

The [F]utility of Barbarism:
assessing the impact of the systematic harm of non-combatants in war

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Abstract: Under what conditions does barbarism – a state or non-state actor’s deliberate and systematic injury of non-combatants during a conflict – help or hinder its military and political objectives? In this essay I isolate a “pessimist” answer, which holds that barbarism is (a) an inevitable adjunct of organized violence, and (b) that it has a positive utility (e.g. it makes wars shorter or allows the actor who uses it to win with fewer costs and risks). I derive four hypotheses and then offer a preliminary test in the form of (1) a statistical analysis of all interstate and colonial wars in Singer & Small’s *Correlates of War* dataset; and (2) two synoptic historical case studies (the German occupation of the Balkans, 1941–1943, and the Federal Republic of Yugoslavia’s invasion of Kosovo from 1998–1999). I conclude that in general, war crime doesn’t pay: barbarism increases the costs and risks of military operations, and poisons chances for peaceful post-war occupation and development.

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“It's impossible for words to describe what is necessary to those who do not know what horror means... I remember when I was with Special Forces... We went into a camp to inoculate the children. We left the camp after we had inoculated the children for Polio, and this old man came running after us and he was crying. He couldn't see. We went back there, and they had come, and hacked off every inoculated arm. There they were in a pile. A pile of little arms. And I remember I, I cried. I wept like some grandmother... And then I realized they were stronger than we because they could stand it. These were not monsters. These were men – trained cadres – these men who fought with their hearts, who had families, who had children, who were filled with love. But they had the *strength*, the strength to do that. If I had ten divisions of those men our troubles here would be over very quickly. You have to have men who are moral, and, at the same time, who are able to utilize their primordial instincts to kill, without feeling, without passion, without judgment. Without judgment, because it's judgment that defeats us.”

Colonel Kurtz, *Apocalypse Now*

There are those in our own country too, who today speak of the protection of country – of survival. A decision must be made in the life of every nation, at the very moment when the grasp of the enemy is at its throat, then it seems that the only way to survive is to use the means of the enemy, to rest survival upon what is expedient – to look the other way! Well the, the answer to that is, survival as *what*? A country isn't a rock, it's not an extension of one's self. It's what it stands for! It's what it stands for when standing for something is the most difficult.

Before the people of the world let it now be noted that here in our decision this is what we stand for: justice, truth, and the value of a single human being.

Judge Haywood, *Judgment at Nuremberg*

Introduction

What happens when a state or non-state actor systematically violates non-combatant immunity in pursuit of military or political objectives?

A long line of theoretical realists – in this essay I'll call them pessimists – stretching at least from Thucydides through Machiavelli and Hobbes to Morgenthau have maintained that force is its own justification and, best wishes of mankind to the contrary, might ultimately makes right. Moreover, war is both necessary and necessarily amoral. As Machiavelli puts it:

For when the safety of one's country wholly depends on the decision to be taken, no attention should be paid either to justice or injustice, to kindness or cruelty, or to its being praiseworthy or ignominious. On the contrary, every other consideration being set aside, that alternative should be wholeheartedly adopted which will save the life and preserve the freedom of one's country.¹

¹ Niccolò Machiavelli, “That one's Country should be defended whether it entail Ignominy or Glory, and that it is Good to defend it in any way whatsoever,” in *The Discourses*, Bernard Crick, ed., Leslie J. Walker, tr. (London: Penguin, 1970), pp. 514–515.

Note that this line of thinking depends in large measure on the argument that constraints on the use of force result in a less effective use of force, making wars harder to win and perhaps making them last longer.

An equally long line of philosophers, ethicists, and jurists – in this essay I’ll call them optimists – from Aristotle and Grotius, to Kant and Lieber, have maintained that without law and without restraint in war, there can be no peace, no progress. These writers pointed out that even in the most violent and destructive of human endeavors – war and revolution – most soldiers have observed certain conventions of restraint, such as offering quarter to an enemy attempting to surrender, and, especially, sparing the lives of non-combatants. Prohibited conduct must be avoided because it is morally wrong.

In short, a pessimistic view holds that because the use of force in pursuit of power is its own justification and that atrocities in war are inevitable, laws attempting to constrain combatants in war are either a waste of effort, or – in the event that wars are prolonged by observing the laws of war – actually immoral. A more optimistic view holds that laws protecting non-combatants can and must be observed: to act otherwise would force us to accept the barbarous proposition that the ends justify the means.

But what if the entire substructure of the pessimist argument – the notion that constraints put military and political objectives at greater risk – was backwards? What if compliance with conventions of restraint actually *decreased* the costs of achieving military objectives and increased the likelihood that a postwar peace would endure?

This essay seeks to identify the conditions under which the deliberate attack of non-combatants – a strategy henceforth referred to as barbarism – aids an actor’s military and political objectives. I expect to find that the pessimist argument is stronger under two conditions. First, it will be stronger in wars preceding the First, and especially the Second World War. After WWII the principle of national self-determination became an established norm and depredations against non-combatants have had the general consequence of intensifying resistance – both to conquest and occupation – rather than deterring it.² Second, the pessimist argument will be stronger when utility is measured in terms of short-term military risk, and weaker when measured in terms of long-term political aims.

² The key causal factor is willingness or even eagerness to risk death or worse in pursuit of a “higher” aim. Before the age of nationalism, “higher aims,” such as duty and honor were restricted to the aristocratic classes as values more dear than life. After the rise of the middle classes in Europe (brought about by the industrialization of warfare) and the demise of the aristocrats (machine over man, as in WWI), only nationalism could provide the necessary inducement to sacrifice necessary to mobilize masses to risk death or worse. It should pass without saying that the quintessential industrial and middle class powers of the last century – Britain and the United States – were (and remain) quintessential middle-class powers. If Britons and Americans as a rule fear death above all, it follows that their military and political strategies will be aimed at coercing others by threatening to kill them. But where

To date there has been almost no research on this question. Pessimists typically claim that the costs of compliance with or benefits of breaching international humanitarian law (IHL: formerly the “laws of war”) are obvious and therefore need no investigation. Optimists insist, as Judge Haywood does in his summation in *Judgment at Nuremburg*, that the military and political utility of barbarism is irrelevant: barbarism is simply wrong and therefore to be proscribed, deterred, and punished.

The method of analysis chosen here will be to reduce the pessimist position to a series of hypotheses. The key relationship is between observing restraint (the independent variable), and the costs of achieving military or political objectives (the dependent variable). These hypotheses will be evaluated against two sorts of empirical evidence: a large-*n* statistical analysis of conventional wars fought between 1816 and the present; and a comparative analysis of two wars in the same region separated by fifty years: the Balkans, 1941–1943, and fight for Kosovo, 1999.

This research design permits the breadth of analysis (statistics) to protect against the problem of case selection bias, while allowing a depth of analysis (case studies) that protects against the problem of establishing correlations without causation. The case studies chosen here are useful for several reasons. First, barbarism in both cases was fairly well-documented. Second, there is some – albeit small – variation on the restraint variable, as well as some variation on the outcome variable. Third, the most recent Balkan war represents a tough case for a theory of barbarism because the goal of the Serb state was to exterminate rather than coerce its adversaries. Thus, ends and means were the same.³

This essay is a first cut at what must be a larger research project involving a refined data set and several more historical case studies (thus gaining more variation on key variables). A key limitation, however, is data itself. During the Second World War all combatants engaged in barbarism, and the Nazis in particular kept fairly detailed records of their “work,” many of which survived the war. But since the conclusion of the Nuremburg and Tokyo trials actors either directly interested in mass murder or other conduct proscribed by the Geneva Conventions of 1948 and 1949, or who viewed violations as a useful means to some military or political end, gained a large incentive to conceal their barbarism. This means

“others” fear death less than some other value, the military and political utility of middle-class strategy will be reduced in proportion. On the close relationship of the middle classes and fear of death, see Allan Bloom, “Introduction,” in Jean-Jacques Rousseau, *Emile: or On Education*, Allan Bloom, tr. (New York: Basic Books, 1979), p. 5. On the relationship between nationalism, death, and immortality, see Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991), pp. 9–10.

³ There is some question interposed by the fact that much of the barbarism perpetrated by the various actors was intended to force particular ethnic groups to flee particular territories (i.e. a coercive goal). But since in most cases the attachment of people to territory is a fundamental one, the end result would be to destroy a people in a way consistent with the definition of genocide in IHL. On the relationship of national identity to territory and its political consequences, see Monica Duffy Toft, *The Geography of Ethnic Violence: Identity, Interests, and the Indivisibility of Territory* (Princeton, N.J.: Princeton University Press, 2003).

that all other things being equal it will be difficult to gather and evaluate empirical evidence of barbarism's consequences.

There are two additional problems. First, a strong research design can diminish but not eliminate the plausibility of other causes of variation in the dependent variable (the costs of achieving a given military or political objective). Second, the micro-foundations of barbarism's logic are hard to test because they depend to some extent on factors which are difficult to quantify and compare (e.g. human emotions). There is a consensus in the psychology literature that faced with certain types of stress, human beings react in similar fashion: for example, when suffering the loss of a loved one, people tend to pass through several similar stages of reaction in similar order, such as denial, grief, anger, and so on. But this is a less satisfactory approach to the problem of understanding why, when presented with the same threat, some cower and yield while others risk a fate worse than death to resist.

This research is not about all types of conflict or all types of barbarism. It focuses on conventional wars between states, and in some cases between states and non-state actors. It does not explore the issue of mass killing, such as the Rwandan fight between Tutsi and Hutus. Also, this analysis will focus on ground operations, leaving aside for the most part questions about the utility of barbarism in the context of strategic bombing or nuclear exchanges.

These limitations aside, this analysis reveals a number of important features of barbarism in war and peace. There were four key findings:

1. Barbarism is rare;
2. Authoritarian regime types use barbarism slightly more often than democratic regimes, but they lose more wars when they use barbarism than democratic regimes lose when democratic regimes use barbarism.
3. Strong actors – those whose armed forces and populations outnumber their adversaries by at least 10:1 – tend to be hurt by the use of barbarism, but weak actors tend to do slightly better when they use barbarism than when they don't.
4. Overall, barbarism appears to increase the resolve of its target audience⁴ (the adversary's soldiers and supporting civilians) much more than it deters or destroys resistance.

Key Terms

Barbarism is not the same thing as atrocity. Atrocities – rape, murder, torture, and so on – happen in all wars and indeed all conflicts. But barbarism is relatively rare.⁵ Barbarism is the *systematic* harm of

⁴ An adversary's armed forces and population may not be the only relevant audience. Future research will take into account the effects of barbarism on *friendly* soldiers and populations, whose morale may be improved by harsh treatment of an adversary's non-combatants. Would the benefits of an improvement in friendly morale outweigh the costs of an adversary's increased resolve to resist?

⁵ An important debate within the feminist literature on rape and war asks whether rape in Bosnia in 1992 was something new or unprecedented. Most feminist scholars argue that it was not. They argue that rape – even mass rape – is a traditional companion of warfare and if the rapes in Bosnia (estimated by most to have been 60,000) were distinguished, they were distinguished only in their *visibility*, not in their scale or intensity. Others, myself

non-combatants for a specific military or political objective. Lieutenant William Calley's massacre of Vietnamese civilians at My Lai was an atrocity, but in the context of this analysis it was not barbarism because it was never the policy of the U.S. government, nor even of the First Cavalry Division of which Calley's unit was a component. By contrast, the continued bombing of North Vietnam by the U.S. Air Force, *after* a number of careful analyses demonstrated that the military utility of such bombing was nil, would count as barbarism, even though injury to non-combatants was not the aim of the attacks.⁶

Barbarism also includes the use of weapons which are, by their nature, indiscriminate in their destructive effects – Italy's use of mustard gas against barefoot Ethiopian soldiers in 1935, for example, not only injured or killed Ethiopian soldiers, but also women, children, old men, and even livestock.

Non-combatants include more than simply human beings who do not carry arms,⁷ but also their personal and collective cultural property. Women or children who bear arms against an adversary may be considered combatants; and churches, libraries, or hospitals used for military purposes are not protected by non-combatant immunity. This definition of barbarism is useful because, as Michael Walzer puts it in his famous study of the laws of war, prohibitions against attacking non-combatants appear almost universal:

At least, the general structure of its provisions seems to persist without reference to social systems and technologies – as if the rules involved were (as I think they are) more closely connected to universal notions of right and wrong. Their tendency is to set certain classes of people outside the permissible range of warfare, so that killing any of their members is not a legitimate act of war but a crime. Though their details vary from place to place, these rules point toward the general conception of war as a *combat between combatants*, a conception that turns up again and again in anthropological and historical accounts.⁸

Again, the focus of analysis is less the rightness or wrongness of barbarism and more its impact on the costs of achieving military and political objectives. In my view barbarism is invariably wrong. The real question is, under what circumstances is that wrongness accompanied (a pessimist would say redeemed) by a general increase in utility? If utility increases, then actors resorting to barbarism may be immoral but rational. If, on the other hand, barbarism decreases utility, then actors resorting to it are not only immoral but stupid.

included, argue that there was something different about the rapes in Bosnia (and later Kosovo): they were a deliberate strategy aimed at achieving a specific political objective. In other words, they count as barbarism. See Ruth Seifert, "War and Rape: A Preliminary Analysis," in Alexandra Stiglmayer, ed., *Mass Rape: The War Against Women in Bosnia-Herzegovina* (Lincoln, Nebraska: University of Nebraska Press, 1994), pp. 54–72; xxx, "Mass Rape in Bosnia: Women Hide behind a Wall of Silence," *The Nation*, Vol. 256, No. 8 (March, 1993), pp. 253–xxx.

⁶ Stanley Karnow, *Vietnam: A History* (New York: Viking Press, 1983), p. 509.

⁷ Non-combatants include prisoners of war and soldiers whose wounds or injuries make them incapable of resistance.

⁸ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2nd Ed. (New York: Basic Books, 1992), p. 42.

By “utility” I mean a comparison of the anticipated and actual costs and gains of achieving a given objective. In military terms we can be quite generous and still arrive at a useful definition. If a commander anticipates it will take so many warriors so much time to win, and this expectation falls obviously and dramatically short, then that operation may be considered less effective than one that meets or exceeds expectations.

The Argument

The basic pessimist argument is that when the survival of the state is at risk, the higher morality is to “do what is necessary” regardless of prior considerations. This in turn implies that those actions deemed necessary – generally, violations of treaty obligations or IHL – in fact conduce to the aims of the state and thereby, at a minimum, increase its chances for survival.

This assertion, that barbarism can be a rational or even ideal strategy, contains two simple and powerful logics. The first is that soldiers depend on civilians for their supplies and weapons.⁹ Thus, targeting this support – perhaps less risky than targeting armed soldiers – can cause an enemy to run short of supplies and arms, forcing its defeat or surrender.¹⁰ The second logic surrounds the issue of coercion and asserts that making warfare nasty enough can give one’s adversary a powerful incentive to cease fighting and surrender;¹¹ and this comes into effect almost *irrespective of the actual balance of forces*.¹² Barbarism could become a special kind of communication or signal.¹³ If either argument is right, barbarism would make wars shorter, and by extension less destructive.

Another logic follows at the more operational or tactical level: abiding by the restrictions of the laws of war puts one’s own forces at increased risk, and *therefore* reduces their effectiveness. The need to accept an opposing unit’s surrender and care for prisoners, for example, imposes costs on the actor accepting prisoners that could be avoided if prisoners were simply murdered. More importantly, the technical and training requirements of deploying troops capable of discriminating between combatants and non-

⁹ This is true of both conventional and unconventional warfare. But the differences are crucial. In conventional – or mechanized – warfare, troops do depend on civilians but not as directly as they do in unconventional – or guerrilla – war. This is the chief lesson of Mao Tse-Tung’s famous analogy of guerrilla fighters as “fish” swimming in a civilian “sea.” In conventional war, the soldiers protect the civilians. In guerrilla war, the civilians protect the guerrillas. This implies that barbarism will be relatively more effective as a counterinsurgency (COIN) strategy and less effective as a conventional strategy (as in strategic bombing).

¹⁰ This argument lies at the very heart of 20th Century air power theory, as featured in the writings of Douhet and Mitchell.

¹¹ See in particular, Thomas C. Schelling, *Arms and Influence* (New Haven, CT: Yale University Press, 1966), pp. 15–16.

¹² The clearest statement of this thesis can be found in Colonel Kurtz’s speech in Francis Ford Coppola’s *Apocalypse Now* (see above).

¹³ On the subject of force as communication more generally, see Schelling, *Arms and Influence*, Chapter 4.

combatants are costly, and often require soldiers and airmen to put themselves at greater risk during operations. In Vietnam, for example, many U.S. infantry units saw no real problem with forcing local villagers in disputed areas to act as human mine sweepers. Without the use of such locals, patrols would have had to travel much more slowly, and would have been more vulnerable to ambush.¹⁴

One final element of the pessimist argument is worth mentioning here: the bio-determinist claim that young men under threat of violent death cannot be expected to restrain themselves in general.¹⁵ This argument is held to be especially true of the case of rape.¹⁶ If true, then laws punishing conduct which is, for reasons of biology, impossible to avoid, would be unjust and unfair.

Hypotheses on Barbarism and War

The logic of the pessimist position can be reduced to four hypotheses.

Hypothesis 1: the less constrained¹⁷ an actor is in its use of force, the shorter a war will be.

Hypothesis 2: assuming a political objective of peaceful occupation of a territory, the less constrained an actor is in its use of force during conquest and in putting down subsequent unrest, the less costly will be its occupation.

Hypothesis 3: the less constrained an actor is in its use of force during a war, the less likely it is that war between affected actors will flare up again.

Hypothesis 4: the less constrained a unit is in its use of force during operations, the fewer casualties it will suffer as compared to more constrained units undertaking similar operations.

Hypothesis 1 gets at the key element of duration. If the pessimists are right, then wars in which one or both sides resort to barbarism will be shorter on average than those in which both sides attempted to observe IHL. If *time* counts as a significant cost of war, then all other things being equal, barbarous wars should be less costly. Hypothesis 2 gets at the question of a fit between means and ends: costs can be measured in a number of ways, including demands for reinforcements by occupying forces, average number of occupation force casualties (including self-inflicted wounds) per given time period, and even

¹⁴ On the other hand, in North Vietnam U.S. pilots and aircraft were lost at a higher-than-normal rate because the U.S. Air Force attempted to minimize non-combatant casualties, and pilots flew lower and along increasingly well-known routes in order to spare civilian lives. If preserving the lives and equipment of U.S. fighters was necessary to win the war, then what was the utility being satisfied by attempting to spare civilian lives on bombing runs? Was the U.S. Air Force acting irrationally?

¹⁵ Training can reduce but not eliminate this problem. For an extended and applied discussion of the psychology of young men under constant threat of violent death in war, see Philip Caputo, *A Rumor of War* (New York: Henry Holt & Company, 1996).

¹⁶ See Seifert, "War and Rape," op. cit., pp. 57-62; and Cynthia Enloe, "Spoils of War," *Ms.*, Vol. 6, No. 5 (March 1996), p. 15. Note that if Enloe and others are right - if rape is a necessary consequence of war (due to male biology) - then the only way to prevent rape, even mass rape, is to prevent war. If rape is a consequence of bad male socialization, then it should be possible to have wars without rape, or at least mass rape.

¹⁷ By "less constrained," I don't mean that the belligerent in question piles up tank after tank or bomb after bomb against its adversary. I mean constrained in its use of force against non-combatants, either directly or indirectly; and where non-combatants are defined as in IHL. One cannot claim, as Hitler did of the Jews and Milosevic did of Croats and Bosnian Muslims, that a *people* are essentially combatants because that people's very existence (or existence in a particular territory) threatens our existence.

requests for transfer by occupying soldiers to other theaters of operation. If the pessimists are right, the use of barbarism should make occupation less costly, because potential local resistance to occupation will be deterred from attacks by fear of barbarism. Hypothesis 3 focuses on the issue of deterrence *beyond* the theater of operations: does the use or threat of barbarism act to make subsequent conflicts less likely? In the logic of the pessimist position, the idea that an actor is willing to “take the gloves off” sends a clear signal that a fight is best avoided at all costs. Hypothesis 4, finally, gets at the issue of military operations themselves, and considers the costs and benefits to individual units of variation in their degree of restraint during missions. According to the pessimist position, the above example of using local non-combatants as human minesweepers would not only spare friendly forces, but might deter enemy forces from laying mines or booby traps for fear of killing or injuring sympathetic non-combatants.¹⁸

Problems with the Logic of the Pessimist Position

Whatever shortcomings of fact may turn up in research into the application of pessimist policy to actual conflicts, there are three problems with the logic of the pessimist position¹⁹ worthy of note.

First is the association of short wars with reduced destructiveness. While it is true that all other things being equal, short wars are to be preferred to long wars, in the case of barbarism as a strategy all other things are not equal. In other words, a short war in which one side seeks to exterminate the other and succeeds could hardly be considered less “destructive” than a longer war. Less dramatically, a short war in which rape was used as a strategy might prove less costly in lives lost, and hence be characterized as less destructive, but may in fact be more devastating both to rape victims, postwar social reconstruction, and ultimately even the perpetrators, than a longer war in which rape was incidental to war rather than a policy of state. Finally, the duration of a war cannot serve as a useful proxy for the war’s actual destructiveness. A global thermonuclear war of the sort envisioned in popular fiction and by military planners in the 1960s, for example, might be short, but more destructive than a conventional war that lasted twenty years.

¹⁸ In a famous scene from the trial of “Breaker” Morant in Bruce Beresford’s *Breaker Morant*, Morant is accused by a prosecutor at trial of having ordered the placement of Boer civilians on special platforms attached to the engines of British trains. Morant had devised this practice as a defense against Boer guerrillas mining railroads. Morant’s defense attorney asks a prosecution witness if the mining of railroads stopped after Morant’s policy – a violation of the laws of war – was instituted. The witness reluctantly responds “yes.” See Bruce Beresford, *Breaker Morant*, South Australian Film Corporation, 1980.

¹⁹ The chief problem with the *optimist* position has always been the argument that the consequences of barbarism are irrelevant to the question of whether restraints in armed conflict should be observed. This is not a logical problem but a problem of persuasion: if, as the pessimist position assumes, restraint in war hinders effectiveness and by association, survival, then the question of utility cannot be avoided. What this implies is that to some extent optimists share pessimists’ assumptions about the utility of violations.

Second, a key unexplored mechanism of the pessimist position is that by threatening or causing intolerable pain, barbarism deters subsequent resistance. Presumably, systematic cruelty causes potential adversaries to be afraid, and changes their behavior so that they inform on resistance fighters and themselves refuse to support or join a resistance movement. But why assume fear is more likely to result from cruelty than anger? For another thing, why assume that fear will lead to a non-violent response? We know that extreme anger and bitterness often result from the operation of barbarism, and that fear may in many circumstances lead to violence as well as compliance or deterrence.

Finally, the metric of pain may in fact vary across cultural space.²⁰ The most universal assumption in the pessimist position is that death or threat of death provides the ultimate coercive leverage.²¹ But what if one's adversaries, for historical and cultural reasons, only recognize some specific *form* of death as costly, while at the same time accepting other forms of death as valued?²² This is a way of asserting that as a form of communication, violence is a particularly risky method, often resulting in systematic miscommunications.

These shortcomings aside, the pessimist position remains a powerful one. At root it asserts that human beings act as they do from natural impulses that will generally overcome socialized restraint in extreme circumstances, such as a direct physical threat to one's survival. By anthropomorphized extension, states too – as implied by Machiavelli above – must abandon idealized notions of conduct under duress.

The real question thus reduces to the issue of circumstance or condition: under what conditions is the pessimist argument stronger or weaker? If there are circumstances in which barbarism is rational, are there also circumstances in which it is counterproductive, thus placing the state or commander resorting to it at greater rather than lesser risk?

²⁰ Again, see Schelling, *Arms and Influence*, Chapter 4.

²¹ Consider, in particular, the debate during the U.S. intervention in Vietnam over the so-called “breaking point” of North Vietnam in terms of casualties or destruction of valued infrastructure. In that case the North Vietnamese apparently enjoyed a much higher tolerance for pain than that accepted or expected by U.S. forces or domestic opinion. So high was this threshold, that then Secretary of Defense, Robert S. McNamara, concluded that the amount of pain necessary to coerce the North into acceding to a divided Vietnam would be indistinguishable from genocide. See e.g., John Mueller, “The Search for the “Breaking Point” in Vietnam: The Statistics of a Deadly Quarrel,” *International Studies Quarterly*, Vol. 24, No. 4 (December, 1980), pp. 497–519; Frederick Z. Brown, “Comment on Mueller: American Misperceptions,” *International Studies Quarterly*, Vol. 24, No. 4 (December, 1980), pp. 525–529; and Stanley Karnow, *Vietnam: A History* (New York: Viking Press, 1983), p. 509.

²² A common pessimist retort is that if you threaten a person with death, that person resists, and is killed, that person is no longer a problem or cost. But this ignores the messy unquantifiable reality that although people exist literally as individuals, they also imagine themselves to be connected to others in vital ways. Those connections in turn create possibilities for retribution and escalation. In short, it matters how a person is killed. In western jurisprudence this ‘quality of death’ reality is captured by “degrees” of homicide, ranging from justifiable homicide (e.g. self-defense) to first-degree murder (pre-meditated). Justifiable homicide is not a crime; whereas murder and manslaughter are.

A Statistical Analysis of Barbarism in War, 1816–1999

The history of warfare is filled with examples of atrocities. As observed above, however, in this analysis all barbarism is atrocity but not all atrocity is barbarism. The key element is that the atrocities must be committed as *policy* or *strategy*, with a specific goal in mind.

In this section I introduce a statistical window into the history of warfare by analysis of a dataset based on Singer and Small's Correlates of War (COW).²³ This analysis is meant to establish some general propositions about the relationship between restraint in the use of force and the costs of achieving victory (military and political objectives being somewhat inefficiently aggregated in this concept). Beyond reporting the frequency of barbarism in war itself, I will seek to answer two questions.

First: is there a statistically significant correlation between restraint in the use of force and the cost of achieving victory? The COW dataset lists outcomes (victory and defeat) casualties and duration of wars, and these make a common-sense though not entirely comprehensive measure of costs. Did actors resorting to barbarism win or lose more often? Did wars involving barbarism cause more casualties or last longer than wars in which combatants refrained from misconduct?

Second: were there differences in the use or effectiveness of barbarism across democratic and authoritarian regime types? If barbarism is counterproductive because it stimulates more resistance than it destroys, then we should observe little variation across regime types in terms of costs. The strategy should be about equally effective *where applied*. However, we should also expect differences when, say, democratic regimes are rebuked by a domestic audience, forcing them to abandon the strategy.

The basic procedure was to add variables to the COW dataset of 1992. The COW dataset used here excludes civil wars but includes colonial and interstate wars. The added variables include:

1. A regime-type variable. Each actor's regime type is coded as authoritarian or democratic, according to the Polity IV dataset.²⁴ Polity IV scores of 6 or greater were coded "democratic,"²⁵ scores of 5 or less were coded "authoritarian," and scores -66, -77, and -88 were coded "indeterminate."
2. A restraint variable. Did an attacker's²⁶ strategy include the use of barbarism? If yes, the variable was coded "1," if no, "0."

²³ See Peter J. Singer and Melvin Small, *Resort to Arms: International and Civil Wars, 1816–1980* (Beverly Hills: Sage Publications, 1983). This analysis includes data from the 1992 additions to the COW dataset.

²⁴ See Monty G. Marshall and Keith Jagers, *Polity IV Project: Political Regime Characteristics and Transitions, 1800–1999*, Integrated Network For Societal Conflict Research Program, The University of Maryland, 2000.

²⁵ There is some controversy concerning the subjectiveness of all measures of "democracy" used in such databases. For a comprehensive critique and review of the debate, see Michael C. Desch, "Democracy and Victory: Why Regime Type Hardly Matters," *International Security*, Vol. 27, No. 2 (Fall, 2002), pp. 5–47. Polity IV measures regime type along a continuous scale from -10 (authoritarian) to +10 (democratic). The convention in the social sciences is to count democracies as having a score of 6 or higher. See Desch, *ibid.*, p. 8 (fn. 17).

²⁶ The COW dataset discriminates between initiators of a war and "defenders." "Attackers" are as listed in COW and include single actors as well as coalitions.

3. A relative power variable. Did the halved product of the attacker's armed forces and population exceed the simple product of the defender's armed forces and population by a ratio of 5:1 or more?²⁷ In other words, was the attacker a "Goliath" as compared to a "David" defender? If yes, the actor was coded "1," if no, "0."

Analysis Results: Restraint and Costs of War

Before reporting the first analysis let me say that barbarism in war is rare: of 387 cases including interstate and colonial wars, barbarism was used as a strategy in only 75 (19.4%) wars. This number may be low because the dataset excludes civil wars (e.g. the Afghan Civil War, from 1979 to 1989). It also ends in 1992, just at the time a number of new civil and ethnic conflicts were starting (it doesn't count Yugoslavia's barbarism in Bosnia-Herzegovina in 1992 or in Kosovo in 1999). But it is also low because the definition excludes simple atrocities - e.g. the My Lai massacre. Still, even taking these other factors into account barbarism remains a relatively rare strategic choice for states in war.

The first analysis is of the relationship between restraint in war and outcome, where outcome is measured by victory or defeat. The results of this simple cross tabulation are summarized here in Figure 1:

Figure 1: Barbarism, Victory, and Defeat (n=387)²⁸

		Outcome?	
		Victory n/%	Defeat n/%
Barbarism?	no	(187) 59.9	(125) 40.1
	yes	(40) 53.3	(35) 46.7

As Figure 1 shows, actors using barbarism as part of their strategy have about a 50-50 chance of winning. Actors who don't use barbarism have about a 60% chance of winning. Admittedly, "victory" and "defeat" as aggregate measures of the costs of a strategic choice are crude at best. Other factors may explain the lion's share of each outcome. Still, as a first cut we'd expect the numbers to be reversed. If the pessimists were right, there'd be a stronger correlation between the use of barbarism and victory.

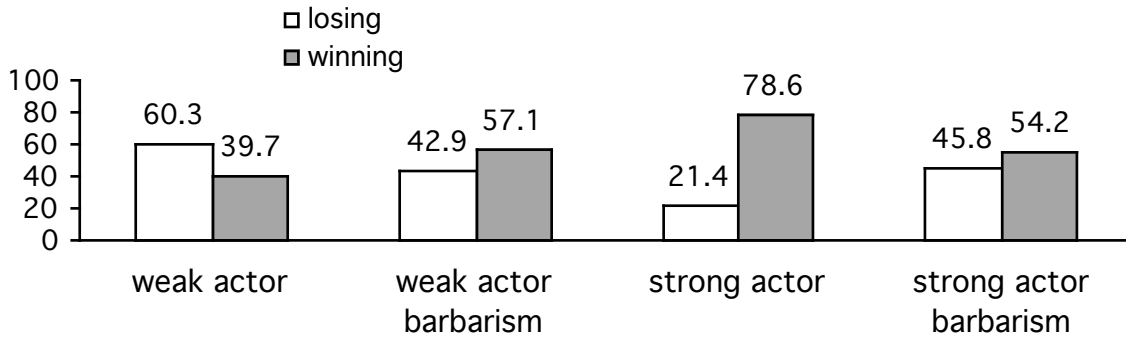
As another way to test this relationship - and to assess the relative weight of strategy and relative power on outcomes²⁹ - I measured the same correlation controlling for relative power. The results are in Figure 2:

²⁷ There are better proxies for "power" than the product of an actor's armed forces and population (e.g. GNP), but few of these extend in time beyond 1900. Also, keep in mind that this measure of relative power is specific to conflict dyads: so Italy in 1935, for example, would count as a "goliath" against Ethiopia, but as a "weak actor" against the United States.

²⁸ This finding is not statistically significant at the .10 level. Chi2 1.09 (1), p=.30. None of the cells have expected counts less than 5.

²⁹ For a comprehensive treatment of the weight of relative power vs. strategy on outcomes, see Mack, "Why Big Nations Lose Small Wars," op. cit., and Ivan Arreguin-Toft, "How the Weak Win Wars: A Theory of Asymmetric Conflict," *International Security*, Vol. 26, No. 2 (Summer, 2001), pp. 93-128. Both Mack and I found that factors

Figure 2: Barbarism, Victory, and Defeat controlling for Relative Power (n=358)³⁰



As Figure 2 illustrates, relative power strongly affects barbarism’s impact on victory and defeat. For strong actors, barbarism doesn’t pay: strong actors lose *more than twice as often* when using barbarism (45.8%) rather than avoiding it (21.4%). By contrast, weak actors appear to benefit from barbarism: they win 57.1% of the time when using barbarism, and only 39.7% of the time when avoiding it.

This finding supports the general observation that barbarism does not seem to hurt weak actors – such as terrorists and insurgents – while constituting a burden for strong actors – such as superpowers – who are held to a higher moral standard and thus penalized much more severely, in terms of legitimacy, when they injure non-combatants.

Finally, let’s examine two other common measures of “cost” in war: casualties and duration. Figure 3 shows the association between the use of barbarism and the average number of casualties sustained, as well as the duration of wars as measured in months:

Figure 3: Barbarism, Casualties, and Duration (n=387)

		Costs?	
		Casualties (mean)	Duration (mean)
Barbarism?	no	50,745.53	15.814
	yes	278,913.89	52.2
	total	95,631.11	22.865

other than relative power better explain outcomes; and my own analysis of asymmetric conflicts since 1800 shows a strong trend: although relative power predicts aggregate outcomes best (“Goliaths” won 70.8% of all asymmetric conflicts), when divided into four fifty year periods, we see that Goliaths have been losing asymmetric conflicts more and more often over time (from a high of 88.2% from 1800–1849 to a low of 45% from 1950–1998).

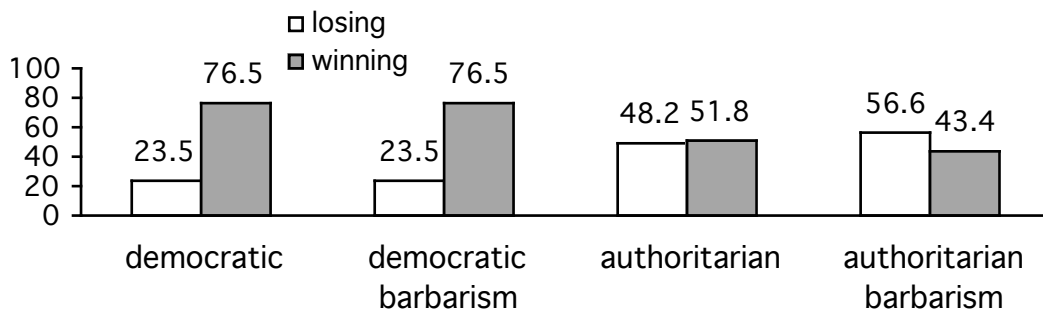
³⁰ Chi2 10.83 (1), p =.001. None of the cells have expected counts less than 5.

We can't really tell here what's causing what: is it bloody or long wars that tempt actors to resort to barbarism, or is barbarism a cause of bloodier and longer wars? Still, the differences are striking, and suggest a need for further research.³¹

Analysis Results: Regime Type and Barbarism

I am also interested in the question of how actors with different regime types – despots and liberals – fare in war. In particular I want to answer the question of whether authoritarian regimes are more likely to use barbarism than democratic regimes, and whether when they so, they are relatively more or less likely to win. The answer to the first question is “yes:” authoritarian regimes are slightly more likely to use barbarism (53 of 248 wars or 21.4%) than democratic regimes (17 of 155 wars, or 14.8%). Democratic regimes are also more likely to be on the winning side in a war (75.2%) than are authoritarian regimes (50.6%).³² Figure 4 highlights the results of a simple correlation of regime-type, strategy, and outcome variables:

Figure 4: Barbarism, Regime Type, and Outcomes (n=383)



Democratic regimes do no better when they use barbarism than when they don't. So there's no advantage to using barbarism for democratic regimes. But this isn't true of authoritarian regimes. As Table 4 reveals, authoritarian regimes are more likely to be on the losing side when they use barbarism. One attraction of this analysis is that for centuries pessimists have criticized “liberals” for their squeamishness and scruples in diplomacy and on the battlefield. Presumably then, we'd look to hardened dictators with no scruples to find those willing to use barbarism and those able to sustain it at

³¹ Future research along these lines will explore two related questions: do wars recur (1) more often or (2) more intensely for actors who use barbarism than for those who attempt to observe restraint?

³² n=422. Chi2 22.75 (2), p=.000. None of the cells have expected counts less than 5. This finding confirms results by e.g., Reiter and Stam, who argue that democracies are more effective on the battlefield (and hence, win more often) than authoritarian regimes. See Dan Reiter and Allan C. Stam III, “Democracy and Battlefield Military Effectiveness,” *Journal of Conflict Resolution*, Vol. 42, No. 3 (June 1998), pp. 259-277. But see also Desch's critique of this finding in “Democracy and Victory,” op. cit.

an extreme level (one thinks of Mussolini or Hitler here). Again, barbarism may not work for authoritarian regimes because these wars are particularly tough ones, so they'd lose anyway. It also may be that barbarism backfires and these regimes lose more often because they're nastier but not as efficient as democratic regimes.³³

All in all then, the pessimist case is weak: barbarism doesn't seem to pay, except in the case of weak actors, where it pays somewhat. But statistical analyses can only highlight correlation, not causation. To have a closer look at the logic of the pessimist argument in action, I now turn to two synoptic historical case studies.

The Balkans, 1941-1943, and Kosovo, 1999

These historical case studies are intended as a first cut at the question of causation. If it's true that restraint correlates inversely with costs – at least during and since WWII – why and under what conditions is this true? In order to assess causality, I ask three questions of the two historical cases presented here.

First, what were the political objectives of the actors and how did they expect their armed forces to assist them in achieving these goals? Second, What strategy or strategies did the armed forces employ? Third, what were the effects of the strategies employed, and what explains those effects?

The German Occupation, 1941–1943

In the Spring of 1941 the German Army sliced through Yugoslavia to Greece. Both countries formally surrendered after only the briefest of fights, and the Germans quickly began withdrawing combat units and transferring them to Poland in preparation for Operation Barbarossa: their planned June offensive against the Soviet Union.

Immediately after Germany attacked the Soviet Union sabotage and “unrest” began to occur in occupied Yugoslavia. Not all of the states of the Balkans were opponents of the Third Reich. In the newly-independent state of Croatia, for example, the Croatian government allied itself strongly to the Germans. But elsewhere – in Serbia, Montenegro, and Bosnia Herzegovina in particular – German troops came under sporadic attacks and German equipment and facilities, as well as “traitors” in the government that had surrendered to the Germans, were increasingly the targets of attacks by “bandits.”

³³ This raises the important question of the causal significance, if any, of variation in the *quality* of barbarism. Most would probably agree that torture, such as mass rape, is more brutal than death from a high-explosive bomb as the result of “collateral damage” in a strategic bombing campaign. It's a question in need of more systematic examination.

The Combatants

Five different actors – each with different goals and resources – fought each other in the Balkans from 1941 to 1943. The occupation of the Balkan theater was initially left to the Germans (the Italians later joined them). The German forces left to occupy the Balkans did not expect trouble. They were mainly poorly-armed and equipped old men. Their sole supporting local ally was a fascist government established in Croatia: the ustasha.

German occupation was opposed by the chetniks (a group of anti-communist but Yugoslav nationalist former army officers led by Draha Mihailovic), and Tito's partisans (communists). The Germans feared the chetniks more, because the chetniks possessed a high degree of military leadership capital, and because the Germans were aware that the chetniks – anti-communists – had the support of Britain. But the partisans ultimately proved to be the real opposition to the Germans.

The Goals

The Germans manifestly did not wish to annex the Balkans to their empire. What they did want was to secure its mines and railroads so as to extract as many vital resources – petroleum, bauxite, copper, lead, and so on – as possible. In addition, Balkan rail lines connected Germany with Rommel's armies in North Africa, and with foodstuffs and chrome from Turkey.³⁴ In the context of Germany's overall strategic priorities therefore, the Balkans would not be high. Troops stationed there, including officers, would not be of the sort whose careers were on the rise, although early on in the war duty in the Balkans was thought by most German soldiers to be preferable to duty in North Africa or the Soviet Union, and only slightly less preferable than duty in France or the Netherlands.

The chetniks wanted to eject the Germans and annihilate the communist partisans. The partisans wanted to eject the Germans and Italians and control postwar Yugoslavia. Both chetniks and partisans hated the Croatian ustasha and sought to destroy it.

Finally, the Italians (specifically the Italian Second Army) occupied a portion of Croatia dominated by Mihailovic's chetniks. Like the Germans, their goal was to extract as many resources from their area of responsibility as possible with a minimum of fuss and casualties. Although Germany formally rejected an alliance with the chetniks as a counterweight to the partisan's growing strength, the Italians came to a separate understanding, essentially allying themselves to Mihailovic's chetniks against both the ustasha and Tito's partisans.

³⁴ Paul N. Hehn, *The German Struggle Against Yugoslav Guerrillas in World War II: German Counter-Insurgency in Yugoslavia, 1941-1943* (Boulder, CO: Eastern European Quarterly, 1979), pp. 4, 53. Hehn's book is actually his translation of the German Balkan Theater commander's regular reports (from 1941 to 1943) to supreme headquarters (OKW) in Berlin, along with his commentary in an introduction and conclusion.

The Fight

There is no space here for a comprehensive treatment of the German occupation of Yugoslavia, and the English language does not suffice to communicate the brutality and cruelty of that fight. But we have good records from all sides in that conflict and they should suffice to answer our limited questions.

As noted above, the real fighting began in July 1941, following the commitment of German forces to the Soviet Union in history's largest land offensive, Operation Barbarossa. Largely ignorant of German successes, the news of the Soviet Union's entry in the war had a dramatic effect on the peoples of Yugoslavia, still smarting with humiliation over their royalist government's quick surrender to the Germans in April. All rejoiced at the now certain defeat of the Germans, and many who might have remained friendly or neutral to the Germans sought out chetnik or partisan leaders in order to join their resistance.

In addition to the positive incentive provided by Soviet entry into the war, Serbs in Croatia had fled or been summarily massacred by the fascist ustasha regime, itself allied with Germany.

There was continued news of Ustasha misdeeds, excesses of murder and robbery, which led to an increase in the insurgent movement in the territories populated by Croats.³⁵

The Germans were the first to recognize the impact of ustasha "excesses" on Yugoslavia's growing insurgency,³⁶ as well as the hazard of association with the ustasha: the fact of an alliance between the ustasha and the Third Reich meant that the Germans would be implicated in the ustasha barbarism. Yet strangely, the German military did not seem to recognize that its own "reprisal" strategy³⁷ – a counterinsurgency (COIN) strategy used in previous occupations with some success³⁸ – might cause resentment and stimulate resistance: after the first sabotage and surprise attacks in July 1941, the Germans issued a proclamation: for every German soldier killed, one hundred Serbs (prisoners or civilians) would die in retaliation.³⁹ In his report to OKW in August of 1941, the Field Marshall List, the Balkan theater commander, stated that:

With these forces alone the revolt could no longer be suppressed. Even with the most unrestricted reprisal measures – up until the end of August a total of approximately 1,000 Communists and Jews had been shot or publicly hanged and the houses of the guilty burned down – it was not possible to restrain the continual growth of the armed revolt.⁴⁰

³⁵ Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 70.

³⁶ Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 24.

³⁷ Note that reprisal executions, though barbarism, were not a violation of the laws of war because Yugoslavia was an occupied power, and the protections of the laws of war did not (prior to 1948) extend to "rebels."

³⁸ E.g. in the Vendée in France following Prussia's victory in the Franco-Prussian War.

³⁹ Milovan Djilas, *Wartime*, Michael B. Petrovich, tr. (New York: Harcourt Brace Jovanovich, Inc., 1977), p. 94.

⁴⁰ Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 29.

The chetniks and partisans at first worked together against the German occupiers, but soon fell out over of all things, strategy. Mihailovic, the experienced field officer and tactician, felt it would be suicide to attack the Germans frontally. He preferred to wait until the Germans became overextended before escalating armed attacks against them. Tito bitterly disagreed, insisting on an immediate and unrelenting attack against the occupiers.

Early on it was Mihailovic who appeared to get it right, as partisan units were repeatedly cut to ribbons in encounters with regular German army units, and whose attacks provoked the Germans into sending a full line combat division to Yugoslavia to help crush the resistance. But the partisans were fast learners and the terrain, climate, and German reprisals constantly worked in their favor. Time and again, even well-conceived encirclement operations failed, and when the partisans recovered they got stronger and better, while Germany was forced to rotate its best divisions back to the Russian front.

The occupation settled into a pattern of steady escalation in the quality and quantity of attacks against German forces. The Germans responded with increased reprisals, property destruction, and hostage executions. FM List continually called for heavy reinforcements which he planned to use to once and for all destroy the insurgents in a carefully coordinated cordon-and-destroy operation. The first of these campaigns took place in September of 1941 (the 342nd Infantry Division was transferred from France, and the 125th Infantry Regiment, already in Serbia, was reinforced and concentrated). The operation kicked off on 16 September and proved an utter failure. As troops marched into areas hotly contested only days before, they encountered scenes of bucolic peasant life. After they passed, sabotage and pinprick attacks against German and allied soldiers increased as before. Few weapons or prisoners were taken.

German analysis of their failures was accurate (the partisans had better intelligence and mobility than the German units, and this more than compensated for their lack of heavy weapons and aircraft). Moreover, FM List and his staff quickly realized that in order to pacify the whole area of operations it would require as many as four or five fully-manned divisions. Since this was unrealistic, the FM and his staff forced themselves to consider how to accomplish their mission with only the troops they had available, with such reinforcements as again, were reasonable given OKW's overall strategic priorities. Again, reprisals and mass executions were hit upon as a cost-saving measure to intimidate potential supporters of the insurgents:

In the rear of the 125th Infantry Regiment the revolt had broke out once again. Therefore in the second week of October, the regiment had to be committed once more... On the 17th

peace was once more restored to the area of Kraljeva. As reprisal for the sudden attack on this town 1,736 men and 19 women were shot.⁴¹

This reprisal, along with an additional one in Kragujevac, is crucial because its consequences appear at first to support the view that barbarism could be an effective means of deterring insurgent attacks. Clearly the Germans thought so, and reported overall activity in that sector as having fallen off afterwards:

The severe attacks of the German Wehrmacht, especially the ruthlessly executed reprisal measures seemed to have led to a sobering up of at least a part of the Serbian population by the end of October. According to a report of 10.30.41 of the Plenipotentiary Commanding General in Serbia a total of 3,853 Serbs were arrested. In Belgrade 405 hostages were shot (until now a total of 4,750), 90 Communists in Sabac, 2,300 hostages in Kragujevac, and 1,700 in Kraljevo. The prison camp at Sabac on October 15 contained 16,545 Serbs.⁴²

In his own account of the consequences of this barbarism from the partisan perspective, however, Djilas's assessment of the consequences proved mixed:

Though still largely spontaneous, the hierarchical order and organization could not overcome the air of impermanence which marked the "Republic of Uzice" and which expressed itself in the ever more fearful and reserved attitude of the townspeople toward the new authorities. Certainly the bloody falling out with the Chetniks contributed to this. So did the shooting of all adult males in Kragujevac and Kraljevo, which the Germans carried out with the help of Nedic's people and Ljotic's fascist movement. It was believed at the time that some 5,000 were executed in Kragujevac, and 1,700 in Kraljevo. These figures grew with time - by the thousands in both places - though the actual figures have never been confirmed.⁴³

It is not clear from this passage which had the greater weight: the internecine fighting between chetniks and partisans, or the German reprisal killings. After speculating, correctly, that the German aim in these reprisals was to "crush the enemy's will to resist," Djilas then recounts the actual impact of the reprisals:

The tragedy gave to Nedic "convincing proof" that the Serbs would be biologically exterminated if they were not submissive and loyal, and to the Chetniks "proof" that the Partisans were prematurely provoking the Germans and thus causing the decimation of Serbs and the destruction of Serbian culture. As for the Communists, they were given the needed stimulus to call the population to armed struggle as the only salvation: The massacres in Kragujevac and Kraljevo were, by their calculated total horror, beyond the comprehension of both Germany's collaborators and its opponents, and could be resisted only by a movement to which its enemies offered death as the only alternative.⁴⁴

⁴¹ Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 55. The German report makes it clear that the Germans consider their chronic lack of trained soldiers - and the presumed deterrent effect - their main justification for the resort to barbarism. Here the report recounts OKW's insistence that the Wehrmacht Commander Southeast "get along" with the forces he had at hand, and "to apply those methods which would guarantee success." In spite of everything the bloody losses of the insurgents in Serbia had been considerable. In Serbia alone in the period from 01 September 41 to 15 January 42 they amounted to 7,904 killed in battle; 12,196 shot as reprisal measures. At the same time "the application of a strict rule in the treatment of prisoners" was ordered according to the directives of the OKW. In combat or in combat areas captured persons were to be shot. In view of the insufficiently severe attacks against the insurgents in the previous summer, the Commanders were directed to prevent a too mild attitude as far as the troops were concerned" (Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 90).

⁴² Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 56.

⁴³ Djilas, *Wartime*, pp. 93-94.

⁴⁴ Djilas, *Wartime*, p. 94.

In other words, German barbarism – and ustasha, for that matter – backfired. It made some Yugoslavs afraid, but it made many more angry. It facilitated partisan recruitment, and made chetnik strategic restraint appear cowardly. It also stimulated partisan reprisals against the Germans and chetniks, both of which would be opposed by Tito and Djilas for the pragmatic reason that they tended to alienate much needed social support. Here Djilas describes the consequences of a surprise partisan attack against a chetnik stronghold:

Ozrinici was burned to the ground and the “stronghold” was destroyed, yet as often happens when commanders give in to bitterness, the reaction of the people was negative. Though quite a few of them took joy in the misfortunes of Ozrinici, and understood the military reasons for our action, the peasants simply couldn’t get it into their heads that the Communists could act like the invaders and the Chetniks.

The reaction was still worse in Old Montenegro. Bakic had ordered the burning of Donji Zagarac because it had “gone over to the Chetniks.” If the destruction of Ozrinici could in some way be justified by its having been turned into a stronghold, that of Zagarac could not: it was far removed from any Italian garrisons, though Chetnik authority had replaced the Partisans.

Milutinovic and I immediately recognized the evil in this act: it turned undecided, vacillating peasants into bitter adversaries – into Chetniks. (Djilas, 1977: 155)

Djilas, with help from Tito, began to see that even where warranted, barbarism was costing the partisans far more than could be gained. Tito supported Djilas change of policy to forbid mass reprisals or executions by local partisan commanders (Djilas, 1977: 155–156). Given the difficulties in communications and the level of barbarism the partisans themselves suffered however, the task proved difficult and in many cases impossible.

In November of 1941 the Germans received another heavy infantry division, the 113th ID, which they attempted to use in conjunction with the 342nd ID to encircle and destroy the partisans. The effort failed.⁴⁵ The partisans avoided contact and waited until the snows fell before again sabotaging German and ustasha military installations and ambushing isolated German patrols.

But the enemy were not the only problems the Germans had. The Italian 2nd Army had been given COIN responsibility in Croatia, where it began to oppose the ustasha regime more and more openly. Italian officers could even be seen in public places fraternizing with chetnik commanders.⁴⁶ When the 113th and 342nd Infantry Divisions were scheduled for transfer to the Eastern front, the Italians offered to extend their area of responsibility to the German zone. German commanders complained to Hitler, and the 342nd ID was redeployed to Croatia.

The following months and years resembled the first clash of arms to a large extent. The Germans sought innovate around their limitations, and eventually gave up their now obviously futile efforts to

⁴⁵ See Hehn, *The German Struggle Against Yugoslav Guerrillas*, pp. 58–59.

⁴⁶ See especially, Lt. Colonel von Funk’s telegram to Wehrmacht Commander Southeast in Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 79.

catch the partisans and destroy them in a decisive battle. They also restricted their area of responsibility to vital industrial and communications sites (mines, factories, railroads). By 1943 the local German commander also came to recognize that German reprisals were systematically backfiring. He attempted to get Hitler's permission to reverse course and initiate a kind of hearts-and-minds strategy.⁴⁷ Hitler refused (eventually sending the Prince Eugen SS Division to the Balkans to punctuate his displeasure with the notion of German leniency), but local German commanders began to initiate the new policy on their own, with generally favorable results:

The villagers of Gornji Izgori... praised the Germans: they had passed out chocolate to the children, and then paid for their milk. That was in Gornji Izgori. As for the neighboring village at Donji Izgori, the Ustashi killed the whole population, some 120 souls. And the Germans were not so good everywhere: in some villages they acted like the Ustashi. An order was found against abusive treatment of the population, the destruction of houses, and confiscation of property: the differences in behavior apparently arose from individual differences among officers.⁴⁸

The same was true of Partisan officers. Some showed their adversaries – in this case chetniks, never Germans – mercy and others did not.

The year 1943 was not a good one for Germany. By January Paulus's 6th Army had been destroyed at Stalingrad in one of the most closely watched battles of the war. To observers, especially sympathetic Slavs in the Balkans, it looked like Germany's defeat was now only a matter of months away. In this context a shift away from barbarism only made the Germans appear desperate, not generous. German soldiers had already begun to request transfers out of Yugoslavia:

General Rendulic, appointed in 1943 to crush the guerrillas in Croatia, reported that after assuming his post over 1,000 German soldiers requested transfer to any other area, even the eastern front, rather than face the savage, no quarter battle conditions in the southeast.⁴⁹

The German occupation of Yugoslavia ended in 1944, with ragtag remnants of German forces from Greece and Yugoslavia fighting their way back to Austria and Germany. In characterizing the withdrawal, Djilas paid his former enemies a high compliment:

In Montenegro, during its withdrawal at the end of the war, the German Army left a trail of heroism, though the domination by Nazism over that army and over Germany has suppressed in the world's mind even the thought of such a thing... Their fuel ran out, their motorized equipment gave out and was destroyed; everywhere along the road there were charred and overturned trucks. We were told that the Germans killed their gravely wounded, whom they couldn't get out. They seized farm animals – anything they could find to eat. They took worn-out, shabby peasant clothing. No one begrudged them that, because they didn't molest civilians or burn dwellings. In the end they got through, leaving a memory of martial manhood – albeit a fleeting and unrecorded memory. Apparently the German Army could wage war – and far more successfully at that – without massacres and gas chambers. (Djilas, 1977: 446)

⁴⁷ See Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 29.

⁴⁸ Djilas, *Wartime*, p. 291.

⁴⁹ Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 3.

Djilas's clear implication is that the retreating Germans fought better with fewer resources against tougher odds *by avoiding barbarism* than they had earlier in the war, when they had been relatively well supported against an adversary fighting both them and the chetniks.

Analysis: Goals, Armed Forces, Strategies, and Results

The Germans sought to extract resources from a country they occupied by virtue of the unconditional surrender of the legitimate government of Yugoslavia. They did not expect trouble from what they viewed as a nation of friendly and backward peasants. As a result of this expectation, along with the Third Reich's overall strategic priorities (an impending attack against the Soviet Union), the Balkans were initially given a low priority. The armed forces sent to oversee German resource extraction were therefore composed almost entirely of older men with light or obsolete weapons and transport.

German strategy was most strongly influenced by the lack of sufficient armed forces to combat the insurgents. German strategy in Yugoslavia can be described in three phases. Phase I was the attempt to (a) demobilize insurgent support by means of barbarism, and (b) use German reinforcements to encircle and destroy insurgents in a decisive engagement. Phase II was the attempt to (a) restrict the area of operations to vital installations, while (b) increasing the intensity of barbarism as a COIN strategy. Phase III was the attempt to (a) further restrict the area of operations to vital installations, (b) employ small, specially-trained COIN units to find and destroy the insurgents, and (c) abandon barbarism as a COIN strategy.

The Italians sought the same thing as the Germans, but opposed the noxious ustasha regime that had come to power in Croatia and instantly allied itself to Germany. Their armed forces, the 2nd Army, were generally incompetent (there were exceptions) and proved little more than easy targets for the partisans (as well as good sources of weapons and ammunition). Italian strategy was to support the Chetniks in their fights against the ustasha and the partisans.

The Croatian ustasha regime sought to purge Croatia of Serbs and Jews, and modeled itself after Hitler's Nazi party. Like Mussolini's Blackshirts, however, ustasha fighters gained the lion's share of supplies and equipment but suffered from the very poorest leadership and fighting spirit. They proved highly effective at attacking and routing (murdering) unarmed peasants, but invariably lost engagements against chetniks and partisans, forcing German units to come to their relief again and again during the course of the war. Ustasha strategy largely paralleled that of the Germans: initially hoping to participate in a grand encirclement and destruction operation, but later being reduced to protecting key installations and attempting to deter insurgents by means of barbarism.

The chetniks sought to frustrate Germany's occupation by guerrilla attacks; waiting until the Germans became overcommitted or suffered a major setback before escalating attacks against German units. They also sought to prevent the communist partisans from laying the groundwork for a takeover of Yugoslavia once the war ended. This was a bloody, no-quarter-asked-and-none-expected affair. Chetnik units were highly effective as guerrilla fighters, but prone to excessive brutality which was never checked during the war. Chetnik strategy was to avoid combat with German units and focus on ustasha and partisan forces until Germany weakened. The Chetniks also resorted to barbarism.

The partisans sought to foment a social revolution while ejecting the Germans from Yugoslav soil. Tito's struggles in this regard parallel those of Mao in China. Like Mao, Tito began as a rather dogmatic socialist leader, insisting on educating peasants about class warfare. Also like Mao (and Stalin, for that matter), Tito was forced to abandon these more ideological appeals and concentrate on a broader nationalism. Finally, again like Mao, Tito was dramatically aided in his recruitment and training efforts by the extreme brutality of his adversary. Ustasha and German barbarism – as Japanese in China – caused a constant influx of angry, highly-motivated young men and women to flock to his standard. In addition, it facilitated intelligence collection and logistical support, as traditional non-combatants – old men, women, and children – provided a wealth of intelligence on enemy location, strength, and plans. Unlike Mao, however, once it became clear that Tito's partisans would do more to hurt the Germans and Italians than Mihailovic's chetniks, Tito's partisans enjoyed considerable logistical and intelligence support from the Allies – first the British and later the United States. The superior organizational capabilities of the communists had already helped make the partisans a highly effective fighting force, but Allied support made it far more deadly and effective.

Partisan strategy was to hurt their enemies – ustasha, German, Italian, and Chetnik – constantly and wherever possible. Partisans avoided combat with stronger enemy formations and sought to gnaw away at isolated units and weakly defended installations: a classic guerrilla warfare strategy.

And how did all these forces and strategies interact? On the occupying side, the Germans and ustasha fared the worst in terms of military and political effectiveness. German reinforcements were well supplied and well led, but on unfamiliar and difficult terrain and nearly blind because of poor intelligence. Their limited successes against partisan and chetnik forces had the effect of weeding out the incompetent and making those who survived that much stronger. Barbarism backfired, and although we might expect such a claim from the partisans, for example, the best evidence for its failure comes from the Germans themselves, who begged OKW to allow them to stop. As Hehn notes in his conclusions:

The political myopia and inflexibility of Hitler and the OKW in Berlin also created obstacles for the field commanders in combating the guerrillas. One of the gravest errors

directly traceable to Hitler and the OKW in Berlin was the policy of taking and executing hostages in reprisal for attacks on German personnel to dissuade the population from aiding the guerrillas. A high level of such reprisal executions would also persuade the guerrillas that such attacks would be too costly in human lives. However the policy of terror only succeeded in arousing a people already harboring feelings of humiliation and resentment against the conquerors and in filling the guerrilla armies. The sight of one's countrymen hanging from lampposts and gibbets does not generally inspire feelings of endearment toward the foreign occupiers.⁵⁰

Note that if the pessimist argument is right, then "the sight of one's countrymen hanging from lampposts" should convince peasants to blame Tito for the deaths. Certainly that's what the Germans believed should happen and that's the message they intended to send. But the Yugoslav case makes it clear that when civilians are injured they tend to blame those actually doing the bombing, clubbing, raping, shooting, and stabbing. By the time local commanders were able to reverse the long-standing policy of reprisals and prisoner executions in 1944, it was too late to use available forces to effectively counter the insurgents. Ustasha troops were brutal and incompetent, the worst possible COIN combination. When the Germans left, the ustasha were hunted down and killed, almost to a man. The Italians were incompetent but kept their casualties relatively low by essentially using the Chetniks to do their fighting for them.

On the occupied side the chetniks fared the worst. They avoided pitched battles with the Germans and lost legitimacy as a result. In addition, the chetniks resorted to barbarism in the belief that atrocities would sway support away from the communist partisans and toward them. They miscalculated. Barbarism backfired for them just as it did for everyone else – the ustasha, the Germans, and even the partisans. The dwindling of social support for the chetniks made it harder to recruit and retain good fighters, and made it harder to detect and counter enemy penetrations. Wounded chetniks found fewer sanctuaries and as support waned operations declined in quantity and success. This further isolated the chetniks, who at war's end were virtually annihilated in a mass frenzy of killing by the victorious partisans.⁵¹

The partisans won the war in Yugoslavia. They did so by maintaining a classical guerrilla warfare strategy against an adversary who at first did not understand the problem, and then later attempted to destroy them outright in a conventional battle. German barbarism, unlike ustasha, was enough to anger the partisans but not enough to damage their organization and social support.⁵² The partisans kept their own barbarism to a minimum (one exception being that they never took German prisoners after

⁵⁰ Hehn, *The German Struggle Against Yugoslav Guerrillas*, p. 143.

⁵¹ Djilas is particularly regretful of this slaughter. See Djilas, *Wartime*, pp. 446–449.

⁵² The ustasha were so thorough in their annihilation of ethnic Serbs that partisan and chetnik attacks against them were mainly staged from secure areas outside Croatia, and had a more conventional than guerrilla form.

Autumn 1941), and cultivated vital external support not only from the Soviet Union, but from Britain and the United States.

NATO, the KLA, and the Federal Republic of Yugoslavia in Kosovo, 1998–1999

It is difficult to truly understand the events of 1998–1999 in Kosovo without also understanding the long history of the Balkans⁵³ and especially the period during and after WWII. For our purposes the most salient points about pre-WWII Balkan history are (a) the Serbs have long sought to achieve a Greater Serbia – an expanse of territorial domination matching that briefly attained by the Serbian monarch Stefan Dusan in the 14th Century; and (b) the Serbs can never forget the destruction of that empire at the hands of the Ottoman empire in 1389 (June 28th).

As to the period during and following WWII, I’ve already introduced enough so that readers have a good context for understanding the violence that escalated to the point of war in February 1998. The war itself had two distinct phases. First, the armed uprising and barbarism that pitted the Kosovo Liberation Army against the army of the Federal Republic of Yugoslavia (FRY) and its supporters (February 1998–March 1999). Second, NATO’s military intervention (March 24th–June 3rd 1999).

The Combatants

The fight for Kosovo from 1998–1999 involved the Kosovo Liberation Army, soldiers of the FRY and allied police and paramilitary formations, and ultimately, NATO.

The Kosovo Liberation Army, under the “command” of Hashim Thaci, was never an effective fighting force. By the start of the war it had barely begun to organize itself. It’s soldiers had little training and it was short of weapons – in particular heavy weapons, such as mobile artillery (mortars) and heavy machine guns. It had no aircraft of any kind. What it did have was a just cause and as a result, an indomitable will to resist. It also had the backing of the United States and its allies – a backing for once more than merely rhetorical.

The armed forces of the FRY were well trained and well supplied. They had been conceived after WWII as a conventional military defense force for the territory of Yugoslavia, but specifically adapted to the challenging climate and difficult terrain of the Balkans. In addition, the armed forces of Yugoslavia (VJ) possessed combat helicopters and a full panoply of fighter aircraft. The VJ were dominated by ethnic Serbs. Over seventy percent of its officer corps, for example, were Serbs. But the role of the VJ in Kosovo was mainly that of support for the real actors in Kosovo – Serbian police and paramilitary units. Serbian

⁵³ An especially concise primer on pre-WWII Balkan history may be found in Alexandra Stiglmyer, “The War in the Former Yugoslavia,” in Stiglmyer, ed., *Mass Rape*, pp. 1-10.

police in Kosovo were generally armed with small arms, and possessed a considerable number of armored cars. The paramilitary units that formed almost overnight were drawn from a combination of sources. Alexandra Stiglmayer's description – although dating from the 1992 Balkans war – remains both colorful and accurate:

The [paramilitary] recruits are made up of ultranationalists, criminals, the unemployed, and sociopaths, who are permitted to keep as the booty of war whatever they can take away from the Muslims and Croats they are supposed to drive off.⁵⁴

Add to this the Serb friends, business associates, and neighbors of Kosovar Albanians. They were armed – some in fear, but many more in revenge⁵⁵ – with small arms and supported by the VJ and Serbian police.

NATO was and remains Europe's pre-eminent conventional military fighting force. In comparison with the VJ it possessed virtually unlimited resources and in the United States, a fighting force of the very highest technological capability (an air force with planes that could not be detected on radar and whose weapons could destroy precise targets at night or through heavy cloud cover). NATO did not intervene in the fight militarily until it had been raging for a full year. When it did so, it proved to be poorly prepared to meet its military challenges,⁵⁶ with far fewer planes available to attack VJ and allied forces than needed.

The Goals

The goals of the KLA were clear from the beginning. First, to protect Kosovar Albanian civilians from Serbian police depredations (arbitrary arrest, torture, rape, murder, and so on); and second, to eject Serbs and Yugoslav authority from Kosovo, setting the stage for independence such as that attained by Slovenia or Croatia after the 1992 Balkans war.

Under the leadership of ultranationalist Slobodan Milosevic, the FRY's goals in Kosovo were to empty the territory of ethnic Albanians. Documentation of these goals will be slow to surface, though much has been uncovered by the International Criminal Tribunal for the Former Yugoslavia (ICTY) during the trial of Milosevic and a number of his subordinates.

NATO's goals were also fairly clear and direct. First, to halt the heinous abuses being perpetrated against Kosovar Albanians by VJ-supported police and paramilitary units in Kosovo; and second, to

⁵⁴ Stiglmayer, "The War in the Former Yugoslavia," in Stiglmayer, ed., *Mass Rape*, p. 20.

⁵⁵ Revenge for the crimes of their alleged ancestors, the Ottoman "Turks;" and for invented Kosovar Albanian atrocities against Serbs featured on Serb controlled television and radio programming.

⁵⁶ By far the best account of NATO's incompetence and luck in Kosovo is that of Ivo Daalder and Michael O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington D.C.: Brookings Institution Press, 2000).

reverse the damage done so as to erase any apparent gains by Milosevic. Both goals would conduce to a third: deterring Milosevic or his successors from ever attempting such a strategy again.

The Fight

It should be emphasized that Kosovar Albanians had been subject to violence and other abuse long before matters came to a head in February 1998. But the start of the war was marked – as it should be – by the rapid escalation of violence beyond the bounds of anything seen in Yugoslavia since WWII.

Up until February the Kosovar Albanians had pursued a strategy of non-confrontation and non-violence; led successfully by Dr. Ibrahim Rugova, an intellectual and the leader of the League for a Democratic Kosovo (LDK). Rugova and the LDK has spent the time since the 1992 Balkans war building a parallel and shadow government to provide health, education, and financial services to ethnic Albanians, most of whom had been fired en masse in 1990 and replaced by Serbs.⁵⁷

But the strategy of non-violence and non-confrontation could not succeed against an adversary with no scruples and no restraint. In January Serbian police attempted to arrest Adem Jashari the leader of a prominent Kosovar Albanian clan – and KLA supporter – near the village of Drenica, and were repulsed by the KLA. In February, they attacked again in force, aided by Serb paramilitary units (some from Serbia). A non-violent street protest in Pristina followed on March 5th: it was brutally dispersed, injuring 289 people. After a week of fighting near Drenica, Serb forces surrounded the houses of Jashari and began an artillery barrage. Pre-positioned snipers shot any who attempted to flee. The attack killed Jashari and 58 others (including women and children), creating a martyr for the KLA.

This attack marked a turning point in the Kosovar Albanian-Yugoslav conflict. Rugova and the LDK began to lose influence and the KLA began to be seen as the only hope for many Kosovar Albanians:

The KLA at this point had no political program, no accepted representation, no international recognition, and no control over military forces of any significance. But reports of massacres and myths of national martyrs suddenly made the KLA the driving force of national liberation in the eyes of a growing number of Kosovar Albanians. For the first time, the KLA could claim significant political power.⁵⁸

⁵⁷ In July of 1990 Milosevic engineered the revocation of Kosovo's autonomous status within the Yugoslav Federal Republic: "The revocation of Kosovo's autonomy spawned an increase in human rights abuses and discriminatory government policies designed to Serbianize the province. These included discriminatory language policies: the closure of Albanian language newspapers, radio, and television; the closure of the Albanian Institute; and the change of street names from Albanian to Serbian... Thousands of Albanians were dismissed from public employment... 115,000 people out of 170,000 lost their jobs." See the Independent International Commission on Kosovo, *Kosovo Report: Conflict, International Response, Lessons Learned* (New York: Oxford University Press, 2000), pp. 41–42.

⁵⁸ *Kosovo Report*, p. 70.

That increased political power meant more recruits than the KLA could handle. It also meant an influx of money and arms ready to flow to KLA units in Kosovo through Albania, where training areas were hastily being assembled in a crash program to weld the KLA into an effective fighting force.

More importantly, Kosovo at that time hosted numerous human rights organizations, including Human Rights Watch and Amnesty International. Milosevic may have discounted their impact, but it would soon prove critical: in March the Kosovo Crisis – as it then came to be widely known – was internationalized. On 31 March, the UN Security Council passed Resolution 1160, imposing an arms embargo on Yugoslavia and calling for autonomy and “meaningful self-administration” for Kosovo.⁵⁹

Throughout the remainder of the Spring the KLA escalated a series of uncoordinated and ineffective attacks against Serb police installations, claiming an ever greater expanse of “liberated” territory. For their part, the Serbs stepped up their repression of non-combatants,⁶⁰ biding their time until the arrival, in July, of massive VJ reinforcements:

The offensive was designed to deliver a punishing blow against the KLA, which had exploited the previous period of relative Serb restraint by succeeding in taking control of a substantial part of Kosovo. However, during this offensive, Serb military, paramilitary, and interior police forces left little unscathed. In August alone, 100,000 Kosovars were forced to flee their homes. Although many found shelter with family and friends, mostly in urban areas, about one-third of those left homeless did not, taking refuge instead in the forests and mountains surrounding their villages and homes.⁶¹

This means that about 30,000 mostly women, children, and old men were living in the woods and mountains. Even in summer, this was a hard life. Women, small children, pre-teen boys and elderly people with little more than a few pots, blankets, and the clothes on their backs were attempting to feed themselves and tend to their own injuries outdoors. What would happen when the snows fell, which could occur as early as mid-October?

The brutality of the FRY offensive – and its impact on civilians – escalated throughout the remainder of the Summer. It had two effects. First, it provoked the strongest international condemnation yet: a direct threat of NATO air strikes unless Milosevic agreed to pull VJ and allied forces out of Kosovo and accept international monitors (the Kosovo Verification Mission or KVM).⁶² Second, it uprooted the KLA, and proved the KLA could not protect Kosovar Albanians even in areas it claimed to have liberated from Serbs.

⁵⁹ *Kosovo Report*, pp. 69–70.

⁶⁰ By the end of May, 300 civilians had been murdered and approximately 12,000 refugees had fled to Albania.

⁶¹ Daalder and O’Hanlon, *Winning Ugly*, p. 40.

⁶² These threats are contained in UN Security Council Resolution 1199, and especially a NATO activation order, dated 13 October 1999, which promised air strikes if VJ and allied forces were not withdrawn within 96 hours.

By the end of October, the fighting had cooled as the result of a UN-imposed cease-fire. It looked to most outside observers as if negotiations could succeed in deepening and broadening the cease-fire into a peace settlement with a real chance of working. In reality, while FRY forces withdrew according to the letter of the agreement, the KLA quickly and unwisely began attacks against Serb police and civilians.

The FRY then began making preparations for an even more massive and brutal campaign in Kosovo. By December, the cease-fire had all but unraveled, and in January 1999, the VJ moved back into Kosovo in large numbers:

With the help of special police units, the army created at least three sealed areas along the main north-south road, using artillery and tank shelling to push the civilian residents to leave the villages. However, unlike the summer of 1998, displaced people, including women, children, and the elderly, were prevented from leaving the sealed areas. In the sealed area west of Vucitrn, there had been no armed clashes or reports of KLA activity.⁶³

On 15 January, FRY forces attacked the village of Racak and murdered 45 civilians. Again, VJ barbarism was investigated almost immediately by the KVM, who reported that there had in fact been a massacre (OSCE-KVM head-of-mission William Walker called it “an unspeakable atrocity” and a “crime against humanity”). KVM demanded that ICTY investigate and that Serb authorities provide the names of the officers who had authorized the murders. The FRY stonewalled, and later declared Walker *persona non grata*.

But the damage had already been done. As Daalder and O’Hanlon note,

Racak proved to be a turning point for the United States and its NATO allies... After the massacre it was obvious to everyone within the Clinton administration that a new policy was needed, one that stressed decisive action.⁶⁴

A new round of negotiations got under way at Rambouillet, France; but on 18 March the Serbs walked out. On 19 March the OSCE chairman pulled the KVM out of Kosovo, citing the increasingly deteriorating security environment there.

In the meantime, from January to March, the UN High Commissioner for Refugees (UNHCR) estimated that from 150–200,000 new refugees had fled FRY barbarism in Kosovo. Now, with the KVM and other monitors leaving Kosovo, the stage was set for the most brutal barbarism seen in the Balkans since WWII, as well as NATO’s first military action in its history.

On 24 March NATO air and cruise missile strikes began. The idea was to bloody Milosevic’s nose in order to get him to stop the barbarism and get him back to the bargaining table. Curiously, FRY air forces did not attempt to engage NATO aircraft, and even many surface-to-air missile batteries did not activate or seek to shoot NATO planes down. Instead, the VJ had put into effect a sophisticated defense

⁶³ *Kosovo Report*, p. 80.

⁶⁴ Daalder and O’Hanlon, *Winning Ugly*, p. 64.

strategy that did not seek to deny all of Kosovo's airspace to NATO planes and bombers, but did seek – and effectively – to deny NATO planes free reign below 15,000 feet. This meant that NATO planes would be restricted to mainly strategic targets rather than the tactical targets (armored vehicles, and artillery positions, for example) that could make a real difference on the ground to the KLA and Kosovar Albanian civilians. Almost alone amongst its NATO allies, the United States possessed some capability to engage small targets with precision munitions even above 15,000 feet. But these efforts were hampered by the lack of ground personnel to identify targets; especially in a fight that so closely mixed combatants and non-combatants.⁶⁵

Although the FRY had used the Rambouillet cease-fire to prepare for a defense of Kosovo from a NATO ground invasion, that prospect had been taken off the table by U.S. President Clinton from the beginning.⁶⁶ This meant that NATO's coercive leverage – though increasing over time – would be restricted to strategic bombing against an entrenched ultranationalist ideologue with complete control of FRY media (radio, television, newspapers). The same thing had been tried by the U.S. Air Force against the North Vietnamese and it had failed. But would Milosevic buckle?

At this point the KLA virtually disappeared as a fighting force of any note. Almost as the first NATO bombs fell, FRY forces began an intense barbarism campaign. This was not something disjointed or ad hoc. It was a well-coordinated and clearly well-planned effort to expel *all* ethnic Albanians from Kosovo, and to do so in such a way as they never returned. Publicly, the FRY justified its brutality as a COIN campaign against the KLA, who (along with NATO bombing) was blamed for the escalating refugee flows.⁶⁷

Understand how effective Serb barbarism was.⁶⁸ During the 78-day NATO air campaign, over 863,000 Kosovar Albanians became refugees in neighboring countries, while an additional 590,000 were

⁶⁵ NATO bombing killed an estimated 488–527 civilians in Kosovo and Serbia. See *Kosovo Report*, p. 94. This “collateral damage” is a risk with even the smartest weapons dropped by skilled pilots at low altitude. It is a certainty when attacks are restricted to 15,000 feet or higher.

⁶⁶ On this point see *Kosovo Report*, p. 87; and Daalder and O’Hanlon, *Winning Ugly*, pp. 96–100.

⁶⁷ This claim was subsequently introduced in the Milosevic trial at the Hague. Statistical analysis of the timing of refugee flow increases, KLA operations, and NATO bombing makes it clear that NATO bombs did not cause the refugee flows. See Patrick Ball and Jana Asher, “Statistics and Slobodan: Using data Analysis and Statistics in the War Crimes Trial of Former President Milosevic,” *Chance*, Vol. 15, No. 4, 2002, pp. 17–24; and Patrick Ball, Wendy Betts, Fritz Scheuren, Jana Dudukovich, and Jana Asher, “Killings and Refugee Flow in Kosovo, March–June 1999: A Report to the International Criminal Tribunal for the Former Yugoslavia,” *American Association for the Advancement of Science*, 3 January 2002

⁶⁸ In a famous scene from Stanley Kramer’s *Judgment at Nuremberg*, German judges are waiting trial in a detention area and are talking about a film recently shown them by the prosecution depicting Nazi concentration camps and gas chambers. One judge asks, “was it really like that?, did we really kill all those people?” To which a former camp guard replied wryly, “It wasn’t the killing that was hard. The killing was easy. It was what to do with all the bodies.” In the FRY’s case the Kosovo barbarism represented an improvement over that of the 1992 Balkan war because the FRY ‘got rid of the bodies’ by providing escape corridors for refugees to Albania and Macedonia. Given the long

internally displaced. Most of these people lost their property and their homes, which, if not destroyed as part of an attack, were burned after they fled. If these numbers are accurate, 90% of all Kosovar Albanians were made refugees by FRY barbarism.⁶⁹

And this barbarism included – as it had in 1992 – a particularly heinous component: mass rape. As observed by military historians and feminist philosophers, rape is a constant companion of war.⁷⁰ Even mass rape is not as uncommon as many believe (one thinks of the sexual slavery of brothels in Poland, Ukraine, Korea and China during WWII). But from April to June of 1999, FRY forces raped ethnic Albanian women and children as young as nine for a deliberate strategic purpose: to make them go away and stay away; and to shatter their ability to found families.⁷¹

When it became clear that ground forces would be necessary to coerce Milosevic into withdrawing the VJ from Kosovo, NATO began planning and Milosevic finally came to the negotiating table. On 10 June the bombing stopped and war between the KLA, NATO and the FRY ended. During its campaign, NATO planes had expanded their attacks to include power and communications facilities, bridges, and factories in Serbia itself. The Serbian economy – never strong – was left in complete collapse. Milosevic would soon be forced from power, and eventually made to stand trial for crimes against humanity at the Hague.

Analysis: Goals, Armed Forces, Strategies, and Results

The KLA's goals were to protect Kosovar Albanian civilians and to eject ethnic Serbs from Kosovo.

It's ideological and strategic thinking at the time was "to create Serbian Vietnam in Kosovo." The KLA hoped that a prolonged war of attrition against the FRY security forces would inflict politically unbearable losses for the Belgrade regime.⁷²

But this would have been a foolish strategy because the FRY was systematically ejecting all Kosovar Albanians from Kosovo. This was carried to an extreme level, and the end result would have been, as characterized famously by Mao Tse-tung, a school of guerrilla fish without a sea to swim in. The KLA would have been forced to relocate to Albania or Macedonia, but its impact on remaining Serbs in

history of refugee non-repatriation, Milosevic and his cronies had every reason to expect that barbarism would accomplish their chief political goal of an Albanian-free Kosovo.

⁶⁹ See *Kosovo Report*, p. 90.

⁷⁰ See e.g., Cynthia Enloe, "Spoils of War," *Ms.*, Vol. 6, No. 5 (March, 1996), pp. 15–xx; and Claudia Card, "Rape as a Weapon of War," *Hypatia*, Vol. 11, No. 4 (Fall, 1996), pp. 5–18.

⁷¹ As a particular form of barbarism, rape deserves an analysis of its own. Because there is no space for it here, I defer that analysis to a future book project. There is a large literature surrounding the rapes in the 1992 Balkan war. Stiglmeier's volume is a good primer. See also, Beverly Allen, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia* (Minneapolis, MN: University of Minnesota Press, 1996). On the 1999 war there is less written. Much of what is available focuses on the problem of underreporting of rape in a society where a woman admitting rape is (a) somewhat blamed for the rape, and (b) likely to be denied reintegration into her family.

⁷² *Kosovo Report*, p. 87.

Kosovo would then have been restricted to sporadic terrorism – nothing on the scale of the Viet Cong in South Vietnam. But the KLA had a better strategy: provoke an international intervention. The only problem with this strategy is the risk that outside intervention would be restricted to statements of support and empty threats. In this case, as most observers note, Milosevic ended up becoming a strategic ally of the KLA: the FRY's brutality in a country on whom the world's attention was strongly focused, and Milosevic's well-established lack of interest in negotiations, left NATO and its allies few alternatives but force. In any case, the KLA failed in its first goal, and succeeded in its second only with the help of NATO. Its forces proved inadequate to seriously challenge FRY units in Kosovo.

The FRY's goals were to eject all ethnic Albanians from Kosovo and to do so in a way which would make it difficult or impossible to return. The appearance of the KLA on the scene was simply good luck from their standpoint.⁷³ Postwar analysis of FRY barbarism reveals (a) a high degree of organization and coordination, and (b) no correlation between barbarism and KLA targets. In other words, if FRY barbarism was truly a COIN strategy – as it often is in other conflicts⁷⁴ – we'd expect to see it restricted to areas where the KLA was strongest. But we don't. In fact we see it applied across the board. The VJ and its allies were up to the task, largely because – and this point must be emphasized – Kosovar Albanians were unarmed. They developed a strategy which had the strong point that it would be highly effective in causing Kosovar Albanians to flee Kosovo, but the weak point that it could only do so in a way that provoked a military intervention from the United States and its allies. True, this intervention was hardly a foregone conclusion. As in past humanitarian disasters elsewhere in the world, the United States gave every indication of reluctance to support a military intervention in the Balkans. Daalder and O'Hanlon argue that had the FRY's barbarism been more moderate (say, stretched out over more time), NATO might have failed:

had Milosevic not upped the stakes in the conflict by drastically escalating his forced expulsion campaign, NATO could easily have lost the war. He so repulsed Western publics with his barbaric actions that the alliance found a resolve it would almost certainly not have otherwise displayed. If Milosevic had hunkered down and restrained his military and paramilitary forces during the bombing, support within NATO countries for sustaining the operation probably would have quickly dissipated.⁷⁵

FRY barbarism backfired in two ways. First, it *increased* support for the KLA both within and beyond Kosovo.⁷⁶ It made the KLA a *legitimate* national liberation movement; whereas prior to 1991 it could be

⁷³ It could be used to explain and justify what they had already planned to do anyway.

⁷⁴ On barbarism as a COIN strategy, see Ivan Arreguín-Toft, *How the Weak Win Wars: A Theory of Asymmetric Conflict* (New York: Cambridge University Press, 2004).

⁷⁵ See Daalder and O'Hanlon, *Winning Ugly*, p. 19.

⁷⁶ It increased the legitimacy of the KLA while simultaneously devastating its short-term military capabilities. The problem is that legitimacy is more important than capability, which can always be increased with outside aid, and launched from across interstate boundaries, as in the Middle East and to some extent in Chechnya (from Georgia).

thought of as little more than a terrorist organization with close links to organized crime. Second, it provoked an armed international response, along with the institutional and administrative resources to do what at the time seemed impossible: to repatriate nearly all Kosovar Albanian refugees.⁷⁷

Finally, NATO's goals were to deter further barbarism and damage Milosevic's ability to support future barbarism. NATO's forces were barely adequate to the task, and their strategy was flawed in that it assumed Milosevic would give up after a few days of bombing and took the possibility of a ground invasion off the table.⁷⁸ More importantly, NATO's forces could not possibly have facilitated its main goal – deterring further barbarism – without a strong ground component. For all NATO's conventional military might and its proximity to the Balkans, it would have taken months to assemble an effective ground striking force. VJ preparations would have made a ground invasion much more costly than an air-only strategy, and would have still given the FRY ample opportunity for barbarism in Kosovo. In addition, in its efforts to avoid allied casualties, NATO air sorties were flown at relatively high altitude. This restricted their precision and resulted in a higher-than-necessary level of death and injury to Albanian and Serb non-combatants. This had the unfortunate effect of establishing a value system in which NATO forces were willing to kill for their principles but not die for them.

This leaves open the question of whether Operation Allied Force counted as a barbarism strategy. This question has been painstakingly investigated by Human Rights Watch, Amnesty International, and the ICTY. The consensus is that NATO exercised questionable judgment but its injury of non-combatants did not rise to the level of barbarism.⁷⁹ By strict adherence to the definition I use here, however, NATO's air campaign does count as barbarism because it deliberately and systematically injured non-combatants for a strategic purpose – in this case, to coerce Milosevic to stop FRY barbarism by causing him “pain.”⁸⁰ The problem comes in parsing “deliberate” and “systematic.” NATO did not target civilians. It did, however, choose targets whose destruction would likely cause non-combatant injury, and its restriction of air operations to 15,000 feet or greater meant that even with precision-guided munitions, non-combatants were more likely to be injured or killed. It was, in short, a cost-saving

⁷⁷ Kosovo will never be the same (neither will Serbia). The pogroms against ethnic Serbs which continue to this day were made worse by the lack of concern or preparedness on the part of NATO and the UN. Also, the damage to Kosovar Albanian society that resulted from the rapes, tortures, and murders will take never heal. Like those of WWII, they will likely as not fester and become a justification for future barbarism.

⁷⁸ The argument that the threat of a ground invasion was needed to coerce Milosevic remains somewhat controversial. For a contrary view, see Andrew L. Stigler, “A Clear Victory for Air Power: NATO's Empty Threat to Invade Kosovo,” *International Security*, Vol. 27, No. 3 (Winter 2002/03), pp. 124–157.

⁷⁹ Amnesty International disagrees, but the ICTY felt that based on all the evidence it reviewed there were no grounds for further investigation. See *Kosovo Report*, pp. 179–180.

⁸⁰ Later in the air campaign Milosevic's personal property and that of his political allies came under attack.

measure.⁸¹ But NATO learned quickly from its mistakes. It increased the number and sophistication of aircraft deployed and offered a credible threat of a ground invasion if Milosevic didn't instantly yield. It apologized immediately and publicly for its mistakes, and constantly placed them in the context of the greater evil of allowing Milosevic's barbarism to continue or intensify.⁸²

Conclusions

This research is still in its early stages, but so far the pessimists are partly right and mostly wrong. Consider the four working hypotheses introduced above.

Hypothesis 1 held that barbarism should shorten a war. Statistically, barbarism is strongly associated with long wars but this association requires more careful investigation. In the cases of Yugoslavia during WWII and in 1999, the hypothesis appears to be refuted. First, would German occupation have had the characteristics of a *war* had the Germans avoided barbarism? Probably not. Second, would the KLA have given up attacks against Kosovo Serbs and Serbia proper had they been chased out of Kosovo and into Macedonia and Albania? Again, probably not. We'd have seen years of desultory warfare akin to that currently experienced by Israel in Palestine.

Hypothesis 2 – barbarism makes for less costly occupation – appears to be refuted more strongly by the case study analysis. Not only did the partisans agree that German reprisal killings ultimately helped their cause, but the Germans themselves recognized this and begged OKW to allow them to cease the practice.

Hypothesis 3 – barbarism reduces a recurrence of hostilities between adversaries – was also fairly decisively refuted in the case study analyses (even keeping in mind the caution about selection bias in this comparison). Consider that the Serb justification for the barbarism of both the 1992 wars against Croatia and Bosnia-Herzegovina and Kosovo came down to revenge for mal-treatment during WWII and during Ottoman occupation. In Croatia, Tadjman's government openly displayed ustasha flags and symbols and began pogroms against Croatian Serbs. In Bosnia-Herzegovina and Kosovo, Serbs were reminded of the humiliation of their defeat in 1389 and 500 years of "Turkish" rule, and Milosevic's state-run media constantly spewed forth anti-Muslim propaganda, including charges of Serbian girls and women being raped by vicious "Turks" bent on exterminating all Serbs in "Greater Serbia."

Until his death in 1980, Tito's biggest challenges were in maintaining the FRY without recourse to violence. The very fact of Yugoslavia's *federal* structure stems from Tito's recognition of a national

⁸¹ We must wait to see whether the benefits of sparing allied pilot's lives outweigh the costs of NATO's barbarous reputation in Serbia: the Serb capacity to nurse a grudge is by now legendary.

⁸² This was bad ethics but good public relations.

problem and his desire to lay it to rest by granting national minorities considerable cultural autonomy. Yet only his reputation and charisma were sufficient to prevent the state from flying apart.⁸³ His death marked the beginning of the FRY's disintegration, as each component nationality – recently empowered by Tito to veto the initiatives of all the others – fell to squabbling in the midst of a catastrophic economic crisis. The underlying cause of Yugoslavia's fracture, however, was the barbarism perpetrated by ustasha, chetniks, and partisans. Each side nurtured the memory of that experience as tiny coals of resentment that could be fanned into the full flame of first, legal and economic pogroms, and later outright violence. One can only speculate, but it's worth imagining how much better off Yugoslavia might have been had its entire post-war history not been exercised with the question of guilt and revenge for unspeakable cruelty during and after WWII..

Finally, Hypothesis 4 – unit-level barbarism reduces unit-level casualties – was not directly tested here. However case study evidence from WWII does not support this thesis. Soldiers in units tasked with reprisal killings were among the first to request transfers when such requests became possible. Further research will be support or refute this hypothesis.

Overall then, barbarism can be an effective COIN strategy, *but only when pushed to extremes*. These extremes, in turn, are difficult to engineer (they require “special” troops and considerable logistical resources – neither of which can be used to enhance a state's security vis-à-vis other states), and *highly likely to attract international condemnation*, if not outright intervention.⁸⁴

When done at anything short of a genocidal level, however, barbarism backfires both tactically – that is, it makes military operations themselves more costly to the perpetrator – and politically – military victory by means of barbarism will result in political failure after the war.⁸⁵

⁸³ That, plus a demonstrated willingness to use violence to counter nationalist aspirations, as in the “Croatian Spring” of 1971.

⁸⁴ It is probably true that *military* humanitarian intervention will not happen outside of the territories or bordering territories of the G8 – Africa, Asia, and Latin America are pretty much out of luck. Also, nuclear-armed states may do as they like with national minorities or political dissidents without fear of more than trade sanctions and international condemnation. Note also that this likelihood of military humanitarian intervention is a possibility whose roots aren't very deep. During WWII, the German treatment of “rebels” in occupied territories was not technically a violation of the laws of war because the laws of war did not extend protection to armed insurgents in territories whose legitimate governments had formally surrendered. *After* the war the Geneva Conventions (1948 and 1949) sought to remedy that problem, creating the foundation of a new international law which could protect non-combatants in occupied territories. Thus, it is the Geneva Conventions (and Additional Protocols of 1977) that provide the legal justifications for the possibility of military intervention to halt genocide and other abuses of non-combatants within the sovereign territory of another state.

⁸⁵ There are many other examples. In the South African War, Britain resorted to farm burning and concentration camps as a COIN strategy against the Boer commandos. Unprepared for the logistical complications of setting up camps, over 40,000 mostly women and young children died due to lack of sanitary conditions and clean water. Although the strategy worked for Britain, and the Boer surrendered in 1902, within eight years all the political objectives for which the war had been fought – at the time Britain's most costly colonial war ever – had been

One limitation of this analysis is that although it seems clear that barbarism increased the costs of achieving desired goals, the outcomes themselves – German, ustasha, and chetnik failure in WWII and Serb failure in Kosovo – can’t adequately capture those costs. It may be that defeat for the actor resorting to barbarism was overdetermined. For example, Hehn and others note that a major cause of German failure in Yugoslavia was that the Germans were saddled with two incompetent and unmotivated allies.⁸⁶ Croatia and Italy probably doomed any chance for the Germans to crush the partisans and chetniks. Defeat was also overdetermined because *politically* the Germans were unwilling to devote the resources necessary to destroy the insurgency. They sent poorly-armed old men in under-manned units, and rotated heavy combat units in and out of theater before they could develop the kind of specialized skills and tactics necessary to defeat the insurgents.

In the Kosovo case, how was Milosevic going to beat NATO militarily? He wasn’t.⁸⁷ Moreover, it looks as if he achieved his political objectives *even while losing the war to NATO*.

This leads to the important counterfactual question: what would have happened had the Germans and the Serbs *not* resorted to barbarism? Could they have achieved their political objectives? I believe the answer is a qualified “yes,” but more research will be necessary before that can be unqualified. The Germans actually had modest objectives in Yugoslavia, and the best evidence for the counter productivity of barbarism in Yugoslavia comes not only from the partisans, but from the Germans themselves. Djilas is right to observe that there would have been a nationalist resistance to German occupation in Yugoslavia even had the Germans avoided reprisal killings. But as in Norway, the Netherlands, Denmark, and France – where there was also active resistance to German occupation – it is likely the Germans could have managed that level of violence while maintaining their access to vital resources. Similarly, in Kosovo, had Milosevic avoided mass murder and mass rape (especially in the presence of international monitors), he may have succeeded in depopulating Kosovo of ethnic Albanians without provoking a NATO military intervention. Or, more likely, NATO’s bombing campaign would have failed.

undone. British barbarism spawned Afrikaner nationalism, and provided the justification for what would later become apartheid. See Arreguín-Toft, *How the Weak Win Wars*, Chapter 5.

⁸⁶ Hehn, *The German Struggle Against Yugoslav Guerrillas*, pp. 2–3.

⁸⁷ As often observed, however, he didn’t have to beat NATO militarily, he only had to convince them to give up. On this point especially, see Mack, “Why Big Nations Lose Small Wars,” *op. cit.*

Theory and Policy Implications

Further research needs to be done, and the case studies need to be sharpened and broadened to include more rigor and more variation on key variables. But already the theoretical implications are considerable.

The logic of the pessimist position is sound, however since we know that human beings can react with violence to fear or anger, threatening death or torture as a deterrence strategy may be risky at best. Under some circumstances – and perhaps prior to the age of nationalism – threatening death or torture may have been a sound coercive strategy. But in most cases the threat of death or torture seems to stimulate as much or more resistance as compliance, and strongly damages the legitimacy of the perpetrator in the eyes of barbarism’s surviving victims. If we reason conversely and look through ‘pessimistic lenses’ at cases of successful COIN campaigns, we should expect to see a more carrots than sticks. But what we in fact see is the opposite: no successful COIN campaign – not the British in Malaya (1948), nor Magsaysay in the Philippines (1952) – succeeded without meaningful political and economic reforms combined with highly discriminate use of violence.

Policy implications follow. If one rule might emerge from this analysis, it is *don’t kill their children*. People will put up with a great deal of suffering and still refuse to actively resist their tormentors. But barbarism almost always involves the death of children, which most people will neither tolerate nor forgive. Rape too, is likely to be a dramatically counterproductive as a coercive strategy. It leaves behind a generation of women who, if they successfully hide their experiences, will raise their children to implacably hate the children of their rapists. And consider that although rape and bulldozing the homes of a suicide bomber’s family are qualitatively different forms of barbarism, either is more likely to stimulate a surviving family member to strap on a vest of dynamite and walk into a crowded bus or marketplace than a strategy which restricts itself to combatants only.⁸⁸

In short, barbarism only pays for weak actors, such as terrorists or guerrilla fighters, and then not very much. The statistical analysis I presented can only show, at best, the relative impact of barbarism on the likelihood that an actor who uses it will be on the winning side of a war. It says nothing about winning the peace, which my case study analysis implies will be well nigh impossible if barbarism was used to win the war. Barbarism only “pays” when carried to an extreme, and all such extremes count as grave breaches of the Geneva Conventions of 1948 and 1949. The assaults on Kosovo, Afghanistan, and Iraq

⁸⁸ A curious exception to this rule comes from asymmetry. Weak actors are granted much more license to use barbarism (without losing legitimacy) than strong actors, who are granted none. See Andrew J.R. Mack, “Why Big Nations Lose Small Wars: The Politics of Asymmetric Conflict,” *World Politics*, Vol. 27, No. 2 (January, 1975), pp. 186–187.

that have ushered in the new century have already damaged the sanctity of state sovereign immunity from attack; and the key used to turn that perhaps wisely rusty lock has been violations of human rights.⁸⁹ The message is clear: unless you have nuclear weapons or live outside the G8, you may employ “extreme” barbarism only at your own risk of destruction. Also, if you use barbarism at anything less than an extreme level, prepare for a harder, bloodier, and longer fight than if you avoid barbarism.

⁸⁹ For a discussion of the risks of creating exceptions to the rule of state sovereignty in COIN, see G.I.A.D. Draper, “Wars of National Liberation and War Criminality,” in Howard, Michael, ed., *Restraints on War: Studies in the Limitation of Armed Conflict* (London: Oxford University Press, 1979), pp. 135–162.