



# THE ROOTS OF BEHAVIOUR IN WAR

A Survey of the Literature



ICRC

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“Those who can  
make you believe  
absurdities  
can make you commit  
atrocities.”

---

Voltaire

“You think  
their discipline  
is poor,” I said.  
“You are wrong.  
Their discipline  
is very good.  
What holds them back  
from exterminating  
every male child,  
every last one of you,  
is not compassion  
or fellow-feeling.  
It is discipline,  
nothing else:  
orders from above,  
that can change any day.  
Compassion is flown  
out of the window.  
This is war.”

---

J.M. Coetzee, *Age of Iron*

# Foreword

This document is one of four reports produced as part of a research project the ICRC asked us to carry out with a view to examining two questions. Firstly, what determines the behaviour of combatants in wartime and, more specifically, what makes them respect or violate international humanitarian law? Secondly, are the ICRC's strategies for inducing combatants to respect the law appropriate and can they actually influence behaviour, and not just knowledge or attitudes?

The project was carried out with the assistance of the Faculty of Psychology and Educational Sciences of the University of Geneva using data gathered from thousands of combatants and civilians during the ICRC *People on War* study launched in 1999. This information was supplemented by interviews with hundreds of other combatants – both former ones and active ones – in several countries at war.

The examples of violations cited in this document are in no way intended to single out particular countries or warring factions for criticism. Their only purpose is to illustrate types of behaviour that were prevalent in past wars and are still common today.

This research would not have been possible without the help of many ICRC staff members, both in Geneva and in the field, to whom we extend our sincerest thanks. We are also deeply grateful to all the people from outside the organization who provided us with their stimulating opinions and points of view, in particular the professors Willem Doise and Gabriel Mugny and their colleagues at the Faculty of Psychology and Educational Sciences of the University of Geneva, Reto Hadorn, sociologist at SIDOS (Swiss Information Service and Data Archive for the Social Sciences), Jean-Henry Francfort, communications specialist, Christian-Nils Robert, professor of

criminal law at the University of Geneva, Michel Caraël from UNAIDS and Suren Erkman, scientific consultant.

Apart from the work of Professor Eric David, who devotes a chapter of his book *Principes de droit des conflits armés*<sup>1</sup> to examining why International Humanitarian Law (IHL) is violated so frequently, the specialized literature is often split between two dominant trends. It either focuses on extreme events, such as the genocide of the Jews, or looks at violence in general, sometimes drawing rather hasty parallels between social violence generated by socio-economic problems and the violence expressed in times of armed conflict. We are left with at least one dual conviction: man has admittedly a natural aptitude for violence, but the decision to act and the ways in which such action is taken are determined by social circumstances; and the violence seen in wartime is only a distant cousin of inner-city violence. The particular difficulty encountered by an organization such as the ICRC when it focuses on these issues is this: it does not condemn recourse to armed violence but only certain excesses of such violence; yet there is a continuum of violence and the fact of resorting to such action entails by definition a grave risk of breaking the humanitarian rules.

Our research was based on reading, interviews, internal ICRC documents, personal accounts, academic articles, the quantitative data compiled during the *People on War*<sup>2</sup> project, and finally on questionnaires we devised ourselves, one for bearers of weapons and the other for ICRC “communicators”. The present document represents an attempt to summarize the information gathered from all these sources. The diversity of the sources used in preparing this document makes summary difficult, and this is one of the reasons for the frequent use of caveats. What follows does not claim to be

indisputable and definitive scientific truth. On the contrary, we have sometimes given preference to certain avenues of research, and on occasion we have doubtless been swayed by our own convictions, but we have always tried not to diverge from our critical approach.

As we write these lines we bear in mind the comments made by Mr Reto Hadorn of SIDOS (Swiss Information Service and Data Archive for the Social Sciences) when the ICRC and Harvard University were discussing the *People on War* project. We feel it is useful to quote those comments, which seem to be entirely apposite in this Foreword.

**“There is practically no statistical relationship between what people say in an interview and what they do in a real situation.”**

**“If it takes issues relating to the definition of the subject under study seriously, research in the social sciences usually produces more questions than certainties.”**

**“It is questions that advance knowledge, not answers.”**

**“Scientific method is first and foremost a critical approach to the knowledge-building processes.”**

In the course of this work we considerably scaled down the ambitions we had nurtured at the start. Human behaviour is by definition so complex, even in situations that appear quite simple (for example when it is a matter of determining why a consumer chooses such and such an item over another), that the attempt to understand why an individual caught up in the turmoil of war and the eruption of passions adopts a particular form of behaviour has little chance of producing an entirely satisfactory answer.

There are many issues that we did not address. Why have human groups engaged, since time began, in this collective and eminently human activity that we call war? Why is war always and above all the preserve of men? What is the relationship between human aggressiveness and the phenomenon of war? All these questions are at the interface



between ethnology, anthropology, sociology, psychology, socio-biology, neurophysiology and human ethology, and will provide material for the specialized literature for a long time to come. It would have been presumptuous of us to take position on these major issues even though they often arise within the framework of our research.

We do not attempt, therefore, to explain why there is such a thing as war. Nevertheless we did feel it was necessary to broach the question of the nature of certain of today's conflicts, because we believe that this might offer some explanations relating to violations of IHL. War, by definition, is conducive to criminal behaviour. There can be no understanding of the reasons for the existence of violations of the law of armed conflict without an understanding of the nature of such conflict and of the issues at stake.

In our view war is a specifically human activity; that is why it is never said in this paper that war gives rise to bestial behaviour. It is also why we remain sceptical about expressions such as "giving war a human face". We believe that war is a rational undertaking, even though it is triggered by an extraordinary range of motivations, and even though the individual combatant is often driven by his own passions and emotions. That is also why we do not speak of absurd wars, for in general war does not appear absurd to those directly involved:<sup>3</sup> it is often outside observers who describe certain conflicts as absurd, perhaps because they do not understand the issues at stake or they see them as pointless. This does not prevent one from thinking that recourse to the violence of war is usually the most costly means of settling a dispute. Similarly, we avoid references to "unstructured conflicts", a term that gives the impression that certain modern conflicts do not conform to the rule that wars must be waged by organized entities which have some form of hierarchy and are pursuing identifiable objectives. For war is waged by groups, not by crowds.

We therefore find ourselves not in the realm of macrosociology or of micropsychology but somewhere in between, in the realm of psychosociology. Why? Apart from the reasons given above, our starting hypothesis was that the parameters having the strongest influence on the behaviour of bearers of weapons are to be sought at an intermediate level, that of the individual in the group within which he is fighting. Combatants asked about their motivation in combat rarely cite an ideal, or hatred, or

decorations; what they talk about is concern not to let their comrades down and not to lose the latter's respect and support. The influence of peers is decisive for the behaviour of bearers of weapons. The other central influence relates to position in the hierarchy, to orders (or lack of orders), and to the penalties to which offenders are liable. This is considered in depth, for if there is one parameter of decisive importance for the types of behaviour that we have tried to analyse, this is it. When the American social psychologist Stanley Milgram wondered, back in the sixties, why an individual who is decent and well-meaning by nature may behave cruelly towards a stranger, he concluded that it was because **“conscience, which regulates impulsive aggressive action, is diminished at the point of entering a hierarchical structure such that the person enters an agentic state in contrast to the usual autonomous state”**. This short quotation merits being read three times, for it is at the core of our research.

The main themes dealt with in the following pages are man in war, the parameters that affect his behaviour and the influences brought to bear on him.

**Part I** is devoted to the phenomenon of war and sets out to describe the general environment in which individuals bearing weapons operate. We begin by pointing out that war, horrible as it is, has always held a strange fascination for men and occupies a special place in the culture of mankind (Chapter 1). We then look at the origins of the need to impose limits on warfare and to codify certain matters, in particular to specify who may lawfully be killed and under what conditions (Chapter 2). Infringement of those rules takes different forms, and we try to identify them (Chapter 3). Before taking a closer look at the behaviour of weapons-bearers, we consider why certain types of conflict inevitably give rise to violations of IHL (Chapter 4).

**Part II** focuses more directly on the subject under study. A combatant is no longer a man quite like other men. We explain what must be put in place to enable him to kill, and what contributes to making atrocities possible. Above all, an image of the enemy must be projected which aims to denigrate him (Chapter 5). Then an *esprit de corps* must be created and a new identity constructed for the combatant (Chapter 6), and he must learn to overcome his aversion to killing (Chapter 7). Two mechanisms play an important role in allowing the combatant to indulge in behaviour which may easily

lead to violations of IHL: distancing and “victimization” (Chapter 8). The chapter on justifications (Chapter 9) attempts an analysis, backed up by various examples, of the mental and social processes which cause people to commit abuses, involving functions that are both explicative and designed to absolve the perpetrators of guilt. This leads to the parameter that we feel is most decisive for the behaviour of a combatant, that is, obedience to authority (Chapter 10). Finally, we see what moral disengagement means and what we can learn about it from contemporary research (Chapter 11).

**Part III** deals with the strategies of influence used to persuade certain categories of individuals to modify their behaviour. We review some approaches adopted by other organizations in regard to the problem of influence: what is the best way to go about changing behaviour? (Chapter 12).

*Jean-Jacques Frésard & Daniel Muñoz-Rojas*

# Introduction

We have avoided using the word “warriors” to describe the weapons-bearers who are of concern to us. That is because we endorse the definition of “warrior” adopted by Claude Barrois (*Psychanalyse du guerrier*), which appears to apply to only some of those whom we call weapons-bearers: **“A warrior is an exceptional combatant, because of the deliberate lucidity with which he chooses to take part in a violent conflict, the skill with which he discharges his mission (whether entrusted to him or self-imposed), his respect for the prohibition on attacking unarmed men or defenceless individuals, and his taste for this type of activity.”**

Barrois adds a further three parameters which are important to complete the portrait of the warrior: **“Being a warrior means agreeing to give up the rights and prerogatives that a civilian sees as essential for his freedom as a citizen. This means:**

- **absolute obedience to the orders issued by his superiors, with the corresponding loss of freedom, in the name of honour;**
- **the possible exercise of authority, as soon as he rises in the ranks;**
- **unconditional acceptance of combat missions which often involve the need to eliminate physically, that is, to kill, the enemy, the possibility of being killed himself, and the avoidance of unnecessary loss of life, be it of friends or foes, by seeking to demoralize rather than to destroy the enemy.”**

Our starting hypothesis was this: those who wage war in the field are weapons-bearers. Even though they are mostly only agents, they are the ones who commit violations of IHL, either because they exercise the autonomy that any combatant must enjoy to do his work, or because they are acting at the instigation of those who give them their orders. Leaving aside for the time being the question of the respective responsibilities

involved, we decided to focus our attention on weapons-bearers, whom we considered to be the primary actors in conflict situations. This does not mean that we failed to question whether it is really weapons-bearers who most frequently commit violations of IHL, and whether they are really the main instruments of such violations. For it is not necessary to be bearing a weapon to be guilty of violations of IHL.

An initial observation: a weapon of war is not only **“a material thing designed or used or usable as an instrument for inflicting bodily harm”** (*Concise Oxford Dictionary*). Take, for example, this news article: **“Witnesses confirmed that the rebel troops had used as weapons of war practices such as ‘systematic looting and rape’, ‘summary executions and ‘abductions.’”**<sup>4</sup> In other words, weapons are part of the combatant’s kit; they are essential to his identity as a combatant, and their mere existence is often enough to secure the advantages sought. But it is not always necessary to use them, and many violations of IHL are perpetrated by other means, such as rape, looting, threats or psychological coercion. In today’s conflicts many violations of IHL do not necessarily involve the use of weapons in the material sense. We are not overlooking all the people killed or wounded by shells, mines and Kalashnikovs, but there are probably many more whose lives and health have been affected by forced displacement, economic hardship and psychological violence.

A second observation: weapons-bearers are not the only ones who breach IHL (whether in obedience to orders or on their own initiative). Refusing to allow prisoners of war to write messages to their families or to receive visits from the ICRC are violations of IHL, but they are not committed by those whom we call weapons-bearers. There are countless ways of committing violations, sometimes serious, of IHL which

do not involve weapons-bearers. Rather than placing weapons-bearers at the centre of our research, we could have focused more broadly on *individuals in a position to use violence or coercion against other individuals under their control* and thus take a more comprehensive view of our subject. We believe, however, that our conclusions relating to the behaviour of weapons-bearers may be extended to other perpetrators of violence in war, while bearing in mind, of course, the distinction between acts of violence that are “lawful” and those that are not. Warfare is by definition a violent activity, even though it does not comprise only acts of violence. It authorizes the infliction of suffering upon other human beings, but that suffering is not necessarily the result of violations of IHL.

The ICRC has recently adopted guidelines for its representations. These guidelines mention our duty to exert influence, citing an article by Dr Pierre Perrin which says: **“The first responsibility of the humanitarian organizations is to bring their influence to bear on all the players (parties to the conflict, governments, economic groups, the media) and get them to assume their responsibilities towards the victims.”**<sup>5</sup> We share this view and hope to describe in the coming pages the general environment that can determine the choice of our strategies of influence.





# Part I





## Chapter 1: War

We at the ICRC probably have an exceptionally extensive knowledge of contemporary conflicts, but at the same time that knowledge is biased, fragmentary and partial. By virtue of our mandate we see war from the standpoint of its victims – amputees, torture victims, people wounded in body and soul, living under foreign occupation, separated from their families, deprived of their freedom. This view of war, perceived as horrible, is so widely shared that one wonders why a phenomenon so often condemned can persist, and why it frequently elicits not only support but enthusiasm.

For war, whatever we may think about it, is an object of fascination. War seems to have a revealing effect: it allows men to express the worst of which they are capable, but also the best. For every account of the horrors of the battlefield there is another about the extraordinary fraternity that prevails within a fighting unit. For every act of cruelty recorded there is an act of bravery or heroism. All human attributes and passions are heightened. And it is not unusual to find texts relating how the protagonists of war, after living through indescribable suffering and surviving countless dangers, look back nostalgically once peace has been restored to the time when their lives seemed to have meaning.

Without succumbing to this fascination, we feel it is important to point out here that war is not perceived always and everywhere as the height of horror. If this is not borne in mind, we overlook a significant factor that can explain the behaviour of combatants. For many men, their war experience is the most important of their lives. There is abundant evidence in literature of war's ascendancy over the minds of men and of the role it has played in the process of civilization.

Philippe Masson (*L'homme en guerre*) writes: **“For the soldier, the true combatant, war holds strange associations, a combination of fascination and horror, humour and sadness, tenderness and cruelty. In combat, a man can show cowardice or bloodthirsty fury. He is torn between the life instinct and the death instinct, impulses that can cause him to commit the most despicable murder or inspire in him the spirit of sacrifice.”** Glenn Gray (*The Warriors: Reflections on Men in Battle*) writes on this point: **“Millions of men in our day – like millions before us – have learned to live in war’s strange element and have discovered in it a powerful fascination. (...) What are these secret attractions of war, the ones that have persisted in the West despite revolutionary changes in the methods of warfare? I believe that they are: the delight in seeing, the delight in comradeship, the delight in destruction.”** Even more disturbing – and similar sentiments are expressed by many authors – is the intimate link forged between warrior and Eros. **“If we are honest, most of us who were civilian soldiers in recent wars will confess that we spent incomparably more time in the service of Eros during our military careers than ever before or again in our lives. When we were in uniform almost any girl who was faintly attractive had an erotic appeal for us. For their part, million of women find a strong sexual attraction in the military uniform, particularly in time of war. (...) Not only are inhibitions on sexual expression lowered, but there exists a much more passionate interest of the sexes in each other than is the case in peacetime. (...) There is doubtless truth in the naturalistic claim that forces are at work in war and love that we rarely make conscious and never completely understand. But these forces are not merely biological; on the contrary, they are distinctively human as well”** (p. 28 ff). Martin van Creveld (*The Transformation of War*), adds a humorous touch: **“Throughout history, for every person who has expressed his horror of war there is another who found**

**in it the most marvelous of all the experiences that are vouchsafed to man, even to the point that he later spent a lifetime boring his descendants by recounting his exploits.”**

This tendency to see the noble side of war is not new. Franco Cardini (*La culture de la guerre*) tells us that in feudal times **“war was a fine thing ... for those who planned it and waged it as a privilege. In those days it did not last very long and took place during the summer months, between May and September; it created opportunities for many social occasions; it proceeded with a joyous squandering of other people’s labour and wealth; it involved relatively few risks, even less than a tournament which all too often ended in deaths. It was a time for celebration, prestige and abundance; it was an ‘orgy’ in the anthropological sense of the word”** (p. 416). At the end of the book he concludes: **“War is distinguished by its aptitude for tapping into the noblest human attributes and channelling them towards a fervently desired goal.”**

Any book dealing with the anthropology of war will relate that in primitive societies war is accompanied by singing and dancing, rites and feasts, parades and exhilaration. It summons up the sacred and nourishes myths. Men dress up and see themselves as heroes, while women acclaim and admire them. Roger Caillois (*L’homme et le sacré*) sees profound affinities between wars and festivals, as they are both characterized by waste, a suspension of moral standards, collective jubilation, and the suppression or attenuation of physical sensitivity and the instinct of self-preservation.

For Lévy-Strauss, who proposes a “culturalistic” interpretation of war, primitive society is based on exchange, primarily the exchange of women (exogamy and the ban on incest being the justification). War is a secondary and accidental phenomenon which occurs only when there is a failure in this exchange, which is the highest form of social relationship among groups. For Pierre Clastres (*Archéologie de la violence*), on the other hand, the foundation of any traditional society is a veritable culture of war, which ensures the internal cohesion of the group and its independence vis-à-vis other communities. War is not an accident; in a way it is the primary mode of social regulation.

What is certain is that war has shaped culture – in any case Western culture – from the outset. The Swedish essayist and journalist Stefan Jonsson puts it this way: **“Western culture goes back to two primal texts which describe wars of conquest in the most minute detail – the *Iliad* and the *Aeneid*. For centuries these epics were regarded as models of human behaviour. Then came the archetype of the knight to embody the Western ideal – a healthful life and the settlement of disputes by the sword. There is an uninterrupted line running from the Anglo-Saxon epic *Beowulf* and the *Song of Roland* to popular post-modern culture with its role-playing and its cult of Tolkien. (...) Without wars, our vision of the past would be disoriented and muddled, like a succession of grey days. One might even wonder whether there would be any historical awareness without wars. War, a force for ordering our thoughts; war, a source of inspiration for art and literature; war, the essence of humanity: no other type of experience has been so powerful in shaping the narratives that have enabled humankind to take a structured view of the past and to look to the future.”**<sup>6</sup>



## Chapter 2: The limits placed on war

In every culture, men prohibit the killing of their fellows. It is fairly safe to say that this is an anthropological invariant. All major religions have in common some imperative commandments, the first being not to kill. The injunction is categorical: “Thou shalt not kill!”. But human history is made up of roundabout ways of qualifying this imperative and establishing all manner of exceptions. Religions themselves are the first to specify, more or less explicitly, that the injunction concerns above all *our people*. The others, the “unbelievers”, infidels and apostates, may be run through by the swords of men when they are not simply delivered up to the sword of God.

All societies adopt rules establishing who among their members may be killed, and under what conditions. Lives may be taken to appease the gods, to punish, to wreak vengeance, to set an example, to put an end to suffering, or in self-defence. Modern States claim to have a monopoly on this violence, and the most advanced of them have even abolished the death penalty. There remain, at either end of human life, the painful issues of abortion and euthanasia.

But the extraordinary reversal of the first commandment implied by a war situation also endures. A pioneer among ICRC military instructors used to say, perhaps as a provocation, that the first principle of the law of war is the right to kill. Not just anyone or anyhow, and only within certain limits. Nevertheless, the right to kill. And, for combatants, this right often becomes a duty.

If we do not start here, we may well miss the point completely. For the first question we are asked is why weapons-bearers violate IHL. As this study progressed, we frequently came to ask the same question in reverse: how and why do they manage so often not to violate it?

For war to be waged, there is one primary condition: it must be clearly laid down who may lawfully be killed and who may not. In the words of Glenn Gray, **“The basic aim of a nation at war in establishing an image of the enemy is to distinguish as sharply as possible the act of killing from the act of murder by making the former into one deserving of all honor and praise”**. Here we quote a rather long passage from van Creveld’s book, which is worthy of attention because it is of such close concern to us.

**“The ‘strategic’ view of the law of war is that it applies largely to marginal groups of people who are weak or *hors de combat* and therefore deserve protection; or else that it only pertains to ‘exceptional’ weapons such as gas. However, nothing could be further from the truth. The purpose of the law is not, as Clausewitz and many of his followers seem to think, simply to appease the conscience of a few tender-hearted people. Its first and foremost function is to protect the armed forces themselves. This is because war is the domain of uncertainty and agony. Nothing is more likely than the terror of war to cause rationality to go by the board, nor is anything more conducive to make even the most even-minded start behaving somewhat strangely. The paradox is that war, the most confused and confusing of all human activities, at the same time is also one of the most organized. If armed conflict is to be carried on with any prospect of success, then it must involve the trained cooperation of many men working as a team. Men cannot cooperate, nor can organizations even exist, unless they subject themselves to a common code of behavior. The code in question should be in accord with the prevailing cultural climate, clear to all, and capable of being enforced. (...) Whenever and wherever war takes place, it cannot occur unless those who participate in it are given to understand just whom they are and are not allowed to kill, for what ends, under what circumstances and by what**

**means. A body of men that is not clear in its own mind about these things is not an army but a mob. Though there have always been mobs, their usual reaction when confronted by an effective fighting organization is to scatter like chaff before the wind. (...) The need for the law of war does, however, go further even than this. War by definition consists of killing, of deliberately going out and shedding the blood of one's fellow-creatures. Now shedding blood and killing are activities which no society – not even a society of animals – can tolerate unless they are carefully circumscribed by rules that define what is, and is not, allowed. Always and everywhere, only that kind of killing that is carried out by certain authorized persons, under certain specified circumstances, and in accordance with certain prescribed rules, is saved from blame and regarded as a praiseworthy act. (...) It is true that different societies at different times and places have differed very greatly as to the precise way in which they draw the line between war and murder; however, the line itself is absolutely essential. Some deserve to be decorated, others hung. Where this distinction is not preserved society will fall to pieces, and war – as distinct from mere indiscriminate violence – becomes impossible”** (pp. 89-90).

This crucial observation gives rise to three series of comments, which will be enlarged upon later.

First of all, an image must be defined of the enemy, that is, an image of what he embodies and of the danger he represents. This generally begins before the war, and its main objective is to legitimize, in the mind of the combatant and of society as a whole, the act of killing. We shall see that this process is a universal one, and that it hardly appears compatible with the values underlying IHL.

Then it is necessary to distinguish clearly between *us* and *them*, and also – something much more difficult – to distinguish among them between those who may be killed and those who are entitled to a kinder fate. And, among those who may be killed, it must be decided when and under what conditions this may occur.

Finally, the combatant must be prepared, first of all to overcome the revulsion normally felt by human individuals for the act of killing their fellows. Then steps must be taken to ensure that weapons-bearers preserve **“humane behaviour in a warlike environment, in which the individual tends to unleash unrestrained aggressiveness and savagery”**. This last point is at the heart of military discipline, one of whose functions is **“to prompt an appropriate response in a crisis situation in which the individual’s ability to judge for himself is impaired”**. This discipline aims to **“standardize behaviour so as to a) simplify leadership procedures and the language used, b) prompt a predictable response to a given impulse, and c) ensure a coherent overall movement”**.<sup>7</sup>

These last assertions may appear paradoxical, but they are not contradictory. Numerous studies show that in general combatants are very reluctant to kill, and have to be prepared, conditioned and drilled to overcome the neuropsychological mechanisms that make the act so difficult. It should not be deduced from this, however, that those who commit acts of cruelty in wartime are all monsters and psychopaths. Such monsters and psychopaths doubtless exist, but they are few and far between. If atrocities could be attributed to them alone, all that would have to be done to ensure better compliance with the law would be to identify and neutralize them. It seems obvious that the great majority of those who commit acts contrary to IHL are ordinary individuals. Echoing Hannah Arendt’s concept of the “banality of evil” (*Eichmann in Jerusalem*), we have to acknowledge that behaviour prohibited by IHL is seen among combatants who rarely fall within the category of monsters. As Van Creveld says: **“Most soldiers are not criminals, and criminals have never made good soldiers.”**

Claude Barrois points out that two aspects of a warrior’s honour are peculiar to him. **“The first concerns the obligation to fight only an armed adversary, on an equal footing. A victory over an enemy who has been disarmed or is in an inferior position would be dishonourable. This requirement reflects an ethical standard very alien to those sinister armies of killers and slaughterers who, alas, even if they are wearing uniforms, are constant participants in the history of our world. This point of honour forbids a warrior from taking any action not only against disarmed adversaries, prisoners and the wounded but also against the civilian population and its most vulnerable members: children, the elderly and women.”**





## Chapter 3: Breaking the rules

There are countless reasons for violations of IHL. For our purposes we have divided them into six categories which appear to encompass almost the entire range of events that can lead to non-compliance with this body of law. In every case human volition, whether collective or individual, plays a preponderant role. This volition may sometimes be distorted by the use of drugs or alcohol, or swayed by extremely violent emotions such as fear or the thirst for revenge. States such as these may have implications for the responsibility of those who commit abuses.

The categories set out below do not include violations committed because of obvious errors. It may happen that civilians are attacked by mistake, despite all the precautions demanded by the circumstances and without any intention of causing the consequences that actually occur. This does not apply, of course, to attacks on civilians when the attackers have failed to take the precautionary measures dictated by the circumstances to avoid civilian casualties. In that case the term *dolus eventualis* is used, denoting that the attackers should have foreseen the consequences of their acts and failed to do so, often because of an irresponsible attitude.

The categories chosen are of a practical rather than a legal nature. They are intended to be instrumental because each of them (perhaps with the exception of the first) corresponds to specific action that the ICRC can take to prevent or minimize violations of IHL. They proceed from the general (collective) to the particular (individual).

## 1. War is conducive to criminal behaviour

The first reason for violations is a very general one: war is conducive to criminal behaviour. By its very nature, the phenomenon of war entails excesses, blunders and acts of violence going beyond “military necessity”. There is no such thing as a “clean” war, and even a war waged in accordance with IHL involves an unleashing of violence against persons and property with all the attendant suffering and destruction. Obviously, in such circumstances it may be difficult to draw the line between what is lawful and what is not, an act that is legitimate and one that is not, an act that is morally acceptable and one that is not.

On this point reference may be made to the general conclusions reached by Professor Eric David (*Principes de droit des conflits armés*): **“The law of armed conflict is a simple body of law: with a modicum of common sense and a minimum of good will anyone can discover the basic rules for himself without need for a law degree. In fact, to simplify the matter to the extreme, the rules may be summed up by four precepts: do not attack non-combatants, do not attack combatants anyhow, treat persons in your power humanely, protect the victims.”**

**“It is possible to be even more succinct (...) in expressing the quintessence of the law of armed conflict: respect your fellow men even in the midst of fire and bloodshed! Quite an ambitious undertaking, and also quite a paradox! Is it possible to respect someone on whom you are dropping bombs, who you are lining up in the sights of your rifle, who is fighting you hand to hand? This is clearly the basic contradiction that characterizes the law of armed conflict. We must be aware of it in**

**order to succeed – perhaps – in overcoming it, and also to recognize that respect for the law raises difficulties which are ultimately far more psychosociological than legal” (pp. 731 and 732).**

## 2. Reasons relating to the aims of war

War may be waged for many different purposes. According to classical theory, the main object of war was to defeat enemy forces. In many modern conflicts, however, the aims are quite different. Conflicts over issues of identity often pit one ethnic group against another, and all members of the other group – primarily civilians – are seen as enemies. Apart from the fact that it is often difficult to distinguish civilians from combatants in this type of conflict, it is seen as preferable to attack the civilian population of the adverse party, first because this is the most effective way of getting rid of the enemy, and secondly because it is less dangerous than attacking enemy combatants.

The same applies to what are known as asymmetrical conflicts (one example being the “war on terrorism”). Here the adversary who is technologically and numerically inferior makes up for this inequality by attacking the “enemy’s” civilian population with no regard whatsoever for the law of war, to the point where in some cases it is doubtful whether the events can be described as armed conflict at all.

In such situations, the aims of war can be the very negation of the principles of IHL. At the ICRC we would say that in these circumstances the “space for humanitarian action” has been reduced almost to zero.

Here mention should also be made of those “new” perpetrators of violence who often engage in military operations and purely criminal pursuits at one and the same time, and whose propensity to comply with the basic rules of the law of war is inversely proportionate to the degree of recognition they enjoy on the part of the States on whose territory they operate. They are generally regarded by those States as common-law criminals or terrorists, and since they have no rights they consider that they have no obligations.

### 3. Reasons of expediency

These reasons can be summed up in a single postulate: to overcome the enemy it is often necessary to violate certain rules of IHL. The end justifies certain means, and the ends may be many. In some cases these reasons may be cited as justification for the action taken; in others the decision-makers may be sincerely convinced that an unlawful act will preclude much more serious losses. In such circumstances the term used is “the morality of the result”.

The reasons of expediency encountered most frequently are:

- determination to weaken the enemy by all available means;
- determination to demoralize the adversary;
- determination to break the adversary’s will to resist, for example by bombing its civilian population (Coventry, Hamburg, Dresden);
- determination to put an end to hostilities as quickly as possible and thus to avoid more casualties later (Hiroshima, Nagasaki);
- determination to safeguard the lives of one’s own men (the “limited casualties” doctrine).

Reasons of expediency may be invoked at levels less strategic than those enumerated above. The abandonment of wounded adversaries without medical care or the decision not to take prisoners is sometimes justified by a lack of material resources, or by the claim that behaviour consistent with IHL in a given context might have led to reverses for the party concerned. To assert, as we at the ICRC do and must do, that respect for IHL is always to the advantage of the belligerents, is debatable and hence often debated.

### 4. Ideological reasons

In war, almost everything is a matter of representation. As we have seen, combatants must be convinced that their cause is just, that the enemy is vile, and that God is on their side.

If the belligerents decide to use means that go beyond those authorized by the law of armed conflict, they often have to attribute their behaviour to ideologies that provide them with references, explanations and justifications.

The ideological reasons most frequently encountered are the following:

- the conviction that the group, ethnic community or nation is fighting for its very survival, and that consequently the humanitarian conventions no longer apply;
- the conviction that the conflict is one between Good and Evil and that it is a matter of defending superior principles, such as the destruction of fascism or the preservation of “civilization”;
- hatred, accompanied by demonization, of the enemy, is often whipped up very effectively and cynically; this is much more often a political tool rather than the result of “ancestral animosities” or spontaneous human emotions;
- the issue of reciprocity is omnipresent in the reasons put forward to justify violations of IHL; while this is probably a profoundly atavistic reaction (I hurt you because you hurt me), it is also frequently used by those in power, who accuse the adverse party – sometimes quite falsely – of committing the most heinous atrocities.

## 5. Psychosociological reasons

We shall look in more detail at these reasons later on, but some of them which are regularly encountered in times of armed conflict can already be identified:

- obedience to orders;
- group influence;
- deliberately maintained vagueness as to the line between what is permitted and what is prohibited;
- the contagion of violence;
- permissiveness: leaders tolerate or even encourage unlawful conduct, giving the impression (without really issuing explicit orders) that the enemy must be beaten by all possible means.

## 6. Reasons relating to the individual

There are some people, a small minority in normal times, who take pleasure in the suffering of others. Such sadistic tendencies do exist, and they find expression more freely in conflict situations. But war can also give free rein to the impulses that many people harbour, such as the wish to feel (all-) powerful or to act out certain fantasies. The individuals concerned are not necessarily psychopaths, but more often very ordinary men whom the circumstances turn into oppressors. This capacity that men have to be transformed from decent citizens into despicable villains is an oft-cited mystery of human nature. We suggest that few people are immune to this type of metamorphosis, but also that such behaviour is not a major factor explaining violations of IHL. Yet again, everything depends on the circumstances.

Should this be termed sadism, or perhaps cruelty? Should we focus our attention on cruelty, rather than on certain violations of IHL that are of lesser gravity? But how can cruelty be defined? Véronique Nahoum-Grappe, who has written extensively about the conflicts in the former Yugoslavia, offers some pertinent thoughts on the subject.<sup>8</sup> **“Unlike the victim of a merely violent act, the victim of cruelty is always innocent and helpless. (...) Cruelty has an aesthetic which allows its meaning to be erased, and the content of its programme of action holds no surprises: the body of the innocent victim, honour and modesty, and finally the inner, sacred light which shines from deep in the eyes of any individual and which is his most precious possession, that is the target of cruelty. Death is too easy a fate for the victim, who has to endure whatever may come. What the tormentor seeks is to witness pain, the pain that consumes body and soul when the victim’s child, loved one, or carefully cherished home is desecrated. Cruelty is therefore a technique specifically intended to cause mental suffering in the victim, who rues the day he was born. The aim of violence is destruction or the acknowledgement of defeat, while the aim of cruelty is the annihilation which is the reverse of death, a dismantling of the personality whose vector goes back to the primal seed, the very root deep in a mother’s breast, the mother whose sexuality is also a traditional target for the crime of desecration, at least by word. Rape, like all other forms of sexual torture, is the prime example of the crime of desecration, which seeks to pervert the bond of filiation and thus**

**to harm even those as yet unborn. (...) The resulting pain and humiliation, worse than death, are wounds which pierce the very depths of the human psyche”** (p. 115 ff).

Further on, V. Nahoum-Grappe demonstrates the relationship between such cruel behaviour and the conflict situations that we know so well. **“When war is waged against a people, a group defined as such, and not against an army or a specific power structure, the crime of desecration is more precise than the crime of violence in responding to the definition of the enemy’s collective identity which circulates together with the relationship of filiation (blood) among its members. Today’s wars, which are characterized by the fact that they are directed against civilian populations rather than armies or policies defined as such, therefore bear within them the logical possibility of resulting in practices that were thought to have fallen into disuse and to belong to barbaric wars among clans, tribes or stateless societies”** (p. 117 ff).

While no definite conclusion can be reached on this point, it would seem that reasons relating to the individual come close to the first reason expounded in this chapter, that is, the fact that war is by its very nature conducive to criminal behaviour.



## Chapter 4: The nature of conflict and violations of the law

To attempt even a superficial analysis of contemporary conflicts is beyond the ambit of this work.<sup>9</sup> We nevertheless devote a few lines to the subject, just to show that if IHL is often violated in today's wars, it is because certain objective features of these conflicts make such violations "inevitable". This is particularly obvious when one looks at the goals pursued by some belligerents.

We begin by challenging some assertions that are heard all too often, and that are based mainly on impressions. "IHL is violated more and more frequently". "What we are seeing is a return to barbarity". "Civilians are increasingly bearing the brunt of armed conflict". "Since the end of the Cold War, there has been a proliferation of armed conflicts". The learned institutes that study the evolution of contemporary conflicts with any seriousness report the fact, supported by figures, that since 1989 the number of conflicts around the world has decreased. In parallel, the number of countries engaged in democratic processes has steadily increased. As for barbarity, a glance at any history book shows that it is not a recent invention. Civilians, for their part, have often paid a heavy toll in conflicts of the past, even though at some periods in history war was primarily a matter for the military.

Looking at Europe alone, Franco Cardini says by way of conclusion to his lengthy study on the culture of war: **"The most sombre period of violence against unarmed populations was that of the long European crisis which lasted three centuries, between the great epidemic of 1348 and that of 1630. This interminable succession of years saw tragedies such as the Hundred Years' War, the Wars of Religion and the Thirty Years' War, which turned the whole of Europe into a bloodbath."**



To gain a picture of today's conflicts, we turn to two authors, Mary Kaldor and Jean-Pierre Derriennic, who appear to have succeeded in identifying their main characteristics.

Mary Kaldor (*New and Old Wars: Organized Violence in a Global Era*) analyses what she calls "new conflicts". In her view, inter-State conflicts in which the protagonists unleashed maximum violence on each other have become an anachronism. They have been superseded by new forms of organized violence which are a combination of war, organized crime and large-scale violations of human rights. The protagonists are both global and local, public and private. The belligerents resort to terrorism and acts of destabilization outside the scope of the law of war.

In her introduction the author describes the characteristics of these new conflicts. This passage is worth quoting at length, for if Ms Kaldor is right, in its capacity as guardian of IHL the ICRC may encounter growing difficulties.

**"The new wars occur in situations in which state revenues decline because of the decline of the economy as well as the spread of criminality, corruption and inefficiency, violence is increasingly privatized both as a result of growing organized crime and the emergence of paramilitary groups, and political legitimacy is disappearing. Thus the distinction between external barbarity and domestic civility, between the combatant as the legitimate bearer of arms and the non-combatant, between the soldier or policeman and the criminal, are breaking down."**

**"The new wars can be contrasted with earlier wars in terms of their goals, the methods of warfare and how they are financed. The goals of the new wars are about identity**

politics in contrast to the geo-political or ideological goals of earlier wars. (...) In the context of globalization, ideological and/or territorial cleavages of an earlier era have increasingly been supplanted by an emerging political cleavage between what I call cosmopolitanism, based on inclusive, universalist, multicultural values, and the politics of particularist identities. (...) By identity politics, I mean the claim to power on the basis of a particular identity – be it national, clan, religious or linguistic. In one sense, all wars involve a clash of identities – British against French, communists against democrats. But my point is that these earlier identities were either linked to a notion of state interest or to some forward-looking project – ideas about how society should be organized. (...) The new identity politics is about the claim to power on the basis of labels – in so far as there are ideas about political or social change, they tend to relate to an idealized nostalgic representation of the past. (...) Unlike the politics of ideas which are open to all and therefore tend to be integrative, this type of identity politics is inherently exclusive and therefore tends to fragmentation.”

“The new warfare also tends to avoid battle and to control territory through political control of the population. (...) The aim is to control the population by getting rid of everyone of a different identity (and indeed of a different opinion). Hence the strategic goal of these wars is population expulsion through various means such as mass killing, forcible resettlement, as well as a range of political, psychological and economical techniques of intimidation. This is why, in all these wars, there has been a dramatic increase in the number of refugees and displaced persons, and why most violence is directed against civilians. (...) Behaviour that was proscribed according to the classical rules of warfare and codified in the laws of war in the late nineteenth century and early twentieth century, such as atrocities against non-combatants, sieges, destruction of historic monuments, etc., now constitutes an essential component of the strategies of the new mode of warfare.”

To sum up, if in many contemporary conflicts weapons-bearers violate IHL, it is partly because such behaviour is intrinsic to the nature of these “new conflicts”:

- the distinction between civilians and combatants is often blurred, as indeed is the demarcation between war and peace;
- the aims of war cause the combatants to practise negative discrimination between civilians and combatants: they prefer to avoid direct confrontation with the combatants of the adverse party and to direct their attacks against the civilian population, a course of action which is both more effective and less dangerous;
- the aims of war are not necessarily to defeat an enemy army but rather to carry out “ethnic cleansing”, of which civilians are inevitably the prime targets;
- the enemy is no longer seen as a soldier who is doing his duty and is entitled to a degree of leniency when he is wounded or taken prisoner: he is a personal enemy who has volunteered to fight and may be executed summarily when captured;
- similarly, the categories established by IHL which distinguish combatants from non-combatants are probably being supplanted by a different type of distinction, which distinguishes the guilty from the innocent;
- arguments of collective guilt are sometimes put forward;
- the close intermingling of acts of war, criminal acts, banditry and large-scale violations of human rights makes respect for the basic rules of IHL difficult;
- international terrorism and asymmetrical warfare<sup>10</sup> waged by clandestine networks or by States use by definition means of warfare that are prohibited by IHL, in particular indiscriminate attacks against civilian populations and property; whether it is possible to preserve any space for humanitarian action in this type of conflict remains to be seen.

It is perhaps useful to recall that IHL is based on a view of war as it predominated in part of Europe in the eighteenth and nineteenth centuries, a view which is quite foreign to many of today's conflicts. Rousseau summed up this view as follows: **“War is in no way a relationship of man with man but a relationship between States, in which individuals are enemies only by accident; not as men, nor even as citizens, but as soldiers (...). Since the object of war is to destroy the enemy State, it is legitimate to kill the latter's defenders as long as they are carrying arms; but as soon as they lay them down and surrender, they cease to be enemies or agents of the enemy, and again become mere men, and it is no longer legitimate to take their lives.”** While this principle can be applied quite easily in a conflict between States, it loses

much of its meaning in a civil war in which, very often, everyone belonging to the adverse party is an enemy.

Furthermore, do we need any reminder that the distinction between civilians and combatants, one of the pillars of IHL, was often far from clear long before our time? Michael Walzer (*Just and Unjust Wars*), for example, states that in Vietnam **“the American rules [had] only the appearance of recognizing and attending to the combatant/noncombatant distinction. In fact, they set up a new distinction: between loyal and disloyal, or friendly and hostile noncombatants”**.

Our influence strategies for dealing with the problems mentioned above are very limited. To give the impression that humanitarian action can tackle these problems even marginally would be to mislead those who have placed their trust in us. There are situations in which we must acknowledge our inability to be really effective and state explicitly that the international community, if it sees fit, must rely on methods other than humanitarian action to prevent excesses. This minimum clarification would appear to be an ethical obligation towards the victims we set out to protect.

Jean-Pierre Derriennic (*Les guerres civiles*) goes to the heart of the matter in his introduction: **“War is a typically human activity. It is specific to a rational, physical and social being; rational, thus capable of formulating aims for his acts and of entering into conflict with his fellows for a wide variety of stakes; physical, thus capable of inflicting and being subjected to violence; social, thus capable of organization and cooperation, without which violence would remain individual and fragmented.”** Later he adds: **“One can never know what, deep down, is the part played by sweet reason and that played by dark passions in the motivations of specific individuals. But it may be supposed that to avoid or limit the effects of disasters it is better to try to control passions through reason rather than to set other passions against them. Even though it seems that in certain political situations the fools are leading the wise, it is the conduct of the wise that has to be changed to avoid or limit the effects of disasters because they are the ones susceptible to influence.”** And finally: **“If civil wars seem today to be the most deadly form of political violence, it is certainly not because of the new intensity of the phenomenon but**

**more probably because of the relative decline in another form of organized violence, inter-State wars.”**

Derriennic devotes the opening chapters of his book to the different forms of civil war that coexist today: partisan wars, socio-economic wars and wars over issues of identity. First of all he points out that **“it is not the fact of having different aims, or different opinions, that cause humans to enter into conflict, but the fact that they are pursuing incompatible goals, that is, goals that certain individuals cannot achieve without preventing other individuals from achieving their own. (...) A conflict is not a problem for which there is a *solution* that would satisfy all concerned. When it comes to an end, it is through a *settlement*, which always appears to some as the basis for another conflict”**.

The author analyses these different types of conflict and their respective importance in today's world, and the categories he proposes contribute greatly to an understanding of what is at stake in these wars. His observations are particularly enlightening when it comes to the conditions needed for disputes, which occur in any society, to turn into armed conflict. He also ventures to predict that there is no great future for partisan wars, adding that conflicts over issues of identity are those which most closely resemble inter-State conflicts, and those for which it is most difficult to reach a settlement. **“When a conflict between groups asserting their identity becomes violent, the risk is great that it will no longer be a dispute over the terms and conditions of cohabitation but become a struggle whose aim is the separation of the groups involved. (...) As soon as they start, violent conflicts over identity are perhaps those which allow individuals the least freedom of action and have the most serious personal consequences. The sense of identity is so profound that, unlike opinions or ideologies, it leaves the individuals concerned with a very narrow margin of liberty to remain outside the conflict or to try to redefine the situation so as to reach a settlement.”**

The special role played by nationalism is also highlighted, for **“it always offers a strategic advantage. In violent conflicts, groups asserting their identity are more coherent and more efficient than groups motivated by ideology or socio-economic**

**conditions. And nationalism has an exceptional demagogic effectiveness, because it is a sort of self-fulfilling prediction: it helps create the problems to which it offers itself as a solution”.**

One of the most interesting chapters of Derriennic’s book concerns the social determinants of violence. We shall not attempt to summarize what he has to say, but some of the avenues he explores are worth looking at briefly. The first relates to the influence of demographic regimes on violence and war. One observation, which alone offers considerable food for thought, is based partly on the work of Amartya Sen: **“More than four-fifths of violent crimes are committed by men. (...) These findings suggest that the mechanisms inhibiting violence are generally more effective in women than in men. Whether the reason for this be biological or cultural, the propensity for violence tends to decrease in societies where women enjoy increasing freedom and influence.”**

Further on, the author makes the following comments which explain, at least partly, the growing reluctance of developed societies to wage war (or in any event to accept human losses in war): **“In all human societies up to the eighteenth century, and in some up to the twentieth, annual mortality rates were 3.5%, average life expectancy at birth was less than 30 years, and a third of infants died before reaching one year of age. In today’s more developed countries, life expectancy (77 or 78 years) is three times what it was almost throughout history, child mortality is 30 times lower and general mortality, which varies in accordance with the average age of the population, is lower than 1%. [In the past], many men who were killed in battle would have died anyway at about the same age. (...) People placed in such profoundly different situations do not have the same attitude towards life and death.”** This demographic transition has already been completed in the West and in some Asian countries, and is under way everywhere else. After reviewing the influence of poverty and wealth, the implications of modern technology and the issue of the pursuit of justice (**“the quest for justice is one of the main motivations in conflict”**), the author makes a few comments about our optical illusions. **“In today’s world there are more children who are starving or are victims of conflict than there were two centuries ago. But the number that are well-fed and living in peace has increased much more significantly, for**

**the population of the planet today is more than six times what it was in 1800.”** Derriennic also ventures to assert that our societies are on the whole less violent than in the past, but that we are not aware of this because **“tolerance of violence decreases more rapidly than violence itself”**.

A hundred pages further on, the author writes: **“Thus today, international reactions to civil wars are influenced by a new universalist ideology, humanitarianism, whose central idea is that it is neither honourable nor advantageous to remain indifferent to the misfortunes of others. Like the great universalist ideologies of the past, humanitarianism can lead to the involvement in a civil war of the inhabitants and governments of other countries. Unlike those ideologies, however, instead of tending to propagate conflicts it endeavours to limit them or bring them to an end.”**

Finally, a paragraph that we cite at length because it is so pertinent to the difficulty we experience in estimating the extent to which disasters have been avoided.

**“Even if the Blue Helmets had received the order to take firm action at the start of the Rwandan genocide, they would doubtless have been unable to bring the situation totally under control. If they had succeeded in preventing most of the massacres and there had been 50,000 dead in Rwanda in 1994 instead of more than half a million, that would have been a remarkably successful result. But we could not have known, because we would never have known the scale of the massacre avoided. There would obviously have been people, in Rwanda and elsewhere in the world, who would have said that it was the unlawful and ill-considered intervention of foreign troops violating the country’s sovereignty that caused outrage among Rwandan patriots and prompted some of them to take revenge on those whom the intervention claimed to protect, thus precipitating a human catastrophe which resulted in 50,000 deaths. (...) Progress in the international management of civil wars has to begin somewhere. Such progress is impossible if those who decide to intervene on humanitarian grounds in a country at war are obliged to take the same action simultaneously in all other countries in a more or less similar situation. It is to be expected, therefore, that any benevolent intervention will attract**

**criticism calling its fairness into question because the same action has not been taken elsewhere.”**

To conclude this chapter and fill in the background to our argument, we would add a few more comments.

Since 11 September 2001, the major structural problems of the planet have remained the same: growing inequity between rich and poor, continuation of the process of (economic, financial and cultural) “globalization”, and extremely serious deterioration of the environment. The other side of the coin, however, was highlighted by Kofi Annan:<sup>11</sup> **“In some spheres, developing countries have made enormous progress. In the space of 30 years, life expectancy has increased by 10 years and adult illiteracy has been reduced by half, while infant mortality has fallen by 40%.”**

Echoing those comments, demographers have several things to say about certain developments crucial for humankind. The first concerns literacy rates, mentioned by Kofi Annan. The statistics available on the matter show that illiteracy is receding everywhere, and at such a rapid pace that the entire world population should be able to read by 2030. As a corollary to this spectacular advance, the demographic transition mentioned by Derriennic in the passage quoted above is becoming a veritable revolution. The following remarks are from Emmanuel Todd’s *After the Empire*: **“When men, or more specifically women, know how to read and write, that is when fertility control begins. Our world, which is expected to achieve universal literacy by the year 2030, is also on the way to achieving demographic transition. In 1981, the world fertility rate was still 3.7 children per woman. In 2001, that rate fell to 2.8 children per woman, and it is now approaching 2.1, a rate which only ensures simple reproduction of the population. When fertility rates are reviewed country by country, it is striking to see to what extent the arithmetic border between the developed and the developing world is becoming obliterated.”**

Dare we agree with the conclusions reached by Todd, who despite his relative optimism for the medium term issues a warning? **“Paradoxically, the destruction of the traditional lifestyle, with its balanced routines of illiteracy and high fertility and**



**mortality rates, at first produces almost as much confusion and suffering as hope and enrichment. Very often, perhaps even in most cases, cultural and mental progress is accompanied by a transition crisis. A population which is destabilized shows violent social and political behaviour. Attainment of mental modernity often brings with it an explosion of ideological violence.”**





## Part II



## Chapter 5: The image of the enemy

ICRC dissemination activities must aim to “**prevent or limit the emergence of violence and, in the midst of violence, violations of IHL. The message to be spread must promote basic humanitarian values such as humanity, tolerance, acceptance of and respect for differences, sensitivity to suffering and exclusion, solidarity, etc.**”

The snag is that before a conflict starts – and even more so once it is under way – the political authorities and leaders of opinion favourable to the war strive precisely to promote values diametrically opposed to those we are trying to propagate. They systematically stress the enemy’s lack of humanity and trumpet messages of intolerance and rejection of cultural differences. They find justifications for the suffering inflicted on the adverse party, or even revel in it. They whip up hatred for the other side, which sometimes leads to mass hysteria. The entire process of mobilization designed to persuade society to accept the idea of going to war, and to create an appetite for war, runs counter to our objectives. Those in power contrive to create a pernicious climate which helps to make war possible.

Anne Morelli, in a work as short as it is interesting (*Principes élémentaires de propagande de guerre*), sets out to illustrate the principles involved in war propaganda and to describe the attendant mechanisms. A look at the table of contents is enough to remind us that these “commandments” are almost always used by the belligerents:

1. We do not want war
2. The adverse party alone is responsible for the war
3. The leader of the adverse party has the face of the devil

4. We are defending a noble cause and not special interests
5. The enemy knowingly incites atrocities; any blunders we commit are unintentional
6. The enemy is using unauthorized weapons
7. We are suffering few losses; the enemy's losses are tremendous
8. Artists and intellectuals support our cause
9. Our cause is a sacred one
10. Anyone who casts doubt on our propaganda is a traitor

Several of these “commandments”, refer to the face of the enemy, usually demonizing it. This dimension is central to our research, for it is the principal means of depriving the enemy of any semblance of humanity and making it possible to commit the most cruel acts. That is why we pause here to look at it more closely.

**“Most soldiers are able to kill and be killed more easily in warfare if they possess an image of the enemy sufficiently evil to inspire hatred and repugnance. Equally ancient, and apparently as persistent, is the image of the enemy as a creature who is not human at all. (...) [Soldiers] regard the opponent as subhuman, a peculiar species of animal with indeterminable qualities and habits, all evil”** (Glenn Gray, pp. 133 and 148).

In an insidious or a very direct way, the enemy becomes a form of vermin. Vermin must be exterminated and cockroaches are only good for being squashed. Sometimes the enemy is even compared with a disease that must be eradicated. When politicians, journalists, scientists, judges and intellectuals represent the enemy as noxious insects

or viruses, a combatant will not only find it easier to attack them but will also be able to rationalize the most extreme forms of behaviour and convince himself that they are justified and necessary.

Thus demonization of the enemy performs several functions. First of all it justifies resorting to collective violence in order to destroy the adverse party. Then it creates the necessary distance between the killer and his victim. This distancing process is essential, in that it makes killing easier while at the same time helping to absolve the killer of guilt. We shall come back to this process later, for it takes different forms and is a central parameter in the behaviour of a combatant.

In the abstract it is quite easy to recognize that an enemy prisoner who is no longer taking part in the fighting is entitled to be treated with respect and humanity. In a concrete situation on the ground things are not so simple. Dave Grossman (*On Killing*) describes the psychological turnaround required of the combatant as follows: **“In order to fight at close range one must deny the humanity of one’s enemy. Surrender requires the opposite – that one recognize and take pity on the humanity of the enemy. A surrender in the heat of battle requires a complete, and very difficult, emotional turnaround by both parties.”**

Erich Fromm (*The Anatomy of Human Destructiveness*) contributes to analysis of this phenomenon by bringing it from the level of the community down to that of the small group to which the combatant belongs. **“The narcissistic image of one’s own group is raised to its highest point, while the devaluation of the opposing group sinks to its lowest. One’s own group becomes a defender of human dignity, decency, morality and right. Devilish qualities are ascribed to the other group; it is treacherous, ruthless and basically inhuman.”**

Dehumanization of the enemy often takes a particular form among the military. The extent to which armed groups make a cult of virility is well known. Military vocabulary is full of derogatory expressions used to designate young recruits and the nervous or cowardly. Quite naturally, the enemy comes in for even worse treatment. Not only his humanity but also his virility is denied. This is doubtless an explanation

for the fact that combatants often emasculate or otherwise sexually mutilate enemy soldiers, and even dead bodies.

Rape, when used as a weapon of war, can probably also be attributed, at least in part, to this type of behaviour. In this culture of contempt, military training frequently **“creates a link between sexuality and violence. Very consciously, the association between sexual potency, the penis and the gun is encouraged. It is well known that in dictatorships the idea is systematically propagated that women belong to one of two groups: on the one hand, mothers of the homeland who must be respected, and on the other, whores.”**<sup>12</sup>

To conclude, a thought from Boris Cyrulnik: **“Violence almost always results from a failure to imagine the world of the person opposite, a failure of empathy. When you cannot imagine the world of that person, you can destroy him in good conscience, and even with a feeling of moral rectitude.”**



## Chapter 6: *Esprit de corps* and the making of a combatant

The corollary of rejection of the other and demonization of the enemy is the strengthening of cohesion within the group to which one belongs. This is another decisive factor in the psychology of the combatant. It is the group that determines morale, zeal in combat and a large part of the behaviour of a weapons-bearer.

According to Grossman, many studies have shown that men in combat situations are not usually motivated by ideology or hatred, or even fear, but by group pressure: regard for their comrades, respect for their leaders, concern to preserve their own reputation and to contribute to the successes of the group. Military studies on the cohesion that can exist within a unit show that the bonds among combatants are often stronger than those between man and wife. Konrad Lorenz sums up the situation in one sentence: man is not a killer, but the group is. Grossman echoes that view: **“Among groups in combat, this accountability (to one’s friend) and anonymity (to reduce one’s sense of personal responsibility for killing) combine to play a significant role in enabling killing.”**

The primary aim of military training is to produce a combatant who is effective on the battlefield. This training is received essentially through the group. Richard Holmes (*Acts of War*) asserts: **“Basic training has two clearly identifiable functions. Its most obvious task is to instil exactly what its name suggests, an adequate level of training in such things as weapon handling and minor tactics. Its second, though by no means less important, function is to inculcate the military ethos in recruits, and to ensure that the individual values which prevail in most civilian societies are replaced by the group spirit and group loyalties which underlie all military organisations.”**



Norman Dixon (*On the Psychology of Military Incompetence*) encapsulates the objectives of military training as follows: it must ensure group cohesion, incite hostility, strengthen obedience and avoid mutiny. Glenn Gray goes further in demonstrating the importance of the group for boosting the fighting spirit of the individual: **“Numberless soldiers have died, more or less willingly, not for country or honor or religious faith or for any other abstract good, but because they realized that by fleeing their post and rescuing themselves, they would expose their companions to greater danger. Such loyalty to the group is the essence of fighting morale.”**

While the role of the group in determining a combatant's behaviour is primordial, it is just as important to bear in mind that the group does not function autonomously or as its members see fit. Any group is organized, with a structure and a hierarchy. These characteristics may be more or less evident, but they are always there. Otherwise it is merely a mob, which may be violent but is not capable of pursuing a rational collective objective such as waging war.

For the purposes of our research, it is important to have a clear understanding of the dynamics that determine how the group and its members will function.

Transforming a civilian into a combatant means inducing him as quickly as possible to adopt the rules and values of the group to which he will be attached, to suppress a part of his individuality, and to ensure his submission to authority. From the most primitive societies to the most sophisticated armies, the means used are very much the same. First of all the individual acquires a new status, usually after a more or less ritualistic ceremony. In a modern army, the regulation haircut and the wearing of the

uniform contribute substantially to this metamorphosis. But the uniform may be a simple headband or an amulet worn around the neck, and the short haircut favoured in conventional armies may give way to Jamaican-style dreadlocks when it comes to the Ninjas of the Congo. No matter, as long as the external signs of recognition are perceptible and some degree of standardization of behaviour is achieved.

This first stage has an effect that cannot be overlooked when we endeavour to influence the behaviour of combatants. It is epitomized in a striking way by Glenn Gray, who reports that he has very often heard soldiers say something like this: **“When I raised my right hand and took that oath, I freed myself of the consequences for what I do. I’ll do what they tell me and nobody can blame me.”** From the start the member of the group asserts his willingness to obey orders, whatever they may be, to give up his free will and to decline responsibility for the acts he is told to perform.

In extreme cases, as Holmes points out, **“many training systems are deliberately designed to break recruits down to a lowest common denominator before building them up again.”** It is a new man who emerges from the mould. This process is especially remarkable in crack units. They are subjected to iron discipline and an exhausting training routine, have to be in perfect physical condition and show unwavering mental toughness. Anyone who fails to meet these standards is excluded, and those who remain are strengthened in their conviction that they belong to an elite. They become formidable warriors and cultivate an unassailable *esprit de corps*. The interesting thing about such units, notes Holmes, is that **“the training of specialist units encourages feelings of aggression which are directed not only towards a potential battlefield adversary but also towards almost anyone outside the tribe”**. The author adds further on: **“However it is evident that *esprit de corps* can be a decidedly double-edged weapon, producing on the one hand high morale and formidable battlefield performance, but on the other risking extravagantly heavy casualties and a disregard for the humanity of the enemy which can easily lead to atrocities.”**

The process of transforming a civilian into a combatant can take extreme and sometimes perverse forms. To make someone a full member of a unit, his individuality must be obliterated and his personality dismantled so that another, both hard and

malleable, can be built up in its place. Recruits are worn down by fatigue; their resistance is broken; they are taught to kill by repeated exercises during which the targets used formerly have been replaced by human silhouettes. Modern training is based on repetition, which generates a sort of “muscular memory” so that reactions become almost instinctive. The combatant learns to overcome fear, panic and all his body’s spontaneous reactions so as to fight anyway, to run to meet the enemy and to adopt, when all is said and done, an irrational form of behaviour.

It seems that when a man has killed once, killing becomes easier. Been there, done that. The pain of losing a comrade turns into hatred, and the combatant can develop a sort of indifference to the death of an enemy. Some may find satisfaction, or even pleasure, in killing. But combatants who do have these feelings run the risk of mental collapse, often after the end of hostilities.

Certain armies are not immune from extreme violence within themselves. According to an article in *Le Monde*,<sup>13</sup> Russian army officers sometime commit extremely violent acts against their own men. Ragging or hazing results in about 3,000 deaths (murders and suicides) per year among young soldiers, and some 40,000 servicemen desert from the Russian army every year, partly because of the ill-treatment to which they are reportedly subjected. There are many reasons for this state of affairs, but certain analysts believe that the behaviour of the army in Chechnya and before that in Afghanistan is not unconnected with these occurrences. As far as we are concerned, one thing is obvious: how can combatants who undergo hazing, humiliation and brutality at the hands of their own superiors be expected to show respect for IHL in their behaviour towards their enemies?

However, we must not be too simplistic. The combatant’s behaviour is not determined only by the parameters outlined above. His emotions, his personality and his cultural background will all come into play, as they do for any individual in any circumstances. But certain parameters are decisive for explaining behaviour, and that is why we have drawn attention to them. It is particularly important to understand, as pointed out by Gustave Le Bon (*Psychologie des foules*) as early as the end of the nineteenth century, that even when one understands an individual, it has to be admitted

that he behaves differently when he is part of a group. The French sociologist noted that the group acquires a number of characteristics: it has a feeling of power connected with its number; its members lose their sense of individual responsibility; and sentiments can be communicated within the group through an almost hypnotic form of “contagion”. Groups like to adopt extreme attitudes: suspicions become certainties, and antipathy easily turns into hatred. Finally, it is noteworthy that groups respect force, want their leaders to be strong, are resistant to innovation and are often respectful of tradition.

To end this chapter, it may be useful to add to these insights from the social sciences what John MacCurdy asserts in *The Structure of Morale*. He believes that military drill, whatever its failings, is still the most effective system for rapidly inculcating in the combatant the habit of automatic obedience to orders. The combatant who has undergone this process will receive insignia, a sabre or a beret. He will probably have been told that God is on his side. He has become a man, a comrade and a warrior. If this combatant is programmed to obey orders that tell him to attack the enemy, he should probably also be programmed to comply with IHL, and not simply be expected to adopt appropriate behaviour on the strength of his knowledge of the rules in force. **“All of our experts voiced concern about the way soldiers are prepared for battle.”** A military lawyer stressed, **“This incident (a massacre of Vietnamese civilians in which American senator Bob Kerrey was involved) and its aftermath, point to the crucial, urgent necessity for a solid and institutionalized training base in the laws of war. The knowledge has to be so deep that it is internalized: in battle, things happen so fast that if you freeze for a micro-second, you and all your men could be killed. If we encourage people to hesitate under pressure, to wonder how a given situation will be analyzed thirty years later, then we are placing them in grave danger”** (see the website [crimesofwar.com](http://crimesofwar.com)).



## Chapter 7: The aversion to killing, and how it can be overcome

A large number of military studies show that, contrary to widespread belief, human beings are not generally disposed to kill each other with gay abandon, and indeed that there are powerful neuropsychological mechanisms that make such an act particularly difficult. These mechanisms are basic to the moral or behavioural codes adopted by individuals living in a society. If the combatant is to do what is expected of him, therefore, he has to be trained for it.

Philippe Masson writes: **“Contrary to an opinion too often held, the fighting spirit is not innate. It does not appear to be inherent to men. Experience shows that only a minority is capable of fighting in all or certain circumstances. Most men prove to be incapable of using a weapon and remain totally passive in a combat situation.”**

On this point Dave Grossman's book *On Killing* is already a classic, and is riveting from beginning to end. It offers replies to the countless questions that arise as to the circumstances that can prompt a human individual to take the life of another, the conditions necessary for such an act to become possible, and the consequences for the killer, even when the act is socially legitimate.

Grossman draws on a wide range of research carried out by others to demonstrate that killing is an act which human beings find deeply repugnant. Studies show that during the Second World War, when American soldiers were engaged in close combat, 15 to 20% of them at most actually fired on the enemy. There is every reason to believe that the other belligerents behaved in the same way, and war historians who have studied earlier conflicts have come to similar conclusions. In all probability, this profound resistance to killing one's fellows is deeply rooted in the human individual.

Konrad Lorenz has already shown (in *On Aggression*) the mechanisms that exist in the animal world to prevent, in most cases, combats between members of the same species from ending in the death of the protagonists.

In man, however, those mechanisms do not always work, and **“the history of war may be seen as the history of the mechanisms invented to condition men to overcome their natural reluctance to kill other men”**. In fact, it is on the basis of the studies mentioned above that after 1945 most conventional armies developed techniques for training and conditioning soldiers which made them much more effective than in earlier wars. During the Korean War, for example, the proportion of combatants actually firing on the enemy rose from 15% to 55%, and studies carried out by the American army show that in Vietnam the rate was as high as 90 or even 95%. The central principle of this conditioning process is to make sure that the soldier does not have to consider or even think about the act, and to avoid placing him in a situation where he has to choose whether or not to fire. His acts have to become reflexes, and the margin left for free will has to be as narrow as possible. Grossman shows in his book that this efficiency comes at a price: a considerable number of Vietnam veterans suffered from severe psychiatric problems. This observation is backed up by an article published in *The Guardian* in June 2001, reporting that by that date the number of suicides among British troops who had taken part in the 1982 Falklands conflict had reached almost half the total number of British deaths during the actual fighting. This is interesting in view of the fact that this was a traditional type of war with no involvement of the civilian population, and that British society did not drag its soldiers in the mud as was the case for Vietnam veterans in the USA. Be that as it may, in both cases the price paid in terms of post-traumatic stress disorders is a heavy one. Could this be a worldwide phenomenon?

Grossman asserts that the reluctance to kill in close combat is so strong that it is often sufficient to surmount the cumulative effects of the survival instinct, pressure from superiors, the expectations of peers and the obligation to safeguard comrades' lives. What, then, are the conditions that enable combatants to kill the enemy with relative ease?

The first and most obvious is the physical distance between the combatant and his target. It is easier to kill someone from a distance than to run him through with a bayonet, and it is easier to drop bombs on a town from an aircraft than to take part in a firing squad. As Lorenz remarked, because of this physical distance, which is becoming greater with technological developments, the safety mechanism that exists in the animal world no longer comes into play. Men kill with relative ease at a distance because that distance blinds them to the humanity of their target.

Emotional distance is just as important as physical distance. As we have seen previously, there is no war in which the enemy is not demonized in every imaginable way: by casting doubt on his membership of the human race; by accusing him of committing the most heinous atrocities; and by giving him degrading nicknames. Unless the humanity of the enemy is denied, unless he is portrayed as part of a faceless mass war becomes more difficult. This emotional distance is created by exaggerating the differences that exist between various human groupings and by multiplying chains of command so as to reduce individual responsibility. Hannah Arendt analysed this phenomenon in her book about the Eichmann trial, showing how hundreds of minor acts could together lead to the final solution without the people who committed those acts individually feeling really responsible for their consequences.<sup>14</sup> Another way of creating a distance between the enemy and oneself is to legalize and legitimize the reasons prompting one's own side to go to war (wars are always declared to be defensive, and merely a response to enemy aggression).

The distance created in these ways between us and *them* is such that it is no longer possible to reason in terms of intraspecific aggression, or hence to be surprised that the mechanisms prevailing in the animal world to prevent members of the same species from killing each other in combat do not appear to exist among humans.

When a human group has denigrated its adversary to the point where the latter's very membership of the human race is denied, violence is no longer seen as intraspecific, but well and truly interspecific.

Finally, the following paragraph from Grossman's book is worth noting, especially by those involved in the dissemination of IHL. **“The soldier who does kill must overcome that part of him that says that he is a murderer of women and children, a foul beast who has done the unforgivable. He must deny the guilt within him, and he must assure himself that the world is not mad, that his victims are less than animals, that they are evil vermin, and that what his nation and his leaders have told him to do is right. He must believe that not only is this atrocity right, but it is proof that he is morally, socially, and culturally superior to those whom he has killed. It is the ultimate act of denial of their humanity. It is the ultimate act of affirmation of his superiority. And the killer must violently suppress any dissonant thought that he has done anything wrong. Further, *he must violently attack anyone or anything that would threaten his beliefs.* His mental health is totally invested in believing that what he has done is good and right.”**

We shall come back later to the systems of justification put in place by those who have violated moral or legal standards of behaviour. But all those who cross the line between violence in war and criminal violence do not necessarily succumb to mental illness. In other societies and at other times in history, the community took on board at least part of the combatant's individual guilt and recognized the debt it owed him. In ancient Persia, for example, **“armies were ceremonially purged of bloodshed by being marched between the two halves of a sacrificial dog”**. Van Crevelde concludes: **“The absence of religiously-sanctioned rites for expiation has made it very difficult for people to come to terms with their transgressions.”**

Most studies on combatants' reluctance to kill the enemy, especially in close combat, focus on soldiers in regular armies, who are doing their job as soldiers and as a general rule have no personal reason for hating enemy soldiers, who are also only doing their job. These soldiers have to be conditioned to do their work efficiently and without too much self-questioning, and are not the most likely candidates for wanton



abuses. In civil wars, the combatants' psychology is different. Civil war is everyone's affair. All individuals belonging to the group identified as the enemy become potential adversaries, and they may sometimes be neighbours. Civil wars generate behaviour which can very rapidly become extreme. The distinction between civilians and combatants is blurred and not very pertinent in the minds of weapons-bearers, and the best explanations that can be found for certain types of behaviour are of a psychological nature. It is perhaps not going too far to assert that in some contexts everyone is potentially both civilian and combatant, oppressor and victim.<sup>15</sup>

Patrick Meney had long conversations with a combatant in the civil war in Lebanon (*Même les tueurs ont une mère*). His report makes one's blood run cold. Marwan, a young fighter from a poor quarter of Beirut, killed and slaughtered from the age of 15, first in obedience to orders and then on his own initiative. To understand this descent into hell, you have to read the book, and all we can do here is quote what psychiatrists have to say about the phenomenon. In their eyes, Marwan was normal, insofar as his conduct was logically dictated by his environment. **“War makes it possible for the individual to act out all his fantasies. By definition, it removes all obstacles, all restraints, all taboos, all the laws that restrict action. During a war, all impulses can be given free rein. Everyone can indulge his own form of ‘madness’ without risking any punishment, whether penal or moral. It is not a matter of justifying a course of conduct but of explaining it. Why, in this context of total impunity and legalization of criminal behaviour, should anyone feel guilty? Depression and mental disorders derive from the impossibility of acting out our fantasies, which are repressed by civilization. We are talking here about primal desires or instincts that have been contained for millennia.”**

The author adds: **“Man's natural instinct is to throw off the moral demands imposed by society and to free himself of all inhibitions. War offers this possibility and endows the civilized being, hemmed in by laws, with extraordinary power. A boy of 15 is master of his street. He struts about with his gun, which is both a toy and a giant phallus. He is obviously benefiting from the situation. It is more difficult and often less advantageous to comply with the law than to break it.”**

Should we follow Patrick Meney down this slippery slope? **“Man hesitates to bring down centuries-old laws that regulate social interaction. But once that step has been taken, everything happens very quickly. Nothing holds him back. Nothing censures him. The process of regression is only a matter of time: the time necessary for the collapse of social and moral conventions. (...) War is not regarded as outrageous. The warrior is not ashamed of his acts. On the contrary, he is acting on behalf of the community whose identity and basic interests he is defending. (...) That not only makes it possible to tolerate the most appalling acts; it also endows those acts with an obligatory and noble character. Violence and arbitrary behaviour are idealized. The more a society feels threatened, the greater the demands it makes on its soldiers, the more ready it is to abandon the usual moral taboos and to legalize the unleashing of primitive instincts.”**

We should not conclude from the above that irregular forces in an internal conflict will by definition commit worse atrocities than government armed forces. The authors of an article on the Kamajor of Sierra Leone<sup>16</sup> show that the ethical basis of Kamajor identity lies in taboos and prohibitions imposed on the fighters during their initiation into the militia. Some of these prohibitions are of a general nature, for example **“the ban on pillaging villages and raping or even having any contact with women while the Kamajor were in battle dress”**. It is interesting to note that the punishment for breaking these rules is not of the penal or disciplinary type that would be expected in other contexts: **“Transgressing these rules is punished by the loss of supernatural protection, a punishment taken seriously by any fighter on active duty.”**

The authors of this article demonstrate how the codes of ethics developed within militias made up of hunters fit easily into what they call “international humanitarian doctrines”. They do, however, recognize the existence of the gulf also revealed by our own research: a parallel can be drawn without too much difficulty between the ideals of the Kamajor and the international precepts of human rights vis-à-vis lawful behaviour in times of war, but **“the application of those principles by the militia was nevertheless selective and used for tactical purposes”**. So as far as the distinction between civilians and combatants is concerned, the perception of the Kamajor is extremely

flexible, depending on the context and establishing several categories of combatants, while at the same time distinguishing between successive stages in the lives of those combatants. Women, for example, are not necessarily perceived as “weak”, but as agents of a savage and dangerous power. Even children are not presumed to be innocent. **“On the contrary, children are seen as beings who are being formed by a chaotic process; inclined by nature to get up to mischief, they are regarded as a menace. Furthermore, they are not entirely human, because they have not undergone the educational process or the rituals which make adults full individuals in the eyes of the community.”**

Above and beyond the obvious convergences between the exigencies of IHL and local standards of behaviour in war, it is by no means certain that the grey areas which persist are the product of profound cultural differences. It may be that cultural differences appear not so much at the level of shared standards of humanity as that of the justification systems put in place to explain the failure to adopt behaviour consistent with those standards in reality.



## Chapter 8: From distancing to “victimization”

Earlier (in the chapter on the aversion to killing) we reviewed some of the mechanisms developed by the community to enable the combatant to overcome the abhorrence he feels for killing. As previously mentioned, the very first step is the passing from a state of non-war to a state of war: it becomes legitimate to kill someone identified as the enemy.

The next step is to establish distancing mechanisms, of which, as we have seen, there are various types. As well as physical distance (it is easier to kill an enemy who is several kilometres away by pressing a button than to kill a man with a knife) there is psychological distance (the enemy’s humanity is denied by attributing to him character traits, intentions and conduct which are despicable). We are superior; they are inferior. We are fighting for an honourable and disinterested cause; they are fighting for despicable interests and iniquitous objectives.

We have already said a few words about how the sense of responsibility can be eliminated by means of the compartmentalization of tasks. This is what Claude Barrois has to say on the matter: **“Things such as a theatre of operations, a front line and combat zones are increasingly becoming an abstraction, and so is the act of fighting, of personally killing the enemy. The role of the soldier, the servant of a weapons system, is reduced to triggering a series of complex material mechanisms which result in the death of hundreds of thousands of adversaries, who are very real. As each agent is involved in only one segment of the process, ultimately no one is responsible.”**

Barrois adds that one of the most painful moral and psychological conflicts for the warrior is having to suppress the normal reactions of any individual faced with the

suffering and distress of his fellows, whether friends or foes; what he describes as **“that sort of emotional anaesthesia which is necessary to free one’s potential for military action of anything that could hinder its resolve, power or speed”**.

Alcohol, drugs and sorcery can also serve as means of removing inhibitions, as the combatant under their influence is more disposed to adopt extreme forms of behaviour.

We shall examine later, during the discussion on moral disengagement, the mechanisms that Zygmunt Bauman<sup>17</sup> calls “the social production of moral indifference”, which make it possible to commit atrocities without any passion, and without emotion or pity having any inhibiting effect. For this phenomenon also concerns those who are described in the literature as “bystanders”. To be fair, it should be recognized that there are two phenomena that go together. On the one hand, empathy for the suffering of others became more universal during the twentieth century; never before had history seen millions of people mobilizing to bring aid to individuals living in other parts of the world of whom they knew nothing except that they were in distress. On the other hand, the genocide in Rwanda proceeded practically unhampered by public opinion while television viewers watched the death throes of hundreds of thousands of people. The process of civilization finds a way forward in the midst of this tension, which George Steiner sums up as follows in his examination of our relationship with culture: **“What good did high humanism do the oppressed mass of the community? What use was it when barbarism came? What immortal poem has ever stopped or mitigated political terror – though a number have celebrated it? And, more searchingly: do those for whom a great poem, a philosophic design, a theorem, are, in the final reckoning, the supreme value,**

**not help the throwers of napalm by looking away, by cultivating in themselves a stance of objective sadness or historical relativism?”<sup>18</sup>**

To these distancing mechanisms we must now add another, which plays a not negligible role both as a means of overcoming the aversion to killing and as a system for justifying the conduct of those who commit atrocities against their fellow humans. In this process, the oppressor sees himself as a victim. Whether or not the individual involved in such a process is objectively classed as a victim – either personally or as a member of his group – is not in itself important. What counts is his perception of his place in the conflict. He feels like a victim, he believes he is a victim, he is told that he is a victim, and that gives him the right to kill. He belongs to the vanquished, the humiliated, the damned, those with whom history has dealt unfairly, the dispossessed, etc. And not only is he a victim, but he is also at risk of becoming one again, so he has to take the initiative and kill first. This status as a victim and the real or virtual danger of again being victimized justifies resorting to every available means of wreaking vengeance.

Furthermore, the status of victim can be handed down from generation to generation, and one has to read Vuk Draskovic’s novel *Knife* to begin to understand the psychological mechanisms at work in those who see themselves as victims. It is because some people were victims of the Chetniks and others were victims of the Ustashi in the past that the worst possible behaviour is justified today. Need it be said that this type of combatant is hardly inclined to comply with the rules of IHL? His status gives him every right. The enemy is within him, and he will pass his status on to his descendants. That is why peace in terms of the end of armed hostilities means nothing without peace in the hearts of the adverse parties. It is said that the Rwandan Hutus, despite the fact that they constituted the vast majority in the country, were convinced that they were to be the victims of genocide. That is certainly a significant factor which prompted them to commit genocide themselves.

This category of victims, in all senses of the word, have to receive “reparations”. The act of reparation may be symbolic or material. It can range from solemn and public acknowledgement that an injustice has been done to material compensation of the

injured party. It may entail ritual ceremonies or a request for forgiveness, and will often involve punishment of the culprits. There is probably nothing as likely to fuel future conflicts and incite violations of the law of armed conflict as the impunity of war criminals or perpetrators of genocide or crimes against humanity.

In *The Nazi Doctors*, Robert Jay Lifton reports that the doctors working in Auschwitz and other death camps bemoaned not the plight of their victims but their own plight, as they had been posted to horrible places and assigned unpleasant tasks.

Earlier we mentioned the distancing process, but not one of its occasional effects. It is possible to kill and inflict suffering on other individuals and to destroy communities not only believing that such action is justified, or just, or legitimate, but even being convinced that it is morally right.



## Chapter 9: Justifications

**“It is a crucial moment in a soldier’s life when he is ordered to perform a deed that he finds completely at variance with his own notions of right and good. Probably for the first time, he discovers that an act someone else thinks to be necessary is for him criminal. (...) Suddenly the soldier feels himself abandoned and cast off from all security. Conscience has isolated him, and its voice is a warning. If you do this, you will not be at peace with me in the future. You can do it, but you ought not. You must act as a man and not as the instrument of another’s will.”**

**“There is a line that a man dare not cross, deeds he dare not commit, regardless of orders and the hopelessness of the situation, for such deeds would destroy something in him that he values more than life itself”** (Glenn Gray, p. 184 & p. 186).

But the human conscience is malleable. Men in battle, with very few exceptions, are disposed to cross the red line in certain circumstances. How can a decent citizen, a good father to his family, commit atrocities? A large part of the answer is supplied by Milgram, who asserts that quite often it is not so much the quality of the individual that determines his actions as the type of situation in which he is placed.

We have seen some of the stages that have to be gone through before such acts can be committed. First, legitimizing the murder, because we are at war. Then demonizing the enemy to overcome our resistance to slaughter. Thirdly, convincing ourselves that we are fighting for a just cause and that the enemy is fighting for despicable ends. Or, better still, convincing ourselves that we represent Good and that the enemy embodies Evil. Other parameters then come into play: group loyalty, obedience to orders, suppression of the sense of responsibility, and the distancing process. But all that may not



be enough, and then the combatant has to construct a representation of reality based on other justification systems.

Here it is worth briefly reviewing the reasons for failing to comply with IHL given by those interviewed during the *People on War* project. Those reasons can be divided into different categories. First of all, there are the issues at stake: we are fighting for our survival, for our identity, for something so crucial that any means are permitted to achieve our objective. We want victory at any price. Next to be invoked are passions, which diminish responsibility and serve as extenuating circumstances: hatred, loss of self-control, fear, the effects of alcohol and drugs. Often the argument of reciprocity is used: the acts of the other side justify our own acts. We are not going to respect the rules because the other side does not respect them either. Lastly, ignorance of the rules is also regularly mentioned.

But the human spirit is much more inventive than that. Christopher Browning, in *Ordinary Men* (a book which we shall come back to later and which gives an account of the role of German Reserve Police Battalion 101 in implementing the final solution in Poland) mentions a metalworker from Bremen who thought he was being humane in killing only children. For families were often left without fathers, who had already been transported to the camps, and women had considerable difficulty in feeding their children.

In *Unspeakable Acts, Ordinary People*, John Conroy looks at the phenomenon of torture in various societies. He lists the successive stages through which a society that has known and tolerated acts of torture committed in its name passes. These stages are so universal that there is not even any need to illustrate them by concrete examples.

- 1st stage: denial. Nothing has happened; it is all lies.
- 2nd stage: abuses are minimized. There is no talk of torture, only of thorough interrogation.
- 3rd stage: denigration of the victims. They are terrorists, criminals who themselves do not hesitate to resort to the most reprehensible practices.
- 4th stage: recourse to exceptional methods is justified by asserting that they are effective and appropriate in the circumstances.
- 5th stage: society turns on those who criticize the use of torture, describing them as enemies of the State.
- 6th stage: a halt to the use of torture is declared.
- 7th stage: the blame is shifted to certain individuals, who are said to have exceeded their orders.
- 8th stage: it is pointed out that others, elsewhere, have used or are still using even more brutal methods.

This enumeration is of particular interest because the same justification systems are used, on both individual and collective levels, to “explain” other atrocities committed in wartime. The gravity of the facts is denied or minimized. Those who denounce them are traitors or are naïve enough to be manipulated by the enemy. It is the enemy himself who is responsible for the treatment inflicted on him.

The pages that Antony Beevor’s *Berlin: The Downfall 1945* devotes to the tens of thousands of collective rapes committed by Red Army soldiers when they entered Germany at the beginning of 1945, first in Western Prussia, then in Silesia and Pomerania, and finally in Berlin, merit being set out at length. At least two million German women were sexually assaulted by Red Army soldiers, and many of them were subjected to collective rape. For our purposes, suffice it to quote a few paragraphs which provide a good illustration of the many justifications combatants may put forward to explain their behaviour, and also of the circumstances which make such behaviour possible.

**“German crimes in the Soviet Union and the regime’s relentless propaganda certainly contributed to the terrible violence against German women in East Prussia.**

But vengeance can be only part of the explanation, even if it later became the justification for what happened. Once soldiers had alcohol inside them, the nationality of their prey made little difference” (p. 30). For “far more shocking from a Russian point of view is the fact that Red Army officers and soldiers also raped Ukrainian, Russian and Belorussian women and girls released from slave labour in Germany. (...) The widespread raping of women taken forcibly from the Soviet Union completely undermines any attempts at justifying Red Army behaviour on the grounds of revenge for German brutality in the Soviet Union” (pp.107-108).

“The subject has been so repressed in Russia that even today veterans refuse to acknowledge what really happened during the onslaught on German territory. They will admit to hearing of a few excesses, and then dismiss the subject as the inevitable result of war. Only a few are prepared to acknowledge that they witnessed such scenes. The tiny handful prepared to speak openly, however, are totally unrepentant. ‘They all lifted their skirts for us and lay on the bed’, said the Komsomol leader in a tank company. He even went on to boast that ‘2 million of our children were born’ in Germany. The capacity of Soviet officers and soldiers to convince themselves that most of the victims were either happy with their fate, or at least accepted that it was their turn to suffer after what the Wehrmacht had done in Russia, is remarkable” (p. 31).

“One can only scratch at the surface of the bewildering psychological contradictions. When gang-raped women in Königsberg begged their attackers afterwards to put them out of their misery, the Red Army men appear to have felt insulted. ‘Russian soldiers do not shoot women,’ they replied. ‘Only German soldiers do that.’ The Red Army had managed to convince itself that because it had assumed the moral mission to liberate Europe from fascism, it could behave entirely as it liked, both personally and politically.”

“Domination and humiliation permeated most soldiers’ treatment of women in East Prussia. (...) By the time the Red Army reached Berlin three months later, its soldiers tended to regard German women more as a casual right of conquest than a target of hate. The sense of domination certainly continued, but this was

**perhaps partly an indirect product of the humiliations which they themselves had suffered at the hands of their commanders and the Soviet authorities as a whole” (pp. 31-32).**

All that, of course, was part of a more general background. Beevor observes: **“The Red Army attitude towards women had become openly proprietorial, especially since Stalin himself had stepped in to allow Red Army officers to keep a ‘campaign wife’. (...) These [were] young women, selected as mistresses by senior officers...” (p. 29).**

The Red Army, especially when it finally understood the extent to which it was alienating the occupied populations, tried, in general rather half-heartedly, to prevent collective rape and murder. But this was mostly in vain. On the one hand it was more important in Moscow’s eyes to put a stop to the soldiers’ vandalism, which was destroying everything that fell into their hands, whereas Stalin wanted to transfer German factories to the USSR by way of war reparations. On the other hand, **“either officers were involved themselves, or the lack of discipline made it too dangerous to restore order over drunken soldiers armed with machine guns”.** And finally, **“Political officers hoped to adapt this approach to the question of rape as well. ‘When we breed a true feeling of hatred in a soldier,’ the political department of the 19th army declared, ‘the soldier will not try to have sex with a German woman, because he will be repulsed’” (p. 30).**

One of the reasons often put forward to justify failure to comply with IHL is that the people (or, depending on the circumstances, the ethnic group, the racial group, or the country) which is fighting for its survival cannot burden itself with humanitarian considerations and rules that might weaken it. For those involved, the end justifies the means. Political leaders know, almost intuitively, that this is an irrefutable argument. That is why they use it so often, even though situations in which the survival of a people is really at stake are few and far between. This argument also demonstrates the power of ideology. It is not really difficult to convince combatants that they are fighting for the survival of their nation, especially as they are actually fighting for their own survival. Adhesion to this ideology has a dual effect: it justifies the idea that the war must be won at all costs, and it stimulates the fighting spirit of the group which is the “victim of aggression”.

**“When the nations on this planet fight for existence (...) then all considerations of humanitarianism (...) crumble into nothingness”** (Hitler, *Mein Kampf*, 1924). This viewpoint, expressed in modern terms by someone who is at the opposite end of the scale from Hitler when it comes to politics and ideology, becomes: **“When persons or communities perceive their actual survival to be at stake, they rarely let commitments to upholding the law stand in their way as they endeavor to defend themselves. And if the choice really is between legality and survival, then it is perfectly obvious that any sane person, and, indeed, any sane State, would choose survival. It is the purest hypocrisy to pretend otherwise, or for others, not at risk, to insist that those who are must behave with this kind of inhuman fidelity to legal norms.”**<sup>19</sup>

## Chapter 10: Obedience to authority

Stanley Milgram's research and experiments are fundamental. His studies were conducted in the United States between 1960 and 1963 and were published in 1974 under the title *Obedience to Authority*.<sup>20</sup> The experiments carried out by Milgram were popularized in France by Henri Verneuil's film *I comme Icare*, with Yves Montand in the leading role.

Milgram's work was an attempt to understand how an individual behaves when a legitimate authority asks him or her to take action against a third party. The leader of the experiment recruited a number of naïve subjects ("teachers") who thought they were taking part in a study on the role played by punishment in the learning process and memory. They were told to administer an electric shock of increasing intensity to a "learner" every time the latter (who, unknown to the naïve subject, was acting in complicity with the experimenter) gave the wrong answer to a question he had been asked. The experimenter for his part was the embodiment of scientific authority. The teachers, both men and women, had been recruited from all sectors of society. Most of them, on the instructions of the experimenter, went as far as to administer shocks of maximum intensity (450 volts) to learners who, after a time, requested that the experiment be stopped, began to scream, and finally fell silent (to give the impression that they had lost consciousness, or worse). Milgram then introduced many variants into the experiment, increasing the distance between the teachers and the learners, weakening the authority of the experimenter (two people giving the orders and showing disagreement between themselves), and diminishing the responsibility of the learner in the administration of electric shocks.

Milgram's book is riveting and his conclusions are crucial to our study. Rather than paraphrasing his findings, we feel it is worth quoting extracts from his book at length.

First of all, his general conclusion: **“Ordinary people, simply doing their jobs, and without any particular hostility on their part, can become agents in a terrible destructive process. Moreover, even when (...) they are asked to carry out actions incompatible with fundamental standards of morality, relatively few people have the resources needed to resist authority.”** Further on: **“Many of the subjects, at the level of stated opinion, felt quite as strongly as any of us about the moral requirement of refraining from action against a helpless victim. They, too, in general terms know what ought to be done and can state their values when the occasion arises. This has little, if anything, to do with their actual behavior under the pressure of circumstances.”**

**“If people are asked to render a moral judgment on what constitutes appropriate behavior in this situation, they unfailingly see disobedience as proper. But values are not the only forces at work in an actual, ongoing situation. They are but one narrow band of causes in the total spectrum of forces impinging on a person. Many people were unable to realize their values in action and found themselves continuing in the experiment even though they disagreed with what they were doing”** (p. 6).

When Milgram focuses on why the subject remains in a state of submission, he identifies various mechanisms, including **“the tendency of the individual to become so absorbed in the narrow technical aspects of the task that he loses sight of its broader consequences”** (p. 7). He adds: **“The disappearance of a sense of responsibility is the most far-reaching consequence of submission to authority. Although a person acting under authority performs actions that seem to violate standards of conscience, it would not be true to say that he loses his moral sense. Rather, his moral concern now shifts to a consideration of how well he is living up to the expectations that the authority has of him”** (p. 8).

If we bear in mind that the subjects of Milgram's experiments were ordinary citizens who believed they were taking part in a scientific experiment, that they could withdraw from the experiment at any time, and that they felt no animosity whatsoever towards the learners whom they were told to punish, we can try to extrapolate some of Milgram's conclusions to the subjects of our study, weapons-bearers. They, too, have often not chosen to be recruited. They are allocated a precise place in an imposed hierarchy; they have a duty to obey the orders they are given; and they know that they are liable to more or less severe punishment if they fail to obey those orders. This suggests that their submission to authority will be much stronger than that seen in Milgram's experiments, as in the latter the experimenter had no means of coercing the subjects to obey his orders. However, stronger submission does not mean abandonment of all free will, as we shall see below. To do what is expected of him in an efficient manner, the weapons-bearer does not have to become the slave of his superior. He must obey and accept the authority of his superior, becoming the executive agent of the latter's wishes. He accepts his role and his place, which does not necessarily mean that he is in agreement with the order given or with the objectives of the group to which he belongs.

There is another factor, however, which makes obedience easier and which we mentioned in the discussion on the distancing process observed in time of war. Milgram did not study how the subjects would have behaved if the learners had been strongly denigrated before the experiment took place. Yet he does explain: **"In all likelihood, our subjects would have experienced greater ease in shocking the victim had he been convincingly portrayed as a brutal criminal or a pervert. (...) Many subjects harshly devalue the victim as a consequence of acting against him. (...) Once having acted against the victim, these subjects found it necessary to view him as an unworthy individual"** (pp. 9-10). As we have seen, in wartime or in the run-up to war the political or moral authorities usually take care of this conditioning process.

In the chapter on distancing, we looked not only at the psychological distance created between a subject and his victim by means of denigration, but also more simply at the geographical distance between them. When Milgram set up his experiment in such a way that the subject could see the learner, **"obedience was significantly reduced as**



**the victim was rendered more immediate to the subject”** (p. 34). That does not mean that the subjects no longer obeyed, but that they experienced much more conflicting feelings, being torn between not wanting to cause suffering and their tendency to obey the representative of authority.

Another very effective way of securing a high level of submission to authority is to break down the tasks that lead to punishment. In one variant of the experiment, the subject did not himself hold the lever that administered the electric shock; he only asked the questions and another participant pressed the lever. In the case in point, 37 subjects out of 40 went as far as administering the highest voltage. **“This may illustrate a dangerously typical situation in a complex society: it is psychologically easier to ignore responsibility when one is only an intermediate link in a chain of evil action but is far from the final consequences of the action.”** Milgram adds: **“Perhaps this is the most common characteristic of socially organized evil in modern society”** (p. 11).

Some readers are certainly wondering how women reacted in these situations, and whether their behaviour was significantly different from that of men. It was not. Milgram notes that most tests of submission to authority showed that women were more malleable than men; he adds that they are supposed to be less aggressive and more inclined to show empathy than men, and in principle these two factors should have had the opposite effect. Women demonstrated practically the same level of submission as men; on the other hand they suffered much more from conflicting feelings. Milgram mentions that he did not study the behaviour of subjects when women were playing the role of learner, but suggests that he would have had more refusals to obey because cultural norms condemn ill-treatment of a woman more severely than that of a man. He also feels that this hypothesis would be borne out even more if the learner were a child.

In one variant of his experiment, Milgram required the subjects to administer electric shocks, but left it to them to decide what voltage to apply. The result was unambiguous: in the vast majority of cases the shocks they inflicted were of a lower voltage when they were free to choose. Milgram concluded that **“whatever leads to shocking the victim**

**at the highest level cannot be explained by autonomously generated aggression but needs to be explained by the transformation of behavior that comes about through obedience to orders”** (p. 72). In wartime, this conclusion would probably have to be qualified. Not that we think that men make war because they have an inherent tendency to aggression, but because the circumstances of a conflict situation, in which hatred of the enemy has been cultivated and sometimes strengthened by actual experience (for example when comrades have been killed in battle), may indeed unleash aggressive or cruel impulses.

In the variant where it was the learner who asked for the experiment to continue (thus asking the subject to continue to give him shocks), while the experimenter decided to stop the session, the subject opted to obey the experimenter. Milgram concludes from this that **“[the subjects] regard the learner as having less rights over himself than the authority has over him”** (p. 92). It is therefore not the order itself that is of decisive importance but the source from which it emanates. Where there was a conflict between authority figures, such as when several experimenters were present and disagreed among themselves, the behaviour of the subject was determined by the person with the highest status.

One of Milgram’s conclusions, and a crucial one for our purposes, is this: **“Individuals act as they do for three principal reasons: they carry certain internalized standards of behavior; they are acutely responsive to the sanctions that may be applied to them by authority; and, finally, they are responsive to the sanctions potentially applicable to them by the group”** (p. 121).

Here an essential distinction must be drawn that is relevant not only to the subjects of Milgram’s experiment but also to weapons-bearers, that is, the distinction between obedience and conformity. Once again we simply report the findings of the American social psychologist.

**“Obedience and conformity both refer to the abdication of initiative to an external source. But they differ in the following important ways:**

1. **Hierarchy.** Obedience to authority occurs within a hierarchical structure in which the actor feels that the person above has the right to prescribe behavior. Conformity regulates the behavior among those of equal status; obedience links one status to another.
2. **Imitation.** Conformity is imitation but obedience is not. Conformity leads to homogenization of behavior, as the influenced person comes to adopt the behavior of peers. In obedience, there is compliance without imitation of the influencing source. A soldier does not simply repeat an order given to him but carries it out.
3. **Explicitness.** In obedience, the prescription for action is explicit, taking the form of an order or command. In conformity, the requirement of going along with the group often remains implicit. (...) Indeed, many subjects would resist an explicit demand by group members to conform, for the situation is defined as one consisting of equals who have no right to order each other about.
4. **Voluntarism.** The clearest distinction between obedience and conformity, however, occurs after the fact – that is, in the manner in which subjects explain their behavior. Subjects *deny* conformity and embrace obedience as the explanation of their actions” (pp. 114-115).

**“Thus, while the conforming subject insists that his autonomy was not impaired by the group, the obedient subject asserts that he had no autonomy in the matter of shocking the victim and that his actions were completely out of his own hands” (p. 115).**

The fundamental point in Milgram’s findings is the change that occurs in the individual when he enters what Milgram calls the “agentic state”. When the individual becomes part of a system of authority, he no longer sees himself as responsible for his acts, but rather as an agent executing the wishes of someone else. Milgram stresses in his book that he was not interested in people who were forced to obey by being placed in a situation of coercion. People in that situation will obey the orders they are issued only as long as the coercion lasts and outside constraints are strong enough. The focus of his study was the individual whose obedience was prompted by internal motivation and not by merely external factors.

The individual in this “agentic state” acquires some special characteristics. “[A] process of tuning occurs in the subject, with maximal receptivity to the emissions of the authority, whereas the learner’s signals are muted and psychologically remote” (p. 144).

Milgram makes another point that merits reflection. “An act viewed in one perspective may seem heinous; the same action viewed in another perspective seems fully warranted. *There is a propensity for people to accept definitions of action provided by legitimate authority.* That is, although the subject performs the action, he allows authority to define its meaning. It is this ideological abrogation to the authority that constitutes the principal cognitive basis of obedience. If, after all, the world or the situation is as the authority sees it, a certain set of actions follows logically. The relationship between authority and subject, therefore, cannot be viewed as one in which a coercive figure forces action from an unwilling subordinate. Because the subject accepts authority’s definition of the situation, action follows willingly” (p. 145).

“The most far-reaching consequence of the agentic shift is that a man feels responsible to the authority directing him but feels no responsibility for the content of the actions that the authority prescribes. Morality does not disappear, but acquires a radically different focus: the subordinate person feels shame or pride depending on how adequately he has performed the actions called for by authority” (pp. 145-146).

The author rounds off his demonstration by showing that every one of the subject’s acts exerts an influence over the next one. “The recurrent nature of the action demanded of the subject itself creates binding forces. As the subject delivers more and more painful shocks, he must seek to justify to himself what he has done; one form of justification is to go to the end. For if he breaks off, he must say to himself: ‘Everything I have done to this point is bad, and I now acknowledge it by breaking off’” (p. 149).

In conclusion: “A substantial proportion of people do what they are told to do, irrespective of the content of the act and without limitations of conscience, so long as

they perceive that the command comes from a legitimate authority” (p. 189). For, says Milgram, “men do become angry; they do act hatefully and explode in rage against others. But not here. Something far more dangerous is revealed: the capacity for man to abandon his humanity, indeed, the inevitability that he does so, as he merges his unique personality into larger institutional structures” (p. 188). “The act of disobedience requires a mobilization of inner resources, and their transformation beyond inner preoccupation, beyond merely polite verbal exchange, into a domain of action. But the psychic cost is considerable” (p. 163).

Turning now to the subject of our own research, this is what Milgram has to tell us.

“Although aggressive tendencies are part and parcel of human nature, they have hardly anything to do with the behavior observed in the experiment. Nor do they have much to do with the destructive obedience of soldiers in war, of bombardiers killing thousands on a single mission, or enveloping a Vietnamese village in searing napalm. The typical soldier kills because he is told to kill and he regards it as his duty to obey orders. The act of shocking the victim does not stem from destructive urges but from the fact that the subjects have become integrated into a social structure and are unable to get out of it” (p. 166).

“Were our subjects forcibly introduced to the experiment, they might well yield to authority, but the psychological mechanisms would be quite different from what we have observed. Generally, and wherever possible, society tries to create a sense of voluntary entry into its various institutions. Upon induction into the military, recruits take an oath of allegiance, and volunteers are preferred to inductees. While people will comply with a source of social control under coercion (as when a gun is aimed at them), the nature of obedience under such circumstances is limited to direct surveillance. When the gunman leaves, or when his capacity for sanctions is eliminated, obedience stops. In the case of voluntary obedience to a legitimate authority, the principal sanctions for disobedience come from within the person. They are not dependent on coercion, but stem from the individual’s sense of commitment to his role. In this sense, *there is an internalized basis for his obedience, not merely an external one*” (pp. 140-141).

It should be mentioned that Milgram's experiments were subsequently repeated, both in the United States and in other countries. The results showed only minute variations, which leads to the conclusion that these characteristics of "human nature" are indeed universal.

What precedes prompts several observations:

1. There are a number of features which distinguish the weapons-bearer from the subject of Milgram's experiments. Whether a conscript or a volunteer, once he is part of a military unit his freedom of choice (for example to leave the army) is significantly diminished. The authority exerted over him is more restrictive in that a whole range of disciplinary measures can be taken to punish acts of disobedience, which is not true in the case of the experimenter. The "victim" of the weapons-bearer is not a more or less competent "learner" but an individual or group of individuals who have been designated as enemies and whom he very often sees as his personal enemies. Furthermore, the combatant is not on his own between an experimenter and a learner but is a member of a group of combatants, and the influence of that group is decisive. Finally, the weapons-bearer is not taking part in a scientific experiment; he is fighting a war. In other words, he is engaged in an activity to which he attaches considerable importance and which he often sees as vital, not least because it may indeed cost him his life.
2. All the forces exerted on weapons-bearers are significantly more coercive than those exerted on the subjects of Milgram's experiment. The power of the military authority is stronger, there is less margin for disobedience, and the institutional constraints are greater. At the same time the combatant's motivation is also stronger, because "punishing" an enemy is regarded as a worthy and legitimate act, especially as the enemy has usually been designated as responsible for the violence inflicted on him. Moreover, the enemy is a source of danger for the combatant, which is not true of the learner vis-à-vis the person giving him electric shocks. Finally, in normal circumstances the group to which the combatant belongs will further consolidate these forces and motivations.

3. We have seen that the effectiveness of a modern army relies to a large extent on the conditioning of its combatants. Their individuality is suppressed to ensure discipline and obedience, and to create automatic reflexes. This does not go as far as seeking to turn them into robots having lost all awareness and autonomy, because that would not make them efficient combatants. But it is reasonable to believe that the degree of submission to authority in a combatant is higher than in a citizen who has volunteered to take part in a scientific experiment. If such is the case, it must be concluded that in the event of a moral conflict a weapons-bearer will be less inclined to disobey orders than an ordinary citizen. But above all it means that the combatant will not allow himself to be greatly influenced by anything external to the relationship of authority he maintains with his superiors and with the immediate group to which he belongs.
4. It is worth mentioning that Milgram also studied predictions relating to behaviour, that is, what people to whom the experiment had been described without telling them the results said about the way they themselves would have behaved if they had been in the experimental situation. It is hardly surprising to learn that there was a wide gap between what people said about the attitude they would adopt in such a situation and the behaviour of those actually involved. This gap can be compared with the one revealed by the *People on War* study and our own research on the relationship between acknowledgement of the rules and their application. Declared adherence to the rules is one thing, but actual behaviour in compliance with those rules is quite another.

Milgram naturally wondered whether the people questioned about the way they intended to behave tended to see themselves in a favourable light and hence overestimate their capacity for disobedience. He therefore asked them how, in their opinion, other individuals placed in the experimental situation would behave. The replies revealed the same gap: when people were asked how individuals told to inflict suffering on others would react, they almost all said that most such individuals would quickly stop administering electric shocks to the learners. Milgram concluded as follows: **“These subjects see their reactions flowing from empathy, compassion, and a sense of justice. They enunciate a conception of what is desirable and**

**assume that action follows accordingly. But they show little insight into the web of forces that operate in a real social situation”** (p. 30).

5. It would obviously be nice to know how the subjects of the experiment would have reacted if, before the experiment began, an ICRC delegate had come to give them a talk on some basic principles of human rights and IHL, with the agreement of the scientific authorities organizing the experiment. We can only make suppositions on that score. However, if it is considered that the ICRC represents a sort of moral authority, reference may be made to a variant of the experiment in which Milgram set two conflicting authorities against each other, thus forcing the subject to make a choice. When these authorities appeared to be on the same level and gave contradictory instructions (one showing ill will towards the learner and the other a more kindly attitude), this discrepancy paralysed the proceedings and the subject very rapidly took advantage of the situation to stop inflicting electric shocks. This was the case, however, only as long as the subject perceived the two authorities as being on the same level. In practice he tried to identify the higher of the two authorities and chose to obey him. **“The most pervasive principle is that the subject’s action is directed by the person of higher status”** (p. 110). Obviously, a weapons-bearer will always consider that his superiors in the hierarchy have a status higher than that of representatives of an organization outside the military structure.
  
6. What would have happened if the subjects of the experiments had been told to reward the learner every time he gave the right answer to a question, rather than punishing him with an electric shock every time the answer he gave was wrong? We have no way of knowing, since no such experiment was conducted, but it is reasonable to believe that the subject would have progressed willingly up to the maximum reward, to everybody’s satisfaction. It is tempting to extrapolate that conclusion to the situations that concern us, and to assert that it is easier for a combatant to obey an order consistent with IHL than one that violates it. But it is important to bear in mind the difference between a laboratory experiment and a real situation of armed conflict. Indeed, the feelings and perceptions of a combatant vis-à-vis the enemy are not generally coloured by kindly neutrality. In other words, one wonders how the subject would have reacted if he had first seen the learner



administer electric shocks to a third person, or, better still, if the learner had first inflicted shocks on the subject himself or a member of his family. In that case the subject would doubtless have obeyed the authority with more enthusiasm and less internal conflict. Perhaps the subjects might even have felt some satisfaction in punishing learners who, beforehand, had themselves shown behaviour hostile to the subjects or attitudes they deplored.

7. Be that as it may, if a subject finds it easy to obey an authority whom he perceives as legitimate, and agrees to inflict increasingly cruel punishment on an individual towards whom he feels no animosity whatsoever, it can be admitted that he will be even more ready to obey the orders of such an authority when the latter tells him to attack individuals who have been designated as his enemies. In the latter case – certainly the closer to wartime reality – the authority does not need to issue orders that are explicitly cruel; it just has to let it be understood what is expected of the combatant. “Figure out for yourselves what we expect of you and how much latitude we allow you!” It is probably quite rare to find evidence of orders that explicitly urge combatants to violate the rules of IHL, for in general this is not necessary. The fact that war is conducive to criminal behaviour, the legitimizing of the act of killing, the hatred and the thirst for revenge that often become entrenched – all these factors combine to make violation of the law relatively easy. This leads us to a very tentative conclusion concerning the role of authority in times of armed conflict: if it is admitted that there is a natural tendency in wartime to drift towards violation of IHL, we can never be satisfied with an authority that merely refrains from issuing orders to violate the law. On the contrary, we must expect that authority to issue explicit orders *not* to violate IHL.
  
8. When all is said and done, if weapons-bearers commit abuses, in most cases it is not because they have lost all moral sense. It must be understood that the nature of an individual in an “agentic state” has changed. Appealing to his conscience or his moral values in an effort to influence him will have very little effect, *because his own values are not involved*. His behaviour will depend first and foremost on what is dictated by the authority which he perceives as legitimate. It is difficult to admit this, because our naïve perception of what motivates human behaviour is strongly

influenced by the idea that individuals enjoy freedom of choice and that their decisions are determined above all by their ethical references. Coming back to Milgram: **“It is the failure to grasp the transformation into a state of agency and an inadequate understanding of the forces that bind the person into it that account for the almost total inability to predict the behavior in question. Those judging the situation think it is the ordinary person, with his full moral capacities operating, when they predict his breakoff from the experiment. They do not take into account in the least the fundamental reorganization of a person’s mental life that occurs by virtue of entry into an authority system”** (note 21, pp. 209-210).

9. Finally, we must not lose sight of the forces that sometimes make it easier to repeat reprehensible acts because every such act justifies the next one. Or rather, of the fact that it can be difficult to stop committing reprehensible acts because that would call into question all those committed previously. In the context of the most direct concern to us, that means that violating IHL is perhaps difficult the first time it happens, but becomes less and less difficult. And a weapons-bearer who has committed acts of cruelty will barricade himself in a system of self-justification whereby all his future acts will be justified by those that went before. Without leaping to definitive conclusions, we nevertheless take the view that, in regard to violations of IHL, “zero tolerance” should be the rule.



## Chapter 11: Moral disengagement

Christopher Browning's book about German Reserve Police Battalion 101 (*Ordinary Men*), which we mentioned earlier, adds to what Milgram has to say about the issue at hand. This time it is not a matter of laboratory experiments but of the actual behaviour of a German police unit in Poland, between the summer of 1942 and autumn of 1943, in relation to the "final solution". This group of some 500 men was directly or indirectly responsible for the death of 83,000 Jews and several hundred Polish civilians. Browning's book is based on contemporary documents and 125 interviews with surviving members of the police unit.

According to the most favourable estimates, 15% of the members of Battalion 101 did not take part or took only a small part in its crimes. Yet most of the other men concerned had not been involved in fighting, had not been fired on, and had not seen their comrades killed at their side. So their behaviour cannot be explained by the effects generally attributed to war. The author also insists on the fact that they were not threatened with reprisals if they failed to follow orders. **"[I]n the past forty-five years no defense attorney or defendant in any of the hundreds of postwar trials has been able to document a single case in which refusal to obey an order to kill unarmed civilians resulted in the allegedly inevitable dire punishment. The punishment or censure that occasionally did result from such disobedience was never commensurate with the gravity of the crimes the men had been asked to commit"** (p. 170). Browning also stresses that **"the men of Reserve Police Battalion 101 were least likely to be considered apt material out of which to mold future mass killers. (...) [T]he rank and file – middle-aged, mostly working-class, from Hamburg – did not represent special selection or even random selection but for all practical purposes negative selection for the task at hand"** (p. 164).

Browning very naturally refers to Milgram, whose explanations he sees as pertinent. He also focuses, however, on two factors that were only briefly touched upon by Milgram, those of indoctrination and conformism. The group dynamic and the conformism to which it gives rise have already been discussed. As for indoctrination, Milgram speaks of the “definition of the situation”, meaning ideology – that which lends social action meaning and coherence. If people accept the ideology of those in authority, action follows logically and willingly. Browning concludes: **“In Milgram’s experiments, ‘overarching ideological justification’ was present in the form of tacit and unquestioned faith in the goodness of science and its contribution to progress. But there was no systematic attempt to ‘devalue’ the actor/victim or inculcate the subject with a particular ideology. Milgram hypothesized that the more destructive behavior of people in Nazi Germany, under much less direct surveillance, was a consequence of an internalization of authority achieved ‘through relatively long processes of indoctrination, of a sort not possible within the course of a laboratory hour’”** (p. 176).

There is no space here to give a detailed account of Browning’s findings. This is what he has to say in the final pages of his book: **“The behavior of human beings is, of course, a very complex phenomenon, and the historian who attempts to ‘explain’ it is indulging in a certain arrogance. When nearly 500 men are involved, to undertake any general explanation of their collective behavior is even more hazardous. What, then, is one to conclude? Most of all, one comes away from the story of Reserve Police Battalion 101 with great unease. This story of ordinary men is not the story of all men. The reserve policemen faced choices, and most of them committed terrible deeds. But those who killed cannot be absolved by the notion that**

**anyone in the same situation would have done as they did. For even among them, some refused to kill and others stopped killing. Human responsibility is ultimately an individual matter.”**

**“At the same time, however, the collective behavior of Reserve Police Battalion 101 has deeply disturbing implications. There are many societies afflicted by traditions of racism and caught in the siege mentality of war or threat of war. Everywhere society conditions people to respect and defer to authority, and indeed could scarcely function otherwise. Everywhere people seek career advancement. In every modern society, the complexity of life and the resulting bureaucratization and specialization attenuate the sense of personal responsibility of those implementing official policy. Within virtually every social collective, the peer group exerts tremendous pressures on behavior and sets moral norms. If the men of Reserve Police Battalion 101 could become killers under such circumstances, what group of men cannot?”** (pp. 188-189).

In a recent novel, *Anatomie du bourreau*, the Danish author Jens-Martin Eriksen tells the story of militiamen recruited to arrest and eliminate all males over 16 years of age in an unidentified location, for reasons that are not revealed. This novel describes, perhaps in an even more penetrating way than an historical analysis, the terrible process that can turn an ordinary man into a killer.

A number of researchers, most of them American, have recently been focusing their attention on what they call “evil”. Considering genocide to be the supreme evil, they often refer to the Holocaust, drawing sometimes astonishing parallels between phenomena as dissimilar as collective massacres and inner-city violence involving minorities in the United States. There is scope for endless discussion as to whether a moral parameter such as evil should be introduced into scientific and academic investigations, but that is not the purpose of this chapter. Our aim here is to see what these reflections can contribute to the subject of our study.

Erwin Staub,<sup>21</sup> for example, examines the evolution of violence. **“Great violence, and certainly group violence, usually evolves over time. Individuals and groups change**

**as a result of their own actions. Acts that harm others, without restraining forces, bring about changes in perpetrators, other members of the group, and the whole system that makes further and more harmful acts probable. In the course of this evolution, the personality of individuals, social norms, institutions, and culture change in ways that make further and greater violence easier and more likely.”**<sup>22</sup>

Staub shows that the standards of the group and its behaviour vis-à-vis the victims gradually change. What would previously have been inconceivable becomes acceptable, and then normal. Institutions can be transformed or established to serve the cause of violence. Ultimately a sort of “moral inversion” occurs, whereby killing victims becomes a just and morally defensible act. Societies characterized by a strong propensity for obeying authority are more likely to drift into massacres and genocide. Philip Gourevitch, who made a thorough study of the genocide in Rwanda,<sup>23</sup> underlines strongly that the country’s population showed a very high degree of submission to authority. Staub further notes that people who take part in atrocities end up by becoming impervious to the suffering they inflict on their victims, and sometimes even enjoy it.

More central to our purposes, Albert Bandura, Professor of Psychology at Stanford University, has made a significant contribution to research and thinking on what he calls “moral disengagement” in the perpetration of inhuman acts. After Milgram, he demonstrates how moral behaviour can be either inhibitive (manifested in the power to refrain from acting inhumanely) or proactive (manifested in the power to behave humanely). Bandura<sup>24</sup> champions the idea that an individual can activate or deactivate the self-regulating mechanisms that govern his moral behaviour. In children, conduct is largely regulated by external dictates and social sanctions. Later in life, the individual adopts moral standards and avoids behaviour which violates those standards, because such behaviour will bring self-condemnation and feelings of guilt. If these mechanisms are to come into play they have to be activated, and there are various ways of avoiding their activation. The person concerned may absolve himself of reprehensible behaviour by moral justification or euphemistic labelling. Thus, explains Bandura, the same violent act means different things to different people. Deeds that are seen by one group as acts of terrorism may be seen by another as the heroic struggle of a liberation movement. That is why, according to the author, moral appeals to eschew violence rarely have any effect. Both individuals and groups can minimize or ignore the

consequences of their acts or, as we have seen above, dehumanize the victims or blame them for their own plight.

Bandura also shows that what happens in everyday life differs considerably from the procedure used by Milgram in his experiments. In the latter, the person who embodies authority (scientific authority in this case) fully assumes his responsibilities and constantly insists that the subject will not be held responsible for his acts. In society – and this applies also in time of war – an authority rarely assumes its responsibilities quite so openly, if only to cover itself should things go wrong. The higher levels of the hierarchy often exercise their power by giving their implicit agreement, letting their subordinates get on with it. Similarly, decisions taken collectively within a group may lead the group to commit cruel acts without any of its members feeling really responsible for them. Any harm done can always be attributed to the behaviour of others. That is why firing squads usually have several members, and why often one of the guns is not loaded. Each member can believe it was his gun that was firing blanks, and that it was the others who did the killing. In Bandura's view, there can be no doubt that people behave more cruelly under group responsibility than when they hold themselves personally accountable for their actions.

This process of moral disengagement, which has been widely studied in the domain of social psychology, is usually a gradual one, as Staub also avers. Such behaviour, Bandura emphasizes, is the result of complex socio-structural and personal dynamics, and detrimental acts are always the product of interaction between personal, behavioural and environmental influences. Society, he says by way of conclusion, cannot rely entirely on the individual to avoid human cruelty. It has to develop effective social guarantees, and in particular it must not allow the upper echelons of the hierarchy to evade their responsibilities.

Other researchers have also opened up interesting avenues. Roy Baumeister<sup>25</sup> of the Department of Psychology at Case Western Reserve University draws attention to the “perception gap” between the way the victim sees an act and the viewpoint of the perpetrator. To understand the psychology of the perpetrator, it may be necessary to stand back from the victim's view. Victims usually perceive acts of cruelty in relation

to clear moral demarcation lines, while perpetrators see vast grey areas in such moral judgments. Baumeister also focuses his attention on people who enjoy inflicting pain, and who sometimes commit cruel acts simply to relieve their boredom. Such propensities are, from our viewpoint, very rare in situations of armed conflict, but they cannot be overlooked. In some civil wars they may be more widespread than we think.

We cannot close this chapter without mentioning the work of Herbert Kelman on the processes of legitimization and delegitimization.<sup>26</sup> Professor Kelman begins by drawing a distinction, which is important for our subject, between ordinary influence and influence in relationships of authority. Ordinary influence is a matter of preference: people accept influence if they decide – for one or more good reasons – that the conduct proposed by the influencing agent serves their own interests. By contrast, influence in situations of authority comes within the sphere of obligation: people accept influence insofar as they feel that the influencing agent is entitled to make certain demands of them and that they themselves are under an obligation to submit to those demands. The capacity of this authority to exert influence depends on its legitimacy in the view of the person it sets out to influence.

Legitimacy relates to the moral foundations of social interaction. In this interaction, one of the parties makes a request which the other may accept or reject. The question of legitimacy arises either in relation to the content of the request or in relation to the person or group making it. Kelman's crucial contribution to this question is to point out that a major part of the work and models produced in the area of the social sciences are founded on the interests and preferences of the persons involved rather than on the moral bases of their interaction. **“The concept of legitimacy reminds us that large parts of social behaviour, and of social structures, are determined not so much by interests and preferences as by rights and obligations.”**

In some cases, the behaviour encouraged by an authority may run counter to the interests and preferences of the individuals asked to adopt it. The individuals concerned may even find such behaviour repugnant. They obey, however, because an obligation has been activated. Yet in other situations the requests made by the authority may meet with a considerable degree of receptiveness.



Kelman also demonstrates the importance of the processes of legitimization and delegitimization in the perpetration of atrocities. Legitimization is defined as the process of recategorizing an act, a policy or a request – but also a system, a group or an individual – in such a way that what was previously not legitimate becomes legitimate, or what was previously a matter of choice becomes compulsory. Delegitimization is the reverse process, and it may be observed that when an individual or group loses its legitimacy, violence against that individual or group gains in legitimacy. The author identifies three social processes which facilitate the participation of individuals in reprehensible behaviour. These processes – authorization, routinization and dehumanization – have already been touched upon in previous pages. **“I speak of authorization when the action has been explicitly ordered, implicitly encouraged, tacitly approved, or at least permitted by legitimate authorities. Authorization, in effect, legitimizes actions that under normal circumstances would be morally reprehensible. Routinization – transforming the action into routine, mechanical, highly programmed operations at both the individual and the organizational level – minimizes the occasions in which moral questions may arise and reinforces the view that one is engaged in a normal, proper activity within a legitimate enterprise. Dehumanization, in effect, delegitimizes the targets of these actions, excluding them from the actor's moral community, so that massacring or torturing them becomes morally acceptable or even desirable in the eyes of the perpetrators and their presumed constituencies. The processes of authorization, routinization and dehumanization together function to remove or weaken the moral restraints that would normally inhibit such violations of the fundamental rights of fellow human beings.”**





## Part III



## Chapter 12: How can behaviour be changed?

The experts charged with proposing measures to influence human behaviour in domains other than the one that concerns us often ask themselves questions similar to ours, and the answers they come up are clearly useful to the ICRC. There are certainly differences between trying to make a combatant comply with the rules of IHL and trying to make a driver respect the highway code, but a closer look reveals more analogies than might have been expected. Moreover, a great deal of documentation is available on this type of study, as large sums of money have been invested for decades in attempts to improve road safety, for example.

First we consider the major factors which distinguish efforts to achieve behaviour change in areas such as smoking, AIDS prevention and road safety from efforts in our field of study. Those trying to persuade someone to stop smoking or to protect himself during sexual relations have a strong argument on their side, namely the fact that the person concerned is risking his health, or even his life. The same applies to road-safety campaigns: excessive speed or dangerous driving creates a risk not only for other road users but also for oneself.

The argument of danger to oneself is a powerful one. Individuals who know that their behaviour is risky for themselves usually want to change; that is why relatively simple “recipes” may work as long as the individuals concerned are themselves involved in the search for solutions (for example in the area of mine awareness).

Delegates sometimes use this argument in other contexts, for example when they are trying to convince their contacts that if the latter treat their enemy prisoners humanely, they have a better chance of being treated well should they themselves fall into enemy

hands. But when it comes to compliance with IHL, the argument is certainly less effective, because violating IHL rarely entails any immediate risk for the culprit. On the contrary, many weapons-bearers believe that observing the rules of IHL (for example by giving the enemy the opportunity to surrender or refraining from launching indiscriminate attacks) increases the danger to themselves. Furthermore, they know that behaving in a manner consistent with the law does not necessarily mean that they will gain any advantage, even at a later date, because for that to happen their good conduct will have to influence the future behaviour of the enemy towards them.

Yet the argument based on risk, however important, does not always produce the desired effect. Undeniably, many people have stopped smoking because they fear for their health. But there are even more who continue to smoke despite the risk involved, and those who start smoking knowing full well that it is harmful to their health are legion. Turning now to the campaign to stop the spread of AIDS, researchers took several years to realize that the argument based on risk, which is quite effective in North America and Europe, was having little effect in certain parts of Africa. Further study told them why: the target populations were faced with so many other risks in their daily lives that taking an extra one whose hypothetical consequence might be infection with the AIDS virus was not likely to make them change their behaviour. On the other hand it seems that these African populations are much more receptive to the argument of the risks their behaviour could entail for their children, as they attach great importance to the survival of their descendants.

People involved in anti-smoking campaigns long believed in the effectiveness of repetition of the message. It was not enough to draw attention to the risk: the target

groups were bombarded with facts, the message was constantly drummed into them, and every possible means was used to get it into their heads. Rather surprisingly, this approach quickly reached its limits. Indeed, excessive stigmatization of certain types of behaviour can have an effect opposite to the one sought, and can, for example, end up by strengthening the collective identity of smokers.

It might be thought that some violations of IHL can be attributed to ignorance of the law. This could be a partial explanation, but it should not be accorded too much importance. Take the case of AIDS: it was believed for some years that the problem was primarily lack of information. And it is true that, at first, determined efforts to spread information among groups at risk did bear fruit. But the results of recent studies are disconcerting. Sociologists note that today it is the most well-informed groups which tend to take most risks. Why? Part of the explanation can doubtless be sought in the effectiveness of triple-therapy treatments, which have caused a sharp fall in the mortality of seropositive individuals. There are, however, other explanations. Some homosexuals say that they want to express their sexuality freely, without hindrance, and although this type of behaviour is irrational they see it as a way of asserting their normality. But there is more. When questioned, individuals who have stopped systematically protecting themselves very often proclaim that risk-taking is innate to the human condition. Some go so far as to say that taking certain risks makes the experience even more exciting. “Extreme sports” enthusiasts will certainly not disagree. All this shows that while information is necessary, it is rarely sufficient.

In what circumstances are people prepared to change their behaviour? Basically, when one or more of the following conditions is fulfilled:

- when it is easy to change their behaviour;
- when a change in behaviour brings gratification;
- when the threat of punishment forces a change.

Information on desired standards of behaviour, repetition of the message promoting those standards and the argument based on personal risk to life or health are, as we have seen, insufficient to bring about large-scale behaviour change. When the results

achieved in the short term are inadequate or unsatisfactory, the next step is usually to set up educational programmes. Who does not believe in the virtues of Education? Who would dare assert that long-haul efforts to influence the young will fail to succeed? If it is difficult to change men today, so let's concentrate on future generations, in whom all our hopes reside! But there too, a closer look reveals that nothing is quite so simple, and many specialists warn that education in itself is no magic potion.

When it comes to road safety, for example, it is recognized today that education alone is not enough to change drivers' behaviour. Experts in this particular area have the advantage of decades of hindsight, and their conclusions are worth noting. Here we refer to an American study which reviews the current situation in that regard.<sup>27</sup>

The first verdict is irrefutable. Education alone is at best ineffective, and at worst can even increase the risks. **“Research indicates that education has no effect, or only a very limited effect, on behaviors like staying within speed limits, heeding stop signs or using safety belts. The education might increase drivers' knowledge, but the expanded knowledge usually doesn't result in behavior changes.”** Yet countless educational programmes continue to be run, without any real assessment of their efficacy, **“because of their common-sense appeal”**. No one dares speak out against educational measures because our convictions and wishful thinking override scientific results.

Studies on young drivers having undergone training in emergency manoeuvres, for example, show that **“males who received training had higher crash rates than those who did not take the training. Authors of the relevant studies have suggested that males trained in these skills become over-confident in their ability and now take unnecessary risks”**.

What lessons can be learned from this? Most drivers feel that they do not need any training. They believe in educational measures, but for *others* – the poor drivers they encounter on the roads – not for themselves. Moreover the most dangerous drivers, that is, those whose behaviour is in greatest need of changing, belong to the group that is most difficult to influence. The youngest, those who drive fast or like to take risks, are also the most resistant to the wearing of safety belts.

One interesting point to consider is that even rules that are often broken have some positive effects. This applies, for instance, to speed limits. Many drivers fail to observe them, but on average exceed the limit by only 15%, whereas if there were no limit at all they would drive much faster. In other words, the rule is broken, but only a little. Contrary to what might be thought, this type of behaviour does not signify that the drivers concerned choose to drive at a speed they consider safe, but rather that they feel they are respecting the limit by exceeding it only moderately.

One very clear conclusion emerges from these studies: the penalties imposed by the law are much more effective than educational programmes aimed at making drivers aware of the risk of accidents caused by their behaviour at the wheel. The reason is quite obvious: drivers are convinced that their skills will enable them to avoid accidents, but they recognize that those skills will not enable them to avoid a fine if they are caught in the act. Furthermore, the publicity given to penalties is instrumental in prompting other drivers to observe the rules.

What works in the area of road safety is a combination of measures relating to drivers, vehicles and the state of the roads. This does not mean that education never works. Children's behaviour is generally easier to change than that of adults. Messages aimed at adults are better received if the people targeted have something to lose in failing to conform (this is just another way of saying that education backed up by penalties is effective). It also appears, however, that long-term and in-depth educational programmes work better than those that are short-term or limited in scope. Such programmes are also more effective if the communicators involved enjoy a high degree of credibility, and if the desired behaviour has to be adopted once only rather than repeatedly.

Education has its limits in certain areas, but this still has to be admitted and action adapted accordingly. That is far from easy, as demonstrated by the following example.

In the early 1980s an ambitious drug-abuse prevention programme was launched in American schools. The programme, known as DARE (Drug Abuse Resistance Education



Program),<sup>28</sup> is running today in more than 80% of district schools. The aim is to warn pre-adolescents about the risk involved in drug abuse and hence to dissuade as many as possible from succumbing to temptation. Ten years after its introduction the programme was evaluated by independent researchers, who concluded that there was very little difference in terms of drug consumption and the attitude to drugs between children who had taken part in the DARE programme and those who had not. Subsequent repeated evaluations gave the same findings.

In substance, the findings were as follows:

- DARE has no long-term effect on drug use;
- although DARE brings about a change in attitudes during the classroom sessions, that change does not last long;
- even in the very short term, changes in terms of drug consumption are minimal;
- it cannot be said that DARE has had no effect, but its effects are no more significant than those achieved by more traditional approaches that teachers may take to the issue of drugs.

Why, then, do parents and teachers continue to promote a programme that has proved to be ineffective? Researchers offer a dual reply, which is obviously relevant to our own efforts in the area of dissemination of IHL.

First of all, **“teaching children to refrain from drug use is a widely accepted approach with which few individuals would argue. Thus, these ‘feel-good’ programs are ones that everyone can support, and critical examination of their effectiveness may not be perceived as necessary. A second possible explanation for the popularity of programs such as DARE is that they *appear* to work. Parents and supporters of DARE (...) rightly perceive that most children who go through DARE do not engage in problematic drug use. Unfortunately, these individuals may not realize that the vast majority of children, even without any intervention, do not engage in problematic drug use.”**

One very interesting feature of this example is the scant attention that decision-makers pay to the scientific and rational findings of this type of research. The programme is maintained and promoted despite its obvious ineffectiveness, and this shows that certain decisions are taken on the basis not of proven facts but of wishful thinking. What the researchers do not say in their conclusions, and what may also be a reason for persevering with an ineffective programme, is that having invested large amounts of money and effort in training teachers and producing the necessary documentation, and having believed for so long that they were making an important contribution to the drug-prevention campaign, those concerned find it extremely difficult to admit that all their endeavours have been in vain.

There is, however, a considerable difference between the groups targeted by all these studies on behaviour change and the groups with which we are concerned. Indeed, in the case of an advertiser trying to persuade a potential consumer to buy one product rather than another, or of those running a road-safety, AIDS-prevention or anti-smoking campaign, the messages are addressed to individuals who are more or less autonomous, more or less free to choose, and more or less guided by their wants, their inclinations and their aspirations.

Weapons-bearers, on the other hand, are not isolated individuals; they belong to groups which are necessarily structured. Their freedom to decide and to choose their behaviour is limited by the fact that they belong to an armed group pursuing aims with which the individual may or may not agree, but which are not determined by him. We have seen earlier how armies generally try to suppress the individuality of their men and thus reduce their margin of liberty.

This difference is crucial to our research because it means that our strategies of influence are not intended to convince free individuals of the need to adopt behaviour consistent with IHL, but are aimed at more or less organized and structured groups. It also means that it is not absolutely necessary to secure the compliance of each individual member of the group; even if this were the case it would in no way guarantee behaviour consistent with IHL. Clearly, behaviour adopted on the basis of personal conviction is more sustainable than behaviour that is imposed, but we also know, at

least from the results of Milgram's experiments, that most men subjected to an authority that they perceive as legitimate will obey orders even when doing so creates a painful conflict with their conscience or moral standards.

It may be useful here to stress an important point: when the ICRC deploys strategies of influence, it must first and foremost define the object of the exercise. Is that object to share information, to make its views known, or to raise awareness? Does it want to influence attitudes, or does it want to have an impact on behaviour? These aims are different and are not pursued by the same means.

Of course, knowledge influences attitudes (in what way remains to be seen), and attitudes influence behaviour, but we should not take a simplistic view of this continuum. We already know there is a wide gap between attitudes towards IHL and the actual behaviour of combatants in times of armed conflict. We also know, thanks to our own research on the data produced by the *People on War* project, that there is a gap even within attitudes towards IHL: the individuals interviewed were more favourable to acknowledgement of IHL than to its application.<sup>29</sup>

But what do we mean by "attitude"? It can be defined as the mental state of the individual and derives from three types of stimuli: cognitive (the information I gather), affective (the feelings I have) and behavioural (the acts I perform). So attitude is obviously not simply a stage which precedes behaviour on a linear plane, since it is influenced by past behaviour and is partially coloured by future behavioural intentions.

It must be recognized that in the case of a combatant it is probably easier to influence his behaviour (an order is enough) than to influence his attitude (which is much more intimate and complex). For IHL to be respected, however, it is more important to influence behaviour than attitudes. Furthermore, it must be admitted that there is no general theory on the changing of attitudes. The ICRC usually relies on persuasion, which is **"an act of communication aimed at changing the mental state of an individual in a context in which the latter retains a degree of freedom. The target's freedom of action is an essential component of persuasive interaction"**.<sup>30</sup> Persuasion, where weapons-bearers are concerned, may, in some circumstances and often to a

limited extent, be an appropriate means of exerting influence. But most of the effort to influence the behaviour of combatants is invested in another approach, aimed at having the rules of IHL incorporated into military orders, doctrine and training. Persuasion is an exercise that takes place beforehand, involving the political authorities and the highest echelons of the military hierarchy. The troops are expected first and foremost to obey the orders issued to them.

## Tentative conclusions

1. We have seen in the preceding pages that men in war may violate IHL for many reasons. Although in some cases violations can be explained by passions, pathological behaviour and stress, we consider that they are mostly the result of deliberate policies which either encourage or tolerate such behaviour. We have also taken care to point out that those who perpetrate these acts are often obeying those who instigate them, and that this distinction should be borne in mind, not to absolve the perpetrators of the acts they commit but to recognize where primary responsibility for certain types of behaviour lies. This point is also made in order to emphasize that if we want to influence the perpetrators in any effective way it is often the instigators who have to be approached.

Vincent Desportes (*Comprendre la guerre*) comes back to the fact that war is conducive to criminal behaviour, reviewing the opinions of previous thinkers on the subject. This is what he has to say:

**“Violence is consubstantial with war, which is a legitimate way of expressing violence. The primary instrument of war is the use of force in the form of organized violence, whether real or virtual. It is through violence, or the threat of violence, that the will of the adversary is subdued.”**

**“The course of a war is determined on both sides by the way men react to the four components which make up the climate of war: danger, physical effort, uncertainty and chance (Clausewitz). First there are the men who *make* war: it is the uncertainty of their reactions in combat situations that leads to the uncertainty of war itself and also of its excesses. Then there are the men who *think* war: under the**

pressure of events, the irrationality of their reactions can change the planned course of the war.”

“Machiavelli observed the behaviour of men in war and concluded that this was the primary explanation of the difficulty in controlling the phenomenon; violence, the basic expression of war, has an effect on human psychology, and hence on the course of conflicts. He therefore stresses, in both *The Prince* and the *Discourses*, the importance of the instruction and the discipline which make it easier to maintain control over events (...). These measures are, however, not sufficient and have to be backed up by the fear of punishment. He commends Hannibal, whose ‘inhuman cruelty, together with his infinite other virtues enabled him to exert permanent authority over a very great army, made up of men of many different nations.’”

“For Clausewitz, the escalation of violence is the simple translation of the very nature of war, which is first and foremost ‘the collision of two living forces’. The most dangerous of these trends, and also the most natural, is the tendency to ‘go to extremes, with all the chain of unknown possibilities that ensue.’”

“In Liddell Hart’s view, the fighting instinct is indispensable to success on the battlefield, but it must absolutely be kept on a tight rein. He observes that it is particularly difficult to achieve conciliation between adversaries before a considerable degree of attrition has occurred. The combatant’s psychology prompts him on the one hand to express his position rigidly, and on the other to interpret the adverse party’s proposals as a sign of weakness that can be exploited by a further effort. The need to justify the losses and destruction already suffered presupposes

**the achievement of the aims pursued – or at least less ambitious aims – but this demand for results requires an escalation in the level of violence.”**

Among the many influences exerted on weapons-bearers when they are about to commit a violation, the most decisive have to do with the circumstances, the orders received, and interactions within the immediate group. These are the influences that occasionally lead an ordinary person with the usual moral principles and a minimum knowledge of the rules of law applicable in times of armed conflict to commit the most heinous atrocities. The priority for the ICRC is not to persuade that combatant to behave differently or abide by his personal convictions, but to influence those who have ascendancy over him, beginning with the instigators of this “excessive” violence.

Our first conclusion, which flows quite naturally from different areas of research and from the preceding observations, is this: supervision of weapons-bearers, strict orders relating to proper conduct and effective penalties for failure to obey those orders are essential conditions which must all be met if there is to be any hope of securing better respect for IHL.<sup>31</sup> The ICRC will have to engage in a whole range of representations and activities, combined in a coherent effort of diplomacy, if it hopes to make progress in this regard.

2. We trust we have demonstrated that in most cases violations of the law of armed conflict cannot be ascribed to moral defects in the individuals who commit them. The behaviour of the human individual is rarely determined principally by his ethical references. He may function in a compartmentalized manner, that is, he may continue to adhere to a system of values while at the same time resorting to numerous stratagems, not necessarily hypocritical or deceitful, to convince himself that his acts are consistent with his values, or that his values must be set aside in favour of other values which, in the circumstances, appear to be even more important. Furthermore, at least two things can be asserted without taking a pessimistic view of human nature or freedom of action: an individual within a group is capable of behaviour that he would not adopt on his own; and that same individual, when he is obeying an authority he regards as legitimate, becomes the agent of the wishes of that authority, often in defiance of the values he embraces in everyday life. War is precisely not everyday life. An

individual who is part of a group has a “natural” tendency to enhance the status of his own group and to deprecate that of others, and to attribute to the members of his group qualities that members of other groups do not have. The group, by definition, generates prejudice, simplification and discrimination. Needless to say, when the other group is declared to be an enemy those tendencies will be intensified, and the group will find it quite easy to tolerate the shift towards criminal behaviour and perhaps even end up by commending and encouraging it.

Hence our second conclusion: we have to make international humanitarian law a judicial and political rather than a moral issue. For we believe we have provided ample evidence that the postulate of the moral autonomy of weapons-bearers is untenable. That is not to deny that some individuals are capable of attuning their acts to the dictates of their conscience, but again, in certain circumstances, ordinary men are actuated by other parameters.

In the section of this paper based on the data collected during the *People on War* project, we showed that IHL is universal insofar as individuals adhere to it in very different cultures, drawing on both religious and secular sources. We also demonstrated that when combatants perceive IHL from the prescriptive standpoint they are less ready to tolerate violations. In other words, the knowledge that there are legal rules is much more effective than the acknowledgement of moral standards in preventing combatants from sliding into a downward spiral.<sup>32</sup>

The American philosopher Richard Rorty shows that men do not naturally see themselves as belonging to one and the same human community. He illustrates this by asserting that it is not at all evident that Serb rapists saw themselves as raping real human beings. **“For they are not doing these things to fellow human beings, but to Muslims. They are not being inhuman, but rather are discriminating between the true humans and the pseudohumans. They are making the same sort of distinction as the Crusaders made between humans and infidel dogs, and the Black Muslims make between humans and blue-eyed devils.”** Any attempt to influence these believers by using arguments of a moral nature, for example by pointing out that the women raped could be their mothers or their wives, will be ineffective precisely



because their perception of the situation prevents them from identifying their victims with their mothers. The answer lies not in more sophisticated arguments but in reliance on legal obligations.<sup>33</sup>

This is not to deny that the rules of IHL are underpinned by moral precepts, but to assert their primarily legal nature. As Jürgen Habermas says in *The Inclusion of the Other*: **“It is precisely the placing on a legal basis of the state of nature existing among States that serves as a guarantee against any reduction of the law to morality, and provides the accused, including in the case of war crimes and crimes against humanity which concerns us today, with full and absolute legal protection, and thus protection against moral discrimination in the first degree.”** If we are right, it means that we must focus our efforts on drawing attention to the legal nature of the standards that IHL lays down for the treatment of protected persons rather than to the moral obligations of weapons-bearers and other persons in a position to violate the law. We should also think about the contribution we could make to ensuring that victims – whom we have a tendency to see as beneficiaries of humanitarian action – become true subjects of the law who are in a position to assert their rights when circumstances permit.

Similarly, States, when they ratified the Conventions, made commitments of a legal nature. The ICRC, in its capacity as guardian of IHL, has the duty to monitor respect for standards which are first and foremost legal rules. Attempting to promote tolerance or benevolence towards victims is at best ineffective, and at worst leads to arbitrating between good and evil and proposing moral references which may not be received everywhere with the same enthusiasm. It is indeed paradoxical that efforts to combat “evil” are so often conducted in defiance of the law!

## Notes

- 1 Eric David, *Principes de droit des conflits armés*, Bruylant, Brussels, 1994.
- 2 To mark the 50th anniversary of the Geneva Conventions, in 1999 the ICRC launched a large-scale study in 12 war-affected regions and five other countries. Some 20,000 civilians and combatants were asked to give their opinion on the rules to be respected in times of armed conflict and the reasons why those rules were often violated. The survey was conducted by Greenberg Research Inc. The results were published by the ICRC and can be found on <http://www.icrc.org>.
- 3 Having recently reread Erich-Maria Remarque's novel *All Quiet on the Western Front*, we are less sure on this point.
- 4 Corine Lesnes, "The UN denounces atrocities committed by rebels in Congo-Kinshasa", *Le Monde*, 17 January 2003.
- 5 Pierre Perrin, "Accountability: A framework", in *Forum – War and Accountability*.
- 6 *Courrier international*, No. 646, 20 March 2003.
- 7 The article on "Discipline" in the *Dictionnaire de stratégie* published under the editorship of Thierry de Montbrial and Jean Klein.
- 8 Véronique Nahoum-Grappe: "Violence politique et cruauté: Réflexion sur un écart" in *Cahiers de la Villa Gillet*, No. 16, 2002. See also the contribution made by this author to Françoise Héritier's work *De la violence*.
- 9 See a contribution to this subject by Irène Herrmann and Daniel Palmeri: "The new conflicts: back to the future?", *International Review of the Red Cross (IRRC)*, No. 849, March 2003.
- 10 The impact of these asymmetrical wars on humanitarian action must be analysed as a matter of priority. See on this point "The wars of the 21st century" by Herfried Münkler in *IRRC*, No. 849, March 2003. See also the articles by Martin van Creveld ("La puissance militaire en question") and Steven Metz ("La guerre asymétrique et l'avenir de l'Occident") in the spring 2003 issue of *Politique étrangère*.

- 11 “The world in 2003”, *The Economist/Courrier international*.
- 12 Boppel, *Pourquoi les hommes torturent*, Amnesty International, May 1993, quoted by Eric David.
- 13 Natalie Nougayrède, 8 January 2003.
- 14 On this subject, see Eyal Sivan and Rony Brauman’s remarkable documentary with footage of the trial of Adolf Eichmann: *The Specialist: Portrait of a Modern Criminal* (2001). In fact the role played by Eichmann was anything but minor.
- 15 See the interview with Professor Jean-Clément Martin of the University of Paris I – Panthéon – Sorbonne, “Dans la guerre civile, tout est permis”, *L’histoire*, No. 267, July-August 2002.
- 16 Mariane Ferme and Daniel Hoffman, “Combatants irréguliers et discours international des droits de l’homme dans les guerres civiles africaines”, *Politique africaine*, No. 88, December 2002.
- 17 Zygmunt Bauman, *Modernity and the Holocaust*, Cornell University Press, Ithaca, New York, 2001.
- 18 George Steiner, *In Bluebeard’s Castle: Some Notes Towards the Redefinition of Culture*, Yale University Press, New Haven/Faber, London, 1971.
- 19 David Rieff, “What is really at stake in the US campaign against terrorism”. A defining moment – International law since September 11, *Crimes of War Project*, September 2002.
- 20 Stanley Milgram, *Obedience to Authority*, Harper and Row, New York, 1974. We prefer the term obedience to submission, the term used in the French translation of the book, because Milgram insists on the fact that the subject of his investigation is obedience not on the part of oppressed individuals forced to obey for fear of punishment, but of those who submit of their own free will because society has assigned them a role and consequently they are motivated by the desire to show they are capable of assuming that role to the full.
- 21 Ervin Staub, *The Roots of Evil*, Cambridge University Press, 1989.

- 22 Erwin Staub, "The roots of evil: Social conditions, culture, personality, and basic human needs", *Personality and Social Psychology Review*, 1999, Vol. 3, No. 3, pp.179-192.
- 23 Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will be Killed With our Families*, Farrar, Straus & Giroux, New York, 1998.
- 24 Albert Bandura, "Moral disengagement in the perpetration of inhumanities", *Personality and Social Psychology Review*, 1999, Vol. 3, No. 3, pp. 193-209.
- 25 Roy F. Baumeister, "The intrinsic appeal of evil: Sadism, sensational thrills, and threatened egotism", *Personality and Social Psychology Review*, 1999, Vol. 3, No. 3, pp. 210-221.
- 26 Herbert Kelman, "Reflections on social and psychological processes of legitimization and delegitimization", in: John T. Jost & Brenda Major (eds.), *The Psychology of Legitimacy*, Cambridge University Press, 2001.
- 27 Insurance Institute for Highway Safety, *Status Report*, Vol. 36, No. 5, 19 May 2001.
- 28 For more details, see "Project DARE: No effects at 10-year follow-up", *Journal of Consulting and Clinical Psychology*, August 1999, Vol. 67, No. 4.
- 29 When we speak of *acknowledgement* of IHL we give the term a dual meaning: the act of identifying something through memory (dimension of knowledge) and the act of accepting that something and adopting it (dimension of adhesion). Similarly, when we speak of *application* of IHL, we do not mean the way in which people actually comply or have complied with IHL in real situations, but what they say about their intention to comply with it.
- 30 See V. Yzerbit and G. Corneille, *La persuasion*, Delachaux & Niestlé, Paris, 1994.
- 31 One article among a multitude of others reports on what soldiers themselves have to say on this subject. Sylvain Cypel (*Le Monde*, 14.05.02) questioned two Israeli soldiers who had taken part in the "Security barrier" operation in the West Bank. They said: "In this type of situation, the limits are unclear. If the commander firmly prohibits vandalism, the guys are more careful. If not, anything can happen." They added: "You have to know what it's like: you've been trained for war, you've got a gun and you want to use it. It's only human. Especially if nobody's going to call you to account. You just let yourself go unless you are made very aware of what is not allowed. (...) It's difficult to judge a military operation, but at least the orders should be clear."
- 32 An observation made by Raphaël Gély, Professor of Legal Philosophy at the

Catholic University of Leuven, and based partly on the conclusions reached by Guy Elcheroth on the *People on War* study, was the source of our reflection on this point.

- 33 There can be no rule without a corresponding penalty. J. Rivero (*Sanction juridictionnelle et règle de droit*) remarks that “a rule of law, according to the predominant conception and also to opinion, is a rule which when broken leads to the involvement of a judge. From that involvement it derives the theoretically specific character that distinguishes it from other rules of conduct, and its practical efficacy”. Denys de Béchillon (*Qu'est-ce qu'une règle de droit?*) points out that law is destined to remain partially ineffective. As for the principle of the law, the idea predominates that it is to man's advantage to protect himself from himself, and to repress the danger that he himself represents to society. “The role of the law is to impose what does not come naturally. The most useful rules are therefore the most likely to be broken.”

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## MISSION

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