

War Itself Is a Crime

Toynbee on Calley Guilt

By Arnold Toynbee
London Observer

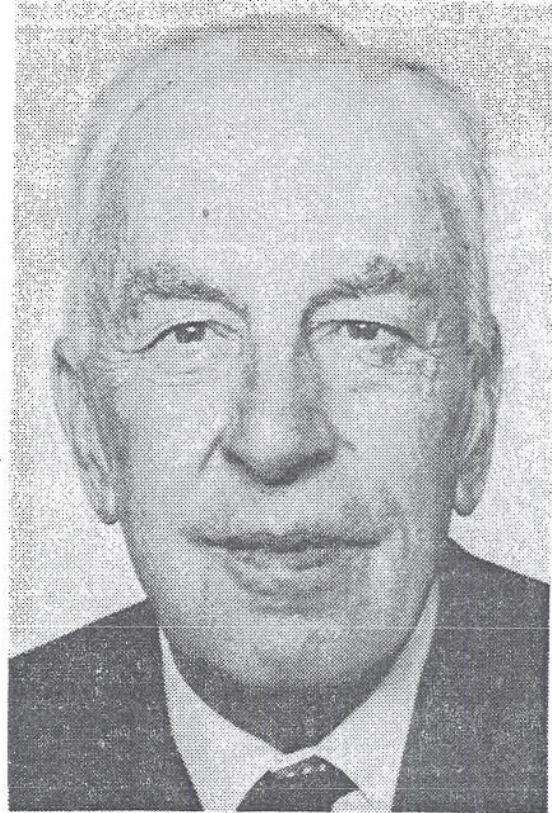
THE CONVICTION of Lieutenant William L. Calley for military atrocities against civilians in a war zone, and President Nixon's intervention to release him from imprisonment concerns not only Americans, but all of us. Calley is unquestionably a murderer according to the "laws of war" that, since the eighteenth century, have been accepted by all "civilized" states and have been written by each of them into its own military regulations.

But are there mitigating considerations? Is Calley's guilt shared by his superiors? Is their guilt, both legal and moral, actually greater than Calley's? If it is, how far up the hierarchy does the tide of guilt rise? General William C. Westmoreland has hastened to disclaim responsibility. If he is guiltless, does the buck stop somewhere below him, or does it pass over his head up to the commander-in-chief, who, in the United States, is the President?

★ ★ ★

WAR ITSELF is a crime. Throughout the history of this criminal institution it has always been recognized that war needed justification. A "just war" (actually a contradiction in terms) must be a war that is being waged for self-defense, or for the vindication of rights if all non-violent means of redress have failed, or in fulfillment of an obligation to spread the right faith, or to stop the spreading

A
Personal
View



ARNOLD TOYNBEE
Where does the buck stop?

of the wrong faith.

This last "justification," which is the Americans' ground for waging a holy war against Communism in Vietnam, comes close to the sanctioning of unprovoked aggressive war, and no one has had the face to admit to this (no, not even Genghis Khan or the Spanish Conquistadores; Genghis Khan invoked heaven's command, and the Conquistadores asserted their king's sovereign rights).

War is a crime because it is against nature to kill members of one's own species. Even capital punishment for a convicted murderer is questionable.

Killing an "enemy" soldier in war is so unnatural that human beings have to be dehumanized in order to turn them into soldiers. They have to be "conditioned" by rigid discipline and by hypnotizing drill to break the built-in taboo "Thou shalt not kill." But when once this taboo has been broken it is difficult to set limits to the breach of it by confining the killing to "enemy" soldiers.

★ ★ ★

IF THE CIVILIAN population of an invaded country, or even only some unidentifiable portion of it, is known by the invading army to be hostile, the invading troops will live in fear of unforeseeable attack by civilians in plain clothes, and this is the psychological situation in which military atrocities against civilians are likely to be committed.

Conditioning: This is done to the soldier by officers and by the government by whom these officers are commissioned. Invasion: This is an act of state. It is not true that offenses are inevitable when the offenses in question are wars. But, all the more, woe to that man by whom the offense cometh. The originator of the offense is eminently guilty when the offense is one which need not have been, and ought not to have been, committed. Here is the moral issue that has been raised by the conviction of Lieutenant Calley, and this issue is likely to be followed up in the trial of Captain Ernest Medina.

Our present "laws of war" originated in a moral reaction against the atrocities committed in the 15th century and the 17th century western "wars of religion," in which war had been waged indiscriminately against entire populations. Since the 18th century, governments have tried to reduce war to a game played with "living chess-

men," soldiers in uniform. The intention has been to exempt civilians from being massacred, raped and robbed by the troops. Civilians are supposed to be immune, so long as they remain non-combatant.

★ ★ ★

PERSONS SUBJECT to law are deemed to know what the law is, and are found guilty if they have disobeyed it. Soldiers are supposed to be instructed in the laws of war, and at any rate under American and British military regulations, they are required to abide by the laws of war, even if they have been given military orders to break them. The laws override the orders; illegal orders have to be disobeyed.

This is an agonizing responsibility. It aggravates the agony of active military service, which is already more than human nature can bear. But there is no way out. The laws of war become a dead letter if this legal and moral responsibility is not laid upon every soldier, whatever his rank.

But this necessary rule does accentuate the legal and moral responsibility of a soldier's superiors in the chain of command. Have they instructed the soldier fully and clearly? Have they made sure that he has understood their instructions? Have they tested his fitness for carrying out the military duties that have been assigned to him?

In Algeria, the French conscripts revolted against their professional officers' monstrously unprofessional orders to commit atrocities, and the conscript's human indignation and moral courage enabled President Charles de Gaulle to stop that war.

American conscripts in Vietnam have no excuse for falling below French conscripts' standards in Algeria. Calley is not innocent, but his superiors' guilt is black. "Search and destroy." "Free fire zone." Are these mere slogans, or are they general directives, or are they positive orders? Whatever they are, they are incitements to genocide. If the American people are to recover their self-respect, the search for American war-criminals will have to be carried further and higher.

*Distributed by the Los Angeles Times/Washington Post
News Service*