
  - financing via diaspora/global drug&diamond mafia/illegal arms sale/blackmail/black market/looting
  - methods of warfare-asymmetry-decentralization-deterritorialization
  - technology (high vs. low, cyberattacks, star wars, electronic jamming)
objectives to change "heart and mind" via genocide, ethnic cleansing/re-settlement/psychological etc intimidation

What is Terrorism?
- An act of war?
- A revolutionary movement?
- A crime against humanity/War Crime?
- An ordinary (albeit severe) crime?
- A sui generis category of hostile action?

Terror/Terrorism
- No final answer/definition possible because it contains a legal, moral, and historical element (Ruby 2002).
- Contested definition "One man's terrorist is another man's patriot"
- Various labels used: terrorist, madman, guerilla, revolutionary, anarchist, freedom fighter, patriot, hero=purely a matter of value judgment & propaganda.
- Label of "terrorist" in media/by politicians often used for derision and obscures whatever legitimate complaints have inspired an act or a person.
- Examples of what is and has been called terrorism: resistance against foreign occupation, anti-slavery revolt, de-colonization and struggle for national self-determination and independence…
- Schmid (1983) surveyed 100 scholars and experts asking for a definition.
- Conclusion: terrorism is an abstract concept with no essence, it normally describes a special type of politically motivated violence and is derived from its target and victim, i.e., mostly noncombatants ("COLLATERAL")
- It is applied either to states or sub-national groups/non-state entities and describes acts that have far-reaching psychological repercussions.

What is terror? What is mass terror?
- Terrorism=unlawful and typically random acts of violence or the threat of such violence employed by an individual, group, or government to achieve a political goal (religious, national, ideological, special interests…). Examples?
- State sponsored terrorism=a government provides money, weapons, and training for terrorists who engage in violence in another nation. Examples?
- Repressive state terrorism= a government uses ruthless violence within its own borders to eliminate resistance against its policies. Examples?

Problems with War and Terror:
Isn't "legal" violence (= warfare) also creating terror or result in terrorist acts that target non-combatants? Examples from past history and present conflicts (Iraq, Afghanistan, Israel, Ireland, Nicaragua, Panama…)
How much "collateral" damage is "acceptable" in legal war?
Are civilians of warring states "innocents" as much as civilians in non-warring states?
From a humanistic view, does "legality" of violence really matter for a woman whose legs are blown off in a supermarket or the parents of a child beheaded in an Afghanistan village by a "stray" missile from a stealth B1 bomber?
Why bombing?
- Total war targets population centers as well as military targets
- Goal is destruction of the infrastructure of a society & breaking the moral of population (civilians & combatants)
- Targeting of civilians & objects that support civil life & survival
  - Homes and urban centers
  - Workplaces
  - Water systems, electrical, transportation, health, and communication network, agriculture/trade/services...
  - Distribution of food, heating/cooking materials, construction/repair of buildings/appliances...
  - Symbols of national pride, cultural & religious heritage ("Dresden," Monte Cassino, museums)
  - Other…???
- Affected are non-combatant adults, such as mothers, retirees, disabled, minorities, prisoners/camp inmates, POW's as well as children/babies becoming orphaned, killed, mutilated & disability, sick, traumatized (PTSD)…
- BUT Terror bombing of civilians was ineffective and did little to lower morale

History of bombing warfare: The Example of WWII
First, the Germans launched an air campaign against Great Britain in 1940 intended to force the British to accept a peace treaty that acknowledged German domination of the European continent. The campaign failed to achieve its end.
Second, the Anglo-Americans launched a massive air campaign against Germany in 1943-1945. The goal of this campaign in the mind of some air power advocates was to force unconditional surrender without the need for a land assault. In the minds of most strategists, the goal was to attack and destroy Germany's industrial infrastructure so as to undermine Germany's ability to wage war. "Unconditional surrender" required the death of many tankers and infantrymen employing ground maneuver, while the post-war Strategic Bombing Survey cast serious doubt on the effect of the air assault on German wartime production.
Third, the United States launched a massive air campaign against Japan in 1945. Its goals were similar to the air campaign against Germany. The Japan campaign has the greatest possible claim to success. Even here, the outcome was ambiguous, since it is not at all clear that it was the conventional air campaign that compelled surrender. Surrender came only after atomic bombing, different in nature from conventional air attack. The more serious challenger for war-ending act was the encirclement of the Japanese home islands by ground maneuver.
All three of these campaigns are examples of great powers using the air campaign as an instrument against other great powers.

Vietnam War
- The U.S. air campaigns against North Vietnam, and then against Iraq in 1991 and 2003, and the bombing campaign against Serbia in 2000 are examples of the use of air power by a great power against a secondary or even tertiary power:
The initial theory of the campaign against North Vietnam was divided into two parts. The first was the assumption that North Vietnam did not take American resolve seriously, that North Vietnam did not think the United States was truly committed to the defense of South Vietnam. The second assumption was that North Vietnam would not place at risk its own infrastructure, industrial, military and social, merely to continue its support of the National Liberation Front in the South. Therefore, the theory went, once the North experienced an intense bombing campaign, it would quickly understand American resolve and it would also rationally calculate that continued support for the NLF was not in its interests. The North would either abandon the war in the South or negotiate an acceptable settlement.

The North Vietnamese saw the air campaign in a very different light. They saw the air campaign as proof of a lack of will and an inability on the part of the United States to risk serious casualties. For both demographic and political reasons, the North understood that the United States could not afford to lose 5,000 men a week in combat. From the North Vietnamese point of view, the use of air power represented a desperate attempt on the part of the United States to wage war without incurring the risks and costs of warfare.

The recourse to air power during the early stages of war convinced the North Vietnamese that the Americans lacked resolve. The North Vietnamese strategy, therefore, was to absorb the American air attacks while drawing the United States into a war of attrition on the ground in the South. They understood fully that they would absorb much greater casualties than the Americans in such a war.

But they also understood that the Americans, in the final analysis, would find almost any level of casualty unacceptable -- while they were prepared to incur massive losses. The psychology behind this strange calculus had to do with something social scientists like to call "issue saliency." In simple English, this means simply the relative importance of an issue to each side.

To the United States the future of South Vietnam was an important issue but not one on which the survival of the United States in any way depended. For North Vietnam, the absorption of South Vietnam into a united, communist Vietnam was a matter of fundamental national interest. No other interest superceded it.

There is not a single instance in history in which an air campaign caused a split between a government at war and its people. It didn't happen during the Battle of Britain, in Germany, in Japan, in North Vietnam, and in Serbia.

Legality and Limits of Bombing Warfare: What are war crimes?

- War Crimes=offenses against the law of war as established by international agreements and international law
- WW II and the Geneva Convention recognize three categories of war crimes
  - 1.Crimes against peace=starting or preparing to go to war against another nation
  - 2. Conventional war crimes=murder, rape, torture or ill treatment of people in any occupied territory
  - 3.Crimes against humanity=genocide
- Is bombing a war crime??? Are states prohibited to threat or use nukes?
  - Does it violate conventional international law?
- Does it violate customary international law?
- Does it violate humanitarian law of armed conflict?
- Can a state threaten or use nukes in self-defense?
- Does a threat or use violate UN Charter? Are the outcomes proportional to the purpose of defense? Does it affect other states/regions?

1907 Hague Regulations (Laws & Customs of War on Land)
- forbids the employment of "arms, projectiles, or material calculated to cause unnecessary suffering"

The Four Geneva Conventions of 12 August 1949
I. Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field.
II. Geneva Convention for the amelioration of the condition of the wounded, sick and shipwrecked members of armed forces at sea.
III. Geneva Convention relative to the treatment of prisoners of war.
IV. Geneva Convention relative to the protection of civilian persons in time of war.

The Geneva Convention
Rule 1: Warring nations cannot use chemical weapons against each other.
Rule 2: The use of expanding bullets or materials calculated to cause unnecessary suffering is prohibited. An expanding bullet, upon impact, explodes within the body.
Rule 3: The discharge of projectiles (such as bullets or rockets) from balloons is prohibited.
Rule 4: Prisoners of war must be humanely treated and protected from violence. Prisoners cannot be beaten or used for propaganda purposes (to try to change the way people think about something).
Rule 5: Prisoners of war must give their true name and rank or they will lose their prisoner of war protection.
Rule 6: Nations must follow procedures to identify the dead and wounded and to send information to their families.
Rule 7: Killing anyone who has surrendered is prohibited.
Rule 8: Zones must be set up in fighting areas to which the sick and injured can be taken for treatment.
Rule 9: Special protection from attack is granted to civilian hospitals marked with the Red Cross symbol.
Rule 10: The free passage of medical supplies is allowed.
Rule 11: Shipwrecked members of the armed forces at sea should be taken ashore to safety.
Rule 12: Any army that takes control of another country must provide food to the people in that country.
Rule 13: Attacks on civilians and undefended towns are prohibited.
Rule 14: Enemy submarines cannot sink merchant or business ships before passengers and crews have been saved.
Rule 15: A prisoner can be visited by a representative from his or her country. Prisoners have the right to talk privately without observers.

International Criminal Court (ICC Statute)
Article 7: Crimes against humanity
1. For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
   (a) Murder[12]

[12] Kittichaisaree notes: the actus reus of murder is the taking of the lives of persons taking no active part in hostilities in an internal armed conflict. The requisite mens rea is the intention to kill, or inflict serious injury in reckless disregard of human life. Recklessness means the taking of an excessive risk. The specific elements of murder in this case are identical to murder as a crime against humanity, except for the context in which it takes place. The Elements of Crime adopted by the PCNICC thus provide in this case that the perpetrator must have killed one or more persons who are either hors de combat, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities, including those non-confessional, non-combatant military personnel carrying out a similar function. The perpetrator must have been aware of the factual circumstances that established this status of such person or persons.

   (b) Extermination
   (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or to mental or physical health.

2. For the purpose of paragraph 1:
   (a) ‘Attack directed against any civilian population’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organisational policy to commit such attack;
   (b) ‘Extermination’ includes the intentional infliction of conditions of life, inter alia, the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population; ..........

12.3b Article 8: War crimes
1. The court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this Statute, ‘war crimes’ means:
   (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
      (i) Wilful killing; …
      (iii) Wilfully causing great suffering, or serious injury to body or health;
      (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
   (b) Other serious violations of the laws and customs applicable in international law, namely any of the following acts:
      (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking part in hostilities;
      (ii) Intentionally directing attacks against individual civilian objects, that is, objects which are not military objectives;
      (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly
excessive in relation to the concrete and direct overall military advantage anticipated;
(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings
which are undefended and which are not military objectives;
(ix) Intentionally directing attacks against buildings dedicated to religion, education, art,
science, or charitable purposes, historic monuments, hospitals and places where the sick
and wounded are collected, provided they are not military objectives;
(xii) Declaring that no quarter will be given
(xiii) Destroying or seizing the enemy’s property unless such destruction or seizure be
imperatively demanded by the necessities of war;
(xvii) Employing poison or poisoned weapons
(xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids,
materials or devices;
(xxv) Intentionally using starvation of civilians as a method of warfare by depriving them
of objects indispensable to their survival, including wilfully impeding relief supplies as
provided for under the Geneva Conventions.