

SOME THOUGHTS ON CIVILIAN CASUALTIES

Jack Walker

The Government's general reactions to the now renowned Harrison Salisbury articles on civilian casualties in North Vietnam were, first, anger that Salisbury had exaggerated the scope of the problem by depending upon the Communists for statistical data; second, an admission that there had indeed been civilian casualties in the North because it is difficult to bomb anywhere without involving *some* civilians; third, an emphatic declaration of intent to restrict the bombing to *purely military* targets. I want to argue here that this declaration was unwise, if well intentioned, for at least two reasons. It implied, first of all, that the entire conduct of World War II, both on land and in the air, was invalid — not merely the dropping of the atomic bombs on Hiroshima and Nagasaki. Second, by attempting to draw the old and stark distinction between combatants and non-combatants, it obscured the nature of the problem. I want to mention a few aspects of that problem here.

Target Selection and Credibility. Since the Salisbury articles and the reactions to them, the U.S. has widened the list of targets put under attack to include, for example, MIG airfields, steel mills, and power plants. The selection of at least some of these targets has prompted new expressions of criticism to the effect that such a pronounced change in the *character* of the targets means that the U.S. has departed from its announced intentions of maintaining the combatant/noncombatant distinction. Even though the airfields appear to be the most *military* of the new targets, it is clear that both inside and outside the Government individuals find it difficult to decide how far an airfield must be from a population center, or how small the population center must be, for the airfield to be considered a valid target.

In the case of other targets, the problem is much more complicated. It is clear enough that the Government does not think it has violated its declaration, but it is just as clear that attempts are being made to define with precision where such things as steel mills and power plants should be located in relation to the combatant/noncombatant distinction. And little has been said by either the Government or its critics about

the people who work in those places. One can only speculate, moreover, that as the target list is expanded, the North Vietnamese must have the same difficulties as our own citizens in discovering what is meant by the combatant/noncombatant distinction and the inferences to be drawn from a juxtaposition of U.S. declarations and anything we might say during future peace negotiations. In other words, U.S. negotiating credibility has not been helped by the Government's attempts to pacify its domestic critics.

Many other corollary aspects of the bombing problem could be listed here, but they are fairly well known by now. U.S. aircraft challenged by enemy fighters jettison their bomb loads so as to prepare for the fight and, in the process, hit populated areas. U.S. aircraft attack defensive concentrations located near populated areas. My point, simply stated, is that the combatant/noncombatant distinction could probably be maintained only through a total cessation of air operations in the North. While this is undoubtedly what many of the critics would prefer, it would help if both the Government and its critics faced up to the problem.

•

The War in the South. Ground operations in South Vietnam are generally discussed from the separate aspects of (1) the more or less conventional war with organized North Vietnamese units; and (2) the war of revolutionary development, pacification, or nation-building, depending upon the term in vogue at the moment. If we were to attempt to apply humane standards to the conduct of the conventional war, we would have to take into account the fact that a good many of the inductees in the North Vietnamese Army are boys in their early teens. To kill a seventh-grade child is, by any standard we might normally apply, to kill a civilian.

But it is in the war of revolutionary development that the problems become virtually insurmountable. These problems may get a thorough public discussion as one result of the Army's current attempt to punish one of its officer-physicians for refusal to instruct members of the Special Forces ("Green Berets") in medical techniques. For the central question is how individual members of pacification teams must function if they are to perform the mission handed them.

If either U.S. soldiers or members of the South Viet-

Jack Walker, who has seen extensive military service, recently contributed a series of articles on the "Nuclear Obsession" to *worldview*.

namese Army take up residence in the villages, they must decide what to do about the Viet Cong. When a member of the V.C. farms by day and terrorizes by night, is he to be considered a "civilian" by day and thus immune from attack? Is he to be killed or captured only when he has already been seen to kill an innocent villager? Given the village environment in which all of this occurs, must "execution" of any member of the V.C. be withheld until the forms of U.S. due process have been observed? To turn to one of the specific issues raised in the Army trial, are individual Army medical men to be denied weapons, or training in the use of those weapons (the traditional role of the medic is an unarmed one), even when he is assigned to the Special Forces?

•

The Need for Perspective. It seems to me that only the complete pacifist stands on unassailable ground, for his position is clear and unequivocal. Most other Americans, no matter the earnestness of their attempts to define categories and make distinctions, miss the point. War no longer is the vocation of mercenaries who fight and die thousands of miles from home with little attention being paid to the process. For better or worse, wars are fought now – and will be fought in the foreseeable future – between nation-states and, unless war vanishes, combatant/noncombatant distinctions are likely to remain untenable.

In his new book, *Nuclear War, Deterrence, and Morality*, William V. O'Brien makes successive observations that demand further discussion. He notes, first, that in accordance with the *ius in bello* (law governing the means used in war), an act of war is "intrinsically immoral" if it causes "the killing of innocents," or "noncombatants." He proceeds to explain that weapons technology, especially the development of strategic bombing and inter-continental missiles, has virtually destroyed any distinctions between combatants and noncombatants. He then concludes that in "all" present forms of warfare, "literal application of the rule against intentional, direct attack on noncombatants . . . would make moral engagement in warfare virtually impossible." One can hardly quarrel with the conclusion.

Dr. O'Brien's third point should force us to concentrate on the implications of so-called "low level" wars. It seems to me that the distinctions between the two may be at least as difficult to maintain in wars such as the one *within* South Vietnam as in an all-out thermonuclear exchange with the Soviet Union. Phrases such as "revolutionary development" appear attractive because they hint at the existence of new and carefully designed "limits" to violence. Unfortunately, these

"limits" only serve to underline the moral dilemma. When critics assert that the U.S. is not doing as well as it should in the "pacification" within South Vietnam, the critics should exhibit at least some awareness of the moral dimension. I would go so far as to argue that one of the reasons our Special Forces are less "effective" than they might be is that the Americans have great difficulty in developing the qualities of ruthlessness that "effectiveness" requires. The lack of ruthlessness disturbs me less than the lack of general awareness about the real meaning of phrases such as "pacification" and "revolutionary development."



The advocacy of an all-volunteer U.S. military force by individuals as disparate in political outlook as Senator Brooke and Professor Milton Friedman, the attempts to write scenarios for "clean" thermonuclear wars (weapon vs. weapon instead of weapon vs. city), the attempts to maintain combatant/noncombatant distinctions in Vietnam, and the misuse of words like "pacification" are, to my mind, all in the same pattern. They are attempts to turn heads away from the central problems.

Similarly, the Government cannot maintain its credibility within the country, with its allies, or with its enemies, by attempts to *prove* its good intentions with escalating rhetoric. It is too late to turn Churchill and Roosevelt into villains. Further, and while I am not advocating that the U.S. should proceed immediately to "flatten Hanoi," or to "bomb it back to the Stone Age," it is not out of the question that such a decision may have to be made. It is probably to our advantage to have the North Vietnamese think that such a decision is at least possible.

In my view, moral man must decide whether (1) to disengage himself from the international nation-state system, and I use the term "disengage" in an all-embracing sense; or (2) to abandon the combatant/noncombatant distinction on the general ground of being out-of-date and unrealistic. I do not envy him the choice, but he must face it. With a sense of regret that it must be so, I opt for (2); and I can at least accept the logic of (1), even if I choose not to adopt it as my own. What I must insist is that there is no halfway house between the two.