

palgrave▶pivot

**MILITARY
INTERVENTIONS,
WAR CRIMES,
AND PROTECTING
CIVILIANS**

Christi Siver



Military Interventions, War Crimes,
and Protecting Civilians

Christi Siver

Military Interventions,
War Crimes, and
Protecting Civilians

palgrave
macmillan

Christi Siver
Political Science Department
College of Saint Benedict
Collegeville, MN, USA

ISBN 978-3-319-77690-3 ISBN 978-3-319-77691-0 (eBook)
<https://doi.org/10.1007/978-3-319-77691-0>

Library of Congress Control Number: 2018938034

© The Editor(s) (if applicable) and The Author(s) 2018

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use. The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

Cover pattern © Melisa Hasan

Printed on acid-free paper

This Palgrave Pivot imprint is published by the registered company Springer International Publishing AG part of Springer Nature.
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

PREFACE

This book, which evolved from my doctoral dissertation, focuses on issues at the intersection of human rights and international security. Frustrated with universalizing claims either extolling the virtues of military action or condemning military violence, I sought to understand the more nuanced reality of military intervention. Recognizing the difficulty of assigning individual blame, and focused more on prevention, I explored the role of the military in preparing soldiers and units for the difficulties they would face. While not a complete picture, this book offers a preliminary glimpse into the military's process of implementing universally endorsed international norms and potential explanations for why some units veer off-course and endanger the very civilians they have pledged to protect.

I offer great thanks to the University of Washington and the College of Saint Benedict/Saint John's University for their support during the research and writing process. Elizabeth Kier played an enormous role in helping me shape this project, and Anthony Gill, Jason Mayerfeld, Jonathan Mercer, and Aseem Prakash guided me in the early stages through this process. I am also grateful to the Institute for National Security Education and Research for helping to fund archival research in Washington, DC and London, UK.

The College of Saint Benedict and Saint John's University offered me the support and space to take this project forward into its current form. I am deeply indebted to the Political Science Department, particularly G. Claire Haeg, James Read, and Whitney Court who offered both practical and emotional support through the completion of this project. Sheila Hellermann provided invaluable guidance through the final stages

of editing and production. I am also thankful for Rebecca Timmons, who provided a fresh perspective as I completed this project.

Seth W. Greenfest was an essential part of this project; not only did he read each chapter (more than once), but he provided needed motivation as the book moved toward completion. I also have to thank my parents, Mary and Charles Siver, brother, Patrick Siver, and friends, particularly Mary Lynn Veden, for supporting me and bearing with me through the ups and downs of academic life.

I thank all of these institutions and individuals for greatly improving my thinking on these issues and providing corrective guidance when needed. Any remaining errors are my own.

Collegeville, MN

Christi Siver

CONTENTS

1	Introduction	1
2	Exploring and Explaining Participation in War Crimes	7
3	The Korean War and the Challenge of Civilian Refugees	27
4	Enemies or Friendlies? British Military Behavior Toward Civilians During the Malayan Emergency	57
5	The Dark Side of Peacekeeping: The Canadian Airborne Regiment in Somalia	91
6	Conclusion	123
	Index	135



CHAPTER 1

Introduction

Abstract War is always costly, both in economic terms and in human lives. However, throughout history, leaders have sought to create norms, and eventually international treaties, to reduce its destructive impacts. Although war is never fair, states have agreed to prohibit tactics that lead to undue suffering, including the deliberate targeting of civilians. Unfortunately, these prohibitions have been violated repeatedly. Leaders often try to cover up these violations or blame “bad apples,” individual soldiers at the bottom of the chain of command. Rarely do leaders ever ask the question of why these soldiers committed these acts of violence or what they could have done to prevent them. Using organizational theory, this chapter introduces military socialization and subculture influence as possible explanations for unit participation in war crimes. Better understanding of why these crimes happen may aid policymakers in crafting plans to prevent them.

Keywords Military • War crimes • Civilian protection • Socialization
• Subculture

Why do military units commit war crimes? The impacts of these crimes are devastating, often cascading through communities and generations. The soldiers who commit war crimes hardly seem proud of their actions; often the incidents haunt them long after they return home. The accounts of

unspeakable brutality committed during World War II shocked the world. While “obedience to orders” might once have been a defense for such actions, the creators of the Nuremberg Tribunals ensured that soldiers had to take moral responsibility for their individual actions. The four Geneva Conventions, drafted in the aftermath of that war, prohibit war crimes, crimes against humanity, and provide special protection for civilians threatened by conflict.

The principles underlying the Geneva Conventions, particularly protection for civilians, pre-dated the creation of the legal treaties. While actors on both sides of World War II had abandoned principles of proportionality and protection of civilians, these principles had previously been upheld by states and even used as propaganda to prove the moral cause of states engaged in conflict. Certainly, the re-affirmation of these norms in the Geneva Conventions did not bring an end to all war crimes or threats to civilians. But, the treaties did provide a standard for evaluating military actions. The creation of the Nuremberg and Tokyo Tribunals held individuals, rather than entire countries, accountable for violations. No longer could states, leaders, or soldiers claim a right to attack civilians.

Despite the normative power of civilian protection promised in the aftermath of World War II, attacks on civilians continue to occur. Authoritarian states can simply deny or cover up such actions, but democratic states, particularly those who created and pledged to comply with these norms, can be held accountable. These states, and their respective militaries, often cover up these crimes, minimize the significance, or blame “bad apples,” soldiers at the bottom of the chain of command. “Rogue” individuals are often singled out for judgment, but rarely are their commanders, or civilian leaders, held responsible.

This explanation for post-World War II war crimes is inconsistent with the historical record. If these crimes were committed only by “bad apples,” why did they reoccur in multiple units? Why do some units feel “above the law” while others feel a duty to exercise restraint and protect civilians? Given the dramatic impacts of war crimes on victims, perpetrators, and societies engaged in conflict, the question of why military units commit war crimes deserves further scrutiny. Conflict, whether inter-state or intra-state, will likely continue as state and state-like actors use violence to achieve their goals. Understanding how those on the ground in these conflicts, those closest to civilian populations, see their rights and responsibilities is crucial to civilian protection. Approaches that focus on state-level or individual-level explanations for these crimes often do not take into

account the interaction between the state, the military as an organization, units on the battlefield, and soldiers. Failure to recognize this interaction will prevent understanding of the root causes of these actions and development of meaningful solutions.

Instead, I argue that examining militaries, particularly militaries in major power democracies, as organizations has promise for understanding why some units participate in war crimes (and why some do not). Drawing on insights from organizational theory, particularly related to organizational culture and the development of subcultures, I test whether these militaries successfully socialized units to adhere to the laws of war, particularly civilian protection. If not, units lacking the organization's values and identity may fracture or develop countercultures that reject the organization's norms.

The military is unique because it must create a culture that fosters loyalty and obedience while also cultivating leadership and ethical judgment. This socialization process, which includes transference of knowledge and skill alongside demonstration of organizational commitment, may explain why some units are better prepared for situations that demand restraint in the interest of civilian protection. Militaries train soldiers on strategy, tactics, and the laws of war. The organization shows its commitment to the laws through enforcement efforts, either through the military or civilian justice systems. Could it be that a failure to properly socialize some units explains their participation in war crimes?

The socialization argument presumes that the organization's efforts to shape its culture filter down through all levels. However, militaries are large and widespread organizations, with units deployed around the world. Units may develop different kinds of subcultures depending on their knowledge and acceptance of organizational values. Enhancing subcultures bolster organizational values; these units may act as "models" in terms of compliance. Countercultural subcultures reject organizational norms in favor of their own identities and values. Unit leaders, with their experience and training, can help shape these subcultures. Is it possible that some units reject the prescribed culture and instead adhere to their own "counter culture" that rejects the principles outlined in the laws of war?

To compare these organizational-level explanations for unit commission of war crimes, I examine three conflicts that represent modern military operations: the Korean War, the Malayan Emergency, and the United Nations humanitarian mission in Somalia. In each conflict, units encountered difficult circumstances that required them to endure risks in order to

protect civilians, something that should have been included in their training and emphasized by their leaders. In each conflict, some units failed to manage these circumstances and killed civilians, while others demonstrated restraint and protected civilians. I found that, in each case, socialization efforts were poor in terms of the laws of war—training was limited and organizational commitment was inconsistent at best. Units with enhancing subcultures were more likely to overcome weak socialization efforts. However, units that lacked a cohesive subculture, or that developed a countercultural subculture, were more likely to commit war crimes.

During the course of my research into these conflicts, I was surprised to learn that despite these militaries' seeming faith and dependence on training to help shape organizational culture, training regarding the laws of war and protection of civilians was not well developed. During the Korean War, training was de-emphasized in favor of getting soldiers quickly into the battlefield, which led to the elimination of all law of war instruction. Unfortunately, the result may have caused needless deaths of Korean civilians and U.S. forces. Despite Britain's long history of jungle warfare experience, soldiers deployed during the Malayan Emergency were not well prepared to distinguish between civilians and combatants, peasants and guerillas. It took some time for the British to recognize the importance of protecting civilians and separating peasants from the insurgents to draw away key resources and develop useful intelligence networks. Finally, even with Canada's long tradition of leadership on human rights, their military training on the laws of war was limited to higher level officers and required only self-directed instruction. Many of the soldiers in the paratrooper units deployed to Somalia had no recent training on their legal obligations to civilians. While these findings are discouraging, they suggest that major militaries can do much more to uphold their state's commitments to the laws of war and civilian protection. What I cannot say, however, is whether a robust training regime will lead to compliance—further research is needed to examine an intervention where the military had such training.

The overall lack of training, however, cannot explain the variation in unit behavior—why did some units harm civilians while others protected them? In all the cases I examined, subculture and unit leadership appeared to make the difference. In Korea, many units lacked any culture due to vacancies, shuffling of unit members, and their rapid deployment. Units with experienced leaders were better able to manage the difficult conditions and protect civilians. In Malaya, some of the units had counter cultures that rejected tactical innovations in fighting the guerillas; those units

took greater casualties and were more likely to kill civilians. Experienced and well-trained unit leaders steered more disciplined units toward civilian protection as a means to weaken the insurgency. In Somalia, the three Commandos of the Canadian Airborne Regiment each had distinct subcultures developed long before they deployed. Unfortunately, 3 Commando, tasked with policing the urban area and civilians, had a counter cultural subculture that rejected restraint. Despite efforts to bring in new unit leaders, the counter culture was too strong, and the Commando was responsible for a disproportionate amount of violence toward civilians. The other Commandos, whose subcultures showed greater respect for norms and discipline, also had unit leaders better able to reinforce the importance of civilian protection and restraint. These findings demonstrate the importance of monitoring units' subcultures and promoting well-socialized leaders. Developing well-socialized leaders ensures that even if organizational efforts are weakened, those leaders can channel and reinforce values and norms to their units. Understanding unit subcultures and the role of unit leaders may help the military intervene before a countercultural subculture becomes impenetrable.

Fortunately, there is a robust literature on war crimes; policymakers, international lawyers, academics, and journalists have devoted enormous attention to documenting crimes and giving recognition to survivors. However, as I demonstrate in Chap. 2, current approaches to explaining war crimes fail to address my specific question: why do some units participate in war crimes when others do not? To explore this question, I adopt an approach that utilizes organizational theory, focusing on organizational culture and the formation of subcultures. Each concept has its own intellectual background and logic that may help explain unit behavior. Following this discussion, I present chapters on my three case studies: Korea, Malaya, and Somalia. By tracing the relationships between socialization and subculture of units in each of these cases, which represent different conflict environments, I gain a more general understanding of these factors and how they influence unit behavior. In the conclusion, I discuss the findings of my case studies, what policy recommendations they might support, and identify a host of remaining questions and suggest future paths for research.

In the contemporary security environment, it is unlikely that major powers will face military adversaries on the traditional battlefield. Instead, forces will be engaged in actions to address low-level security threats like insurgents and terrorist groups. These threats are often complicated by

the fluid nature of borders, particularly in weak states, and the willingness of adversaries to cross borders. As a result, civilians are often stuck in the middle of battles, if not targets themselves. Militaries will also continue to be called upon to provide aid in humanitarian emergencies. In these environments, it is important that military forces recognize that their actions will rarely ensure victory—only political solutions will bring stability and hopefully peace. However, the military may make the situation worse if they fail to honor international law and protect vulnerable civilians. Since major powers, and their citizens, will be uncomfortable standing aside while others throughout the world suffer, it is important for these militaries to focus on preparing their units for direct and humane engagement with civilians.



CHAPTER 2

Exploring and Explaining Participation in War Crimes

Abstract This chapter begins by noting the legal recognition of the concept of war crimes and crimes against humanity, particularly prohibiting targeted attacks against civilians. It then examines efforts to explain compliance with war crimes norms at the state and individual levels. However, these broader theories fail to recognize the empirical variation present within most cases: some units commit war crimes while others do not. Instead, the author argues that organizational level explanations may provide more nuanced tools to understand this variation. Examining socialization efforts, including training programs and enforcement, evaluates the development of a military's efforts to comply with these laws of war. Investigating the evolution of unit subcultures and the role of unit leadership provides insight on how the unit internalizes the broader organization's efforts. This mid-level approach offers greater opportunity to understand differences between units and their compliance with civilian protection norms.

Keywords War crimes • Civilian protection • Socialization
• Subculture • Leadership

Understanding war crimes and the motivations of their perpetrators most importantly requires acknowledging their existence. For too long many countries have covered up reports of war crimes, either denying that they

happened, minimizing their importance, or blaming them on “bad apples,” low-level soldiers acting on their own. Some of the most significant work on war crimes has been done by journalists and historians who have painstakingly recorded the accounts of survivors and family members of victims. However, very little work has focused on perpetrators. Scholars that do examine why soldiers commit war crimes focus primarily on individuals and offer broad explanations that beg the question of why any soldiers demonstrate restraint. Considering organizational variables, including socialization and subculture, may address this gap. Understanding why units commit war crimes is crucial to developing means to prevent them. Prevention is particularly important in a changing security environment that increasingly endangers civilians.

In this chapter, I first describe the legal recognition of the concept of war crimes and crimes against humanity, particularly prohibiting targeted attacks against civilians. The 1948 Geneva Conventions formalized norms of international humanitarian law and civilian protection after the brutality of World War II. I then look at efforts to explain compliance with war crimes norms at the state and individual levels. However, these broader theories fail to recognize the empirical variation present within most cases: some units commit war crimes while others do not. I argue that organizational level explanations give us more nuanced tools to understand this variation. Examining socialization efforts, including training programs and enforcement, evaluates the development of a military’s efforts to comply with these laws of war. Investigating the evolution of unit subcultures and the role of unit leadership provides insight on how the unit internalizes the broader organization’s efforts. This mid-level approach offers greater opportunity to understand differences between units and their compliance with civilian protection norms.

OBEDIENCE TO ORDERS AND INTERNATIONAL LAW

Activists, journalists, and scholars have done tremendous work recording numerous human rights abuses committed around the globe. Documenting these abuses, which was one of the primary focuses of the Nuremberg Tribunal, has been critical in providing some agency and justice to victims. However, holding perpetrators accountable is fraught with challenges, as the mixed successes of tribunals demonstrate.¹ Understanding why units commit war crimes could prevent the damage of these crimes and reduce the need for these efforts.

The trauma of the Holocaust was one of the primary reasons states came together to codify the norms included in the Geneva Conventions. There has long been debate about the motivations of German soldiers that carried out the mass killings of Jewish people, homosexuals, political prisoners, prisoners of war, and many others.² Explanations include obedience to orders, dehumanization of the other, and impunity. The Nuremberg Tribunals ensured that obedience to superiors would no longer be an acceptable legal defense for war crimes. However, scholars do recognize the role that civilian leaders can play in enabling moral disengagement—dehumanizing the enemy and appearing to excuse civilians' deaths (Bandura 2002). While it is certainly possible that civilian leaders' rhetoric may have this effect, this explanation is so broad that it cannot explain why some units maintain their commitment to the laws of war and civilian protection. Despite the fiery rhetoric of their leaders, it appears that some units remain committed to upholding the state's obligations to international law.

Building on the Nuremberg precedent, many scholars have focused on the importance of accountability, justice, and prevention of mass killing of civilians. In the aftermath of "ethnic cleansing" campaigns in Bosnia and Rwanda, the United Nations established the International Criminal Tribunal for Yugoslavia and the International Criminal Tribunal for Rwanda. States and activists recognized the need for a permanent court, the International Criminal Court. While efforts for accountability and justice focus on deterrence as prevention for individual crimes, discovering the underlying motivations for the commission of war crimes can also help change broader environmental or institutional factors that may lead to war crimes.

INTERNATIONAL RELATIONS

International relations scholars focus their attention on the motives of states to understand the creation of and compliance with international law, including the laws of war. While formal efforts to limit brutality in war have evolved from the beginnings of human history, realists note that these laws have rarely constrained state behavior, which is calculated strictly in terms of self-interest (Goldsmith and Posner 2005, 124). A state may sign international treaties but will abandon those commitments when they conflict with their objectives. Liberals, however, believe that international law is the result of states' decisions to coordinate their behavior to lessen transaction costs and produce absolute gains (Keohane and Martin 1995). Agreements on means used in war reduce the brutality of conflict

and perhaps make compromise and reconciliation more feasible. Constructivists argue that international law represents states' acknowledgement of appropriate (and inappropriate) behavior. Martha Finnemore argues "States adopted them [the Geneva Conventions], not as means to ends, but as ends in themselves—as affirmations of value about the kind of world people wanted and the kind of behavior that was acceptable" (Finnemore 1996, 129). Each of these theories focuses only on the state broadly, presuming that ratification or accession serves as sufficient evidence of state commitment (or lack thereof).

James Morrow tested these competing theoretical claims, along with different institutional factors, using empirical data on compliance with the laws of war (Morrow 2007). While he finds that each theory can to a certain extent explain compliance, factors like government type, reciprocity, and joint ratification were better at predicting state compliance. He doubts the ability of international theories to offer valid explanations of compliance with the laws of war. He notes that more research should be focused on examining state-level internalization, particularly military acceptance and integration of international law into training and the justice system.

Although realist skepticism about the power of international law is understandable given the numerous violations of the law recorded throughout history, the persistence of international law and unwillingness of most major leaders to openly flout it suggests it has some impact on their decision making. Liberal and constructivist arguments, however, do not offer sufficient detail on the process of state compliance with international law. How do states ensure that these international commitments diffuse down to the relevant actors, in this case, the military? How do states hold them accountable for compliance with these norms?

INTERNALIZATION AND SUBSTATE APPROACHES

To better understand how states adapt their domestic laws and institutions to comply with their international legal options, scholars have discussed the process of internalization. Harold Hongju Koh, international legal scholar and former State Department legal adviser under the Obama Administration, argues that a state's internalization of international law is similar to an individual's internalization of seatbelt laws (Koh 1999, 1408). States may begin by introducing domestic laws to bring the state into compliance, with legislators debating the costs and benefits of the

legislation. Drivers may have reacted to the initial passage of seatbelt laws with discomfort, thinking about the interference of the state in their personal decisions. However, as with continued use of the seat belt, continued compliance with international law becomes routine, and few decision makers contemplate violating international law.

Koh, however, acknowledges that greater understanding of this internalization process is needed. Ian Hurd notes that “Internalization takes place when the actor’s sense of its own interests is partially constituted by a force outside of itself, that is, by the standards, laws, rules, and norms present in the community, existing at the intersubjective level” (Hurd 1999, 388). He argues that any effort to understand internalization requires detailed empirical descriptions to better understand the process. To explain why units participate in war crimes, the military as an organization, its units, and their cultures must be examined.

Internalization consists of the process of interaction of relevant parties. In the case of compliance with international law, state-level decision makers attempt to direct the implementing-level actors to change their behavior and adhere to the law. Jeffrey Legro notes that civilian leaders’ efforts to change military culture are often rebuffed. He finds that “It is in the midst of conflict that military plans and capabilities are put into action, that soldiers assume an important part in decision making . . . Civilian leaders often do intervene to alter organizational tendencies, but not infrequently they are thwarted or in the process change their own preferences to conform to that military culture” (Legro 1995, 233). Interaction occurs between civilian and military leaders, between different levels of military leadership, and between the top and bottom of the military chain of command. None of these actors is monolithic; there may be differences between the individuals that make up any of these main actors. Internalization provides an opening to understand compliance with international law, but even its proponents acknowledge that the mechanisms are not yet clear.

LOOKING INSIDE THE MILITARY AS AN ORGANIZATION

Organizational theory focuses on means to understand the functioning of large groups of people oriented toward a particular goal. Although many political scientists view individuals as rational actors motivated by interests, there is a tremendous amount of empirical work demonstrating

the impact of culture in shaping behavior. Ann Swidler notes “people do not, indeed cannot build up a sequence of actions piece by piece, striving with each act to maximize a given outcome. Action is necessarily integrated into larger assemblages, called here ‘strategies of action’” (Swidler 1986, 276–277). Swidler argues that culture plays an important role in shaping the “tool kit” from which these “strategies of action” are created (Swidler 1986, 273).

Organizational culture reflects the values and actions that the organization believes are essential to achieve their objectives. Scholars commonly define organizational culture as “a sense of common, taken for granted ideas, beliefs, and meanings [that] are necessary for continued organizing activity” (Alvesson 2002, 2). This common culture ensures that employees share similar ideas about how to do their job in order to streamline tasks and promote common values that create a positive and productive work environment.

In the military, organizational culture is vital to reorient individuals to face threats rather than to flee from them. Elizabeth Kier, in her study of French and British military cultures between World War I and II, notes “Few organizations devote as many resources to the assimilation of their members. The emphasis on ceremony and tradition, and the development of a common language and esprit de corps, testify to the strength of the military’s organizational culture” (Kier 1995, 69). Creating this common culture ensures that all individuals share the same values and are willing to make the same sacrifices.

The content of a military’s organizational culture may vary from state to state, but most major democratic powers focus on security, the protection of liberty, and honorable service. James Toner, a professor of military ethics, argues “civilians must be ‘broken’ into the military mold; they are no longer ‘behind the plow.’ They must learn to follow orders yet retain sufficient autonomy to refuse illegal orders” (Toner 1995, 46). Many soldiers join the armed forces with romantic ideas of travelling the world to protect their nation and democratic values. Mark Osiel, international legal expert on mass atrocity, argues that “the best prospects for minimizing war crimes ... derive from creating a personal identity based upon the virtues of chivalry and martial honor, virtues seen by officers as constitutive of good soldiering” (Osiel 1999, 23). A strong military culture should ensure that all units maintain strong discipline and achieve their objectives according to standard procedures.

SOCIALIZATION

To bring new individuals into an organization and integrate them into the organizational culture, the organization must design a socialization process. This process includes the transmission of knowledge, skill, and commitment (Long and Hadden 1985, 43). While some organizations may use an individualized, more informal approach, organizations like the military focus on collective socialization. John Van Maanen and Edgar Schein define organizational socialization as “the tactic of taking a group of recruits who are facing a given boundary passage [entry into the military] and putting them through a set of common experiences together” (Van Maanen and Schein 1979, 232–233). In most democratic militaries, that looks like “basic training,” a set of exercises to test physical endurance, willingness to obey orders, and adherence to particular norms.

In the military, the primary approach to socialization is likely to be a formal approach. New recruits will live in their own area of a particular base and have little interaction with other members of the organization outside of the officers leading them in training. Formal socialization approaches ensure that recruits learn “the ‘correct’ attitudes, values, and protocol associated with their new role” (Van Maanen and Schein 1979, 237). During this period, the organization also has the opportunity to more carefully scrutinize the recruits’ acceptance of cultural norms and expectations. While most socialization does occur at the outset of a recruit’s experience in the organization, there are additional opportunities, including deployment for specific missions, when the organization may again endeavor to socialize its members.

During the formal socialization process, the organization, in this case the military, focuses on transmission of knowledge and skill. Knowledge measures the basic transmission of the rules. In the case of the laws of war, the military provides soldiers with the principles and application of the Geneva Convention and other relevant legal documents. Skill in this case involves the application of these rules; units often conduct exercises and simulations that test their understanding.

In addition to formal socialization, the organization will informally assess the commitment of new recruits. Commitment measures whether members have internalized the organization’s attitudes, values, and protocols as their own. For example, do soldiers understand and agree that rules protecting civilians are necessary and appropriate? While commitment is very difficult to measure, it is also essential as it strengthens adherence to

organizational values when challenged by competing ideas. If the military includes laws of war in training, but fails to enforce them, soldiers may believe they are not really part of the organizational culture. Edgar Schein notes “Through what they [organizational leaders] pay attention to and reward, through the manner in which they deal with critical incidents, and through the criteria they use for recruitment, selection, promotion, and excommunication, they communicate both explicitly and implicitly the assumptions they really hold” (Schein 1990, 242). Robust respect and enforcement of organizational norms signals that the organization is very committed to the ideas promoted through training.

However, leaders can weaken commitment through their leadership (or lack thereof) as well. Danielle Beu and M. Ronald Buckley warn that “leaders can frame the employees’ view of the situation so that the employees believe what they are doing is ethical or that they have no other choice to obey” (Beu and Buckley 2004, 552). If military leaders fail to abide by and enforce the principles of the law of war and civilian protection, soldiers may see their training as superficially satisfying a requirement (perhaps of civilians or outside actors) that is not a true constraint on their behavior.

The most practical means to measure organizational enforcement of norms is to examine military discipline efforts. These can include punishments meted out within the unit or cases brought to the military justice system. Minor violations of laws of war may not require formal action but may need attention from leadership. Major violations, such as the killing of civilians, should result in formal charges and prosecution. Although these disciplinary efforts focus on individual soldiers, a number of problems in any one unit may suggest there are larger problems with commitment to the organizational culture.

SUBCULTURE AND COUNTERCULTURE

Although organizations may make substantial efforts to shape organizational culture, they also face limitations of size and distance. The military as an organization is incredibly large and units are spread throughout the globe. Organizations rarely maintain a unitary culture; multiple factors, including the transfer of personnel between departments, technology, and new responsibilities, may lead to the creation of subcultures (Rose 1988, 142–3). These subcultures represent “distinct clusters of understandings, behavioral, and cultural forms that identify groups of people in the

organization” (Trice and Morand 1991, 70). These subcultures can either support the organization’s goals (enhancing) or develop in opposition to organizational beliefs (countercultural) (Martin and Siehl 1983).

Enhancing subcultures have a high regard for organizational norms. These subcultures sometimes even go beyond simply upholding the norms to embracing them in an extreme or exaggerated fashion (Martin and Siehl 1983, 53–54). These units may strictly impose organizational rules and attempt to mimic leaders in their style and actions; they behave consistently with organizational expectations. Military units with enhancing subcultures comply with the laws of war.

In contrast, countercultural subcultures can lead to unit behavior that disregards or challenges the organization’s norms and values. Countercultural subcultures can emerge from weak socialization, including insufficient training, few opportunities for application of skills, or inconsistent messages from leadership. Perceptions of a lack of organizational support or guidance can lead to an in-group-out-group dynamic that separates units from other elements of the organization. If members lack faith in the organization, its leaders, or its values, they may become skeptical about rules or norms. Countercultures often view organizational rules as unnecessary restrictions imposed arbitrarily and/or capriciously by leaders (Martin and Siehl 1983). Rather than report and punish violations, they may adopt an attitude of protecting “their own” and justify behavior inconsistent with the organization’s values. One example of countercultures, the “thin blue line” in police departments, illustrates this point. John Crank finds “Officers recognize instinctively, or from experience if instinct does not provide insight soon enough, that SOP [standard operating procedures] is a tool used punitively, always in retrospect, and by managers who seek to protect themselves from line-level mistakes” (Crank 1998, 33). Unit countercultures may further erode standards of discipline and encourage development of a “bunker mentality” that prioritizes solidarity with its members over compliance with organizational values, including the laws of war.

While most of the literature on subcultures comes from sociology and studies of large corporations, scholars of subcultures recognize that subcultures are just as likely to form in an organization like the military. Harrison Trice and David Morand note that “Even in such tightly controlled structures as the American military, subcultures have been readily, even easily identified” (1991, 70). Scholars have used subcultural analysis to understand operational environments on war ships and identified

competing subcultures as a possible explanation for the intelligence failure that preceded the Japanese attack on Pearl Harbor in 1941. Despite the best efforts of militaries to create a universal identity, the vertical structure and broad distances that separate elements of the organization ensure the emergence of subcultures.

The content of a unit subculture may be influenced by unit leadership. Although the research regarding leadership style and subculture is limited, there is agreement that leadership has a clear effect on the formation, content, and maintenance of subcultures (Lok, Westwood, and Crawford 2005, 497). Based on their study of nurses' wards in Australian hospitals, Peter Lok et al find "a persistent leadership style provides at least part of the impetus for the emergence of a particular set of values and orientations that eventually crystallize into specific cultural form" (Lok, Westwood, and Crawford 2005, 508). Unit leaders may have the ability to shape sub-cultural norms, either toward compliance with the laws of war and civilian protection, or to reinforce countercultural beliefs.

Understanding how these subcultures develop and how they respond to unit leadership may help explain variation in commission of war crimes and offer possible policy solutions.

EXPLAINING UNIT COMMISSION OF WAR CRIMES

This book examines socialization and subcultural explanations for why military units participate in war crimes. Previous studies at the international, state, and even military levels fail to explain the variation in the historical record—there are some units that commit war crimes when other units facing similar situations do not.

Understanding the Process of Unit Behavior

To test these explanations, I use a process-tracing approach. Process training, as defined by Derek Beach and Rasmus Pedersen, "is the unpacking of causal mechanisms into their constituent parts, which are then traced using in-depth case studies" (Beach and Pedersen 2013, 302). Given the relative lack of understanding of the relationship between unit socialization, subculture, and the commission of war crimes, process tracing allows a careful analysis of the possible causal mechanisms that account for unit behavior.

In this project, I focus on theory-centric process-tracing, which tests existing explanations in a limited number of cases to generate bounded generalizations. In my cases, drawing on interdisciplinary theories of socialization and subcultural influence, I examine the role of each step in the process and its influence on the outcome, unit behavior. Beach and Pedersen note the importance of this approach in “building and testing theories about causal mechanisms and for revising theories in combination with forced comparisons, uncovering causal or contextual conditions that are required for a set of causes to produce a given outcome” (2013, 305). Each additional case study adds to the discipline’s understanding of the influences that explain variation in unit compliance with the laws of war.

While process-tracing alone does not necessarily support cross-case inferences, this project takes advantage of within-case variation. In each of the conflicts, I focus on units with similar preparation that faced similar battlefield conditions yet differed in terms of their participation in war crimes. Although the number of cases is still quite small, this project does provide insights on the influence of socialization and subculture in a variety of types of conflict.

Measuring Socialization and Subculture

Socialization refers to the organization’s efforts to bring individuals into their specific culture. In the military, this is essential, as individuals have to reorient their instincts and engage in controlled acts of violence. The socialization process includes three stages: knowledge, skill, and commitment.

Organizations create knowledge through training, usually in the form of direct instruction about organizational values, objectives, and expectations. In the case of the laws of war, militaries provide knowledge to soldiers regarding the laws of war and their commitments. This project focuses specifically on instruction related to the laws of war that mandate civilian protection. To assess knowledge, I examine military manuals provided to units and curriculum materials. Manuals should include information about the country’s international and domestic legal obligations, national (military and civilian) laws prohibiting war crimes, and suggestions for alternative techniques for situations that might lead to unit participation in war crimes.

Skills focus on application of this knowledge; learners engage with scenarios to test their understanding of information provided in the previous

stage. To assess skills, I looked for activities, including scenarios and simulations, where units applied their knowledge about the laws of war. U.S. military ethicists encourage units to set aside adequate time for training in the laws of war and schedule training during the teaching of other skills rather than tacking it on to the end of the curriculum as an afterthought. I examined when units received training, whether they received supplemental training prior to deployments, and whether they did any additional training during their service.

Commitment reinforces the knowledge and skills through organizational demonstrations of compliance and enforcement. Measuring commitment requires examining how well leaders validate the importance of organizational values. I measure this by examining the statements of organizational leaders and efforts to discipline units that violate the laws of war. If leaders clearly state the importance of the laws of war, that serves as a signal to units. If leadership is mixed, that may suggest decreased commitment. I also examined the organization's efforts to investigate, prosecute and punish violations. Did the military set up processes for reporting and investigating violations? Were individuals found violating these norms punished? Finally, I examine unit members' testimonies regarding beliefs about the organization and leaders' efforts to discipline troops.

Understanding subculture requires examining two pressures: one that develops as the unit operates, unit identity, and one that in most cases comes from outside the unit, leadership. As units train together and work together, they develop a particular identity. I focus on examining the process of that identity formation, particularly the unit's feelings toward the organization and willingness to comply with international law. Enhancing subcultures are likely to exhibit strong, and perhaps even extreme, standards of discipline and compliance with organizational ideals. In specific situations where leadership signals may be confusing or absent, an enhancing subculture may lead to unit compliance with norms, even in challenging situations. Countercultural subcultures, however, seek opportunities to demonstrate their opposition to the organization through lack of discipline and rogue actions, leading to violations of organizational norms even when the actual physical risks are small.

Measuring the content of a subculture's identity is difficult: I examine testimonies from unit members, unit leaders, and unit observers, including journalists and members of other units. Over time, these narratives help describe the process of subculture formation, including identifying who the recognized members of the subculture are and their values.

These narratives also establish the relationship between the subculture and larger organization.

Examination of unit leadership and external efforts to influence the subculture also demonstrate its resiliency. Countercultures thrive in an in-group-out-group dynamic; those in the unit feel that the organization is attacking them and they will try to establish boundaries between them. These boundaries may become apparent in the form of solidarity in face of investigations and prosecutions of unit members for war crimes. Discovering these different beliefs or behaviors helps describe the content of the subculture and test its relationship with unit behavior.

Given that unit leaders can also shape subculture, I identify these leaders and evaluate their influence. Understanding this influence requires looking at the leader's background, testimony about the leader's beliefs, and unit members' testimony about the leader. Unfortunately, given the limited scholarship on leadership styles and subcultures, there are not established standards for evaluating the influence of unit leaders. Using the most direct evidence available, I gain some insight on the influence of these leaders in military units' subcultures.

Concentrating on Units

Although individuals commit crimes, in the case of war crimes it is unusual for the unit not to be involved in either exposing the crime or helping to cover it up. These units can vary in size, but ordinarily have a number of soldiers at similar rank and one leader. These units also are small enough so that all members of the unit know each other and, when deployed, live in one designated area. While it is possible for soldiers to move from one unit to another, in most cases soldiers will stay with their unit for an extended period of time and adopt unit membership as part of their identity.

In terms of structure of units and their relationship to the chain of command, I differentiate civilian leaders, military leaders, unit leaders, and soldiers. While military hierarchies can be extremely complex, the relationships in general are relatively simple. Civilian leaders are the highest in the chain of command, particularly in democracies with civilian control of the military. Civilian leaders give the military objectives; military leaders decide how to best use their resources to achieve these objectives.³ Military leaders then pass their decisions down through the chain of command. Unit officers lead smaller groups made up of individual soldiers. Although this

is a highly simplified model of a military organization, it allows me to focus on the various factors that shape unit values and potentially influence their behavior.

I focus on units in conflicts that directly encountered civilians. Some of these units, when faced with difficult or confusing situations, killed civilians, while others did not. Although some actions in war may fall into a gray area between war crimes and military necessity, it is difficult to imagine a justification for the killing of unarmed civilians. Focusing on units in similar situations that varied in their participation in these crimes also provides extreme comparisons that make testing the relevant explanations clearer. There must be some variable that explains, given that other variables are held relatively constant, why some units engage in civilian killing while others do not.

The militaries I examine, the United States, Great Britain, and Canada, all function within major power democracies that have committed themselves to uphold the laws of war. Even in the cases of the Korean War and Malayan Emergency, which commenced very quickly after the completion of the Geneva Convention negotiations, U.S. and British civilian and military leaders stated their intention to uphold the norms underlying them. My aim is to focus on states that committed to uphold international law. All three of these countries also had open archives where I could collect data on unit-level behavior. There are many other fascinating cases that I would like to research but access to data at this time is limited or impossible.

Examining a Range of Conflicts

I chose to concentrate on units serving during three different kinds of conflicts: territorial, insurgent, and humanitarian. In territorial conflicts, units engage with enemy fighters on a traditional battlefield. Conflict occurs outside of cities or predominately civilian areas. The U.S. intervention in South Korea, commonly known as the Korean War, represents a military action to aid an ally repel enemy forces from friendly territory. While the war itself had conventional elements, it also featured challenges that exist in contemporary conflict, most notably the challenge of civilian refugees in the battlespace. I focus on the early years during the war when U.S. units were either rushed to the front from occupation duty in Japan or hastily mobilized in the United States.

Insurgencies, and the efforts to counter them, complicate application of the laws of war because the enemy deliberately uses tactics that avoid direct engagement with the military. Insurgent fighters are also more likely to hide among civilians and pressure them for resources. These conditions present additional challenges for military units; while it is difficult for these units to distinguish between the enemy and civilians, the importance of making these distinctions is crucial. In counter-insurgency operations, protecting civilians and earning their trust is essential to separating them from the enemy, collecting intelligence, and eventually defeating enemy forces. The British re-occupation of the Federation of Malaya (modern Malaysia) provides an interesting case of counter-insurgency. While the insurgent forces were much smaller than those that challenged U.S. forces a decade later in Vietnam, the British struggled to overcome them and protect the peasant population. I focus on the first five years of the reoccupation, during which some British forces patiently endured guerilla attacks while others would launch strikes against civilians. This case addresses contemporary debates about the distinction between civilians and combatants; many of the insurgents demanded that the peasants provide them with food and resources, making them unwilling collaborators. While this intimidation might have eventually undermined peasant support for the insurgents and led to their defeat, British brutality also made peasants reluctant to cooperate and provide intelligence. After these first difficult years, the British finally managed the threat from the insurgent campaign, but occupation forces were not able to withdraw until the mid-1960s.

Humanitarian operations place the utmost priority on civilian protection. In these cases, the primary missions of military units are to protect civilians from violence and facilitate distribution of crucial aid. While these environments do pose risks to soldiers from rogue elements seeking to create confusion, fear, or disorder, the unit's primary task is to ensure the safety of the civilian population. My final case compares Canadian units deployed to Somalia as part of a United Nations operation. Although the units were originally intended to assist with the distribution of humanitarian aid, Canada was also drawn into U.S. efforts to address the security situation in the country. During their time in Somalia, some of the Canadian units maintained discipline despite the brutal conditions and restless population. However, one unit repeatedly killed civilians. The most notable case was the killing of Shidane Arone, a Somalian teenager allegedly stealing supplies from the unit. Further investigations discovered

that unlike the other Canadian forces, this unit had developed a gang-like countercultural subculture. Despite efforts to break down the subculture through changes in leadership, it had remained and resulted in the deaths of a number of Somali civilians.

Evidence

Understanding unit behavior and the organizational environment surrounding it requires looking at a number of sources. Initially, I examined secondary sources about the cases, including scholarly and journalistic accounts. I also read collections of oral histories of soldiers involved in these conflicts to better develop a vocabulary that would help me identify unit identity and behaviors. These sources provided important backgrounds to the conflict and identified relevant units to focus on.

After reviewing secondary material, I visited several archives to collect more specific information on unit behavior. During several weeks at the National Archives in College Park, Maryland, I collected military reports on unit training during the Korean War. I also collected unit histories and various historical reports. To investigate British units deployed to Malaya, I spent a month at British National Archives (formerly Public Records Office) and collected military and civilian documents about training of military units, enforcement of discipline, and the role of civilian leadership. I also visited the Imperial War Museum in London, where I listened to hours of oral history interviews with soldiers who participated in the Malayan Emergency. Finally, while I was unable to go to Ottawa to explore the Canadian archives for material on the Somalia incident, I examined the Commission of Inquiry's final report and supplement along with other investigative reports.⁴ I am grateful to The Institute for National Security Education and Research, which provided a grant to partially fund this research.

In all of these cases, the crimes alleged have generated controversy, opposing claims by perpetrators and victims, and hotly-contested final government reports. Some of the initial claims, often by perpetrators, have later been questioned or disproven through the emergence of evidence and competing participant accounts. However, in each of these conflicts, I examined the evidenced broadly and endeavored to minimize the influence of discredited or highly-inflammatory accounts. Also, in each case, the governments have not disputed that the events happened, but aimed to minimize the consequences and obscure responsibility. The balance of the evidence illustrates that these crimes occurred; this project, rather than

seeking to join the existing debate about blame, instead aims to understand why they occurred and thus how future tragedies might be prevented.

NOTES

1. There is a large literature on the deterrence value of war crimes tribunals, including Gary Bass, *Stay the Hand of Vengeance—The Politics of War Crimes Tribunals* (Princeton University Press, 2000) and Jack Snyder and Leslie Vinjamuri, “Trials and Errors: Principle and Pragmatism in Strategies of Transitional Justice,” *International Security* 28 (3): 5-44. While war crimes tribunals create an important record of atrocities and provide a voice to victims, their deterrence value is limited. Scholars have also noted the inevitable power dynamics that influence international tribunals and limit the prosecutions of major state powers (including the United States and the United Kingdom)—see Kingsley Chiedu Moghalu, *Global Justice: The Politics of War Crimes Trials* (Stanford, 2008). For a useful annotated bibliography, see Martin Menneke, “Punishing Genocidaires: A Deterrent Effect or Not?” *Human Rights Review* 8(4): 319-339.
2. Omer Bartov, *Hitler’s Army: Soldiers, Nazis and War in the Third Reich* (New York: Oxford University Press, 1991). Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Collins, 1992). Daniel Jonah Goldhagen, *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust* (New York: Alfred A. Knopf, 1996).
3. In reality, the civilian-military dynamic can be much more interactive and contentious, but from an organizational point of view, this hierarchy helps explain how the different actors influence the organizational environment and culture.
4. In the initial months after the death of Shidane Arone, the Canadian Forces commissioned a Board of Inquiry to investigate the incident, but this board did not investigate members that faced criminal prosecution in the military courts. Upon this conclusion of this Board’s Phase I Report, the Canadian government decided to create a civilian Commission of Inquiry with a broader mandate to investigate the Canadian Airborne Regiment. This Commission heard months of testimony from civilian and military leaders, as well as some of the lower-level officers implicated in the March 4 deaths. The Commission also tasked several scholars to write reports on various aspects of the incident. Unfortunately, the government ordered the Commission to complete its report before it could hear testimony on the March 16 death of Shidane Arone.

REFERENCES

- Alvesson, Mats. 2002. *Understanding Organizational Culture*. London, UK: SAGE Publications.
- Bandura, Albert. 2002. Selective Moral Disengagement in the Exercise of Moral Agency. *Journal of Moral Education* 31 (2): 101–119.
- Beu, Derek, and Rasmus Brun Pedersen. 2013. *Process-Tracing Methods: Foundations and Guidelines*. Ann Arbor, MI: University of Michigan Press.
- Beu, Danielle S., and M. Ronald Buckley. 2004. This is War: How the Politically Astute Achieve Crimes of Obedience through the Use of Moral Disengagement. *The Leadership Quarterly* 15: 551–568.
- Crank, John P. 1998. *Understanding Police Culture*. Cincinnati, OH: Anderson Publishing Co.
- Finnemore, Martha. 1996. *National Interests in International Society*. Ithaca, NY: Cornell University Press.
- Goldsmith, Jack L., and Eric Posner. 2005. *The Limits of International Law*. Oxford, UK: Oxford University Press.
- Hurd, Ian. 1999. Legitimacy and Authority in International Politics. *International Organization* 53 (2): 379–408.
- Keohane, Robert O., and Lisa L. Martin. 1995. The Promise of Institutional Theory. *International Security* 20 (1): 39.
- Kier, Elizabeth. 1995. Culture and Military Doctrine: France between the Wars. *International Security* 19 (4): 65–93.
- Koh, H.H. 1999. How Is International Human Rights Law Enforced? *Indiana Law Journal* 74 (4): 1397–1417.
- Legro, Jeffrey. 1995. *Cooperation Under Fire: Anglo-German Restraint During World War II*. Ithaca, NY: Cornell University Press.
- Lok, Peter, Robert Westwood, and John Crawford. 2005. Perceptions of Organisational Subculture and their Significance for Organisational Commitment. *Applied Psychology* 54 (4): 490–514.
- Long, Theodore E., and Jeffrey K. Hadden. 1985. A Reconciliation of Socialization. *Sociological Theory* 3 (1): 39–49.
- Martin, Joanne, and Caren Siehl. 1983. Organizational Culture and Counterculture: An Uneasy Symbiosis. *Organizational Dynamics* 12 (2): 52–64.
- Morrow, James D. 2007. When Do States Follow the Laws of War? *The American Political Science Review* 101 (3): 559–572.
- Osiel, Mark. 1999. *Obedying Orders*. New Brunswick, NJ: Transaction Publishers.
- Rose, Randall A. 1988. Organizations as Multiple Cultures: A Rules Theory Analysis. *Human Relations* 41 (2): 142–143.
- Schein, Edgar H. 1990. *Organizational Culture and Leadership: A Dynamic View*. San Francisco, CA: Jossey-Bass Publishers.

- Swidler, Ann. 1986. Culture in Action: Symbols and Strategies. *American Sociological Review* 51 (2): 273–286. <https://doi.org/10.2307/2095521>.
- Toner, James. 1995. *True Faith and Allegiance: The Burden of Military Ethics*. Lexington, KY: University Press of Kentucky.
- Trice, Harrison, and David Morand. 1991. Cultural Diversity: Subcultures and Countercultures in Work Organizations. In *Studies in Organizational Sociology: Essays in Honor of Charles K. Warriner*, ed. Gale Miller and Charles K. Warriner. Greenwich, CT: JAI Press.
- Van Maanen, John, and Edgar H. Schein. 1979. Toward a Theory of Organizational Socialization. *Research in Organizational Behavior* 1: 209–264.



CHAPTER 3

The Korean War and the Challenge of Civilian Refugees

Abstract When North Korean forces invaded South Korea in 1950, the United States quickly deployed forces to aid its ally. These forces immediately faced aggressive North Korean soldiers and fearful civilian refugees. While some U.S. forces balanced these challenges and offered protection for civilians, others targeted and killed civilians; one of the worst incidents was at No Gun Ri. Why did units facing similarly daunting situations react so differently? Many observers blamed the savagery of the North Koreans, the poor readiness of U.S. troops, and weak morale. However, none of these factors could explain why some units protected Korean civilians while others targeted them. After examining training records, efforts to enforce international law, and the subcultures of units deployed, the author finds that units that targeted civilians were not well socialized and lacked unit leaders that could ensure their compliance with the laws of war.

Keywords No Gun Ri • Civilian killing • Refugees • Training
• Leadership

In 1950, while U.S. policymakers were focused on Europe and the rising threat of the Soviet Union, they were surprised by North Korea's invasion of South Korea. Despite the fact that Asia, particularly Korea, had been excluded from the U.S. security perimeter, President Truman saw the invasion as an initial step of communist aggression. On July 1, 1950, the

first U.S. ground troops landed in South Korea to stop the advance of North Korean troops. The U.S. units closest to the conflict were those on occupation duty in Japan; they were moved from policing duties to front-line combat with little warning.

In addition to facing fierce North Korean fighters, the U.S. soldiers also had to cope with thousands of civilian refugees fleeing the advancing forces. The refugees, fearful of the North Korean units, filled roads and blocked important transportation routes for reinforcements and supplies. Some U.S. troops feared that North Korean soldiers were infiltrating the refugees and disguising themselves as civilians. These civilians, caught up in the conflict through no fault of their own, deserved protection under the laws of war and the newly negotiated Geneva Conventions. Despite stated commitments by U.S. military leaders to honor these agreements and protect civilians, U.S. forces targeted and killed many civilian refugees. Conflicting orders created confusion; some units believed they were directed to kill refugees, while others were reluctant to obey what they thought were illegal orders. Why did units perceive their situations and orders so differently?

To answer this question, I first outline the conditions U.S. forces encountered when they entered Korea. U.S. forces landed in the midst of an ongoing North Korean offensive and were immediately dealing with hostile forces and frightened civilians. In the early days of the conflict, U.S. forces were continually pushed back by the North Korean units. While many observers blamed the poor performance of these units on the savagery of the North Koreans, the poor state of U.S. troops in Asia, and weak morale, none of these factors could explain why some units protected Korean civilians while others targeted them as the enemy. After examining training records, efforts to enforce international law, and the subcultures of units deployed, I found many units that had targeted civilians lacked a subcultural identity or unit leaders who could hold the unit together to ensure proper discipline and compliance with the laws of war.

A DIFFICULT BEGINNING FOR US FORCES

After World War II, U.S. forces set out for Japan to demilitarize the country and enforce occupation authority. The Eighth U.S. Army, which fought in the Pacific theater and had been preparing to invade Japan before World War II ended, took on these responsibilities.

In 1945, the U.S. military provided temporary assistance to South Korea after the Japanese withdrawal. However, by 1950, most U.S. forces had left, leaving only a small contingent of military advisers and diplomatic staff. When North Korea invaded on June 25, 1950, President Truman initially offered only limited air and naval support. However, the ease with which North Korean troops advanced led Truman to deploy ground troops. Units from the Eighth Army received the order to prepare for battle.

As U.S. troops entered the Korean Peninsula, President Truman characterized the battle as one between democracy and authoritarianism. He described Korea as the Greece of the Far East, invoking the Truman Doctrine and vowing to push back against communism as a threat to global stability (Bernstein 1989, 422). Truman later argued “The future of civilization depends on what we do—on what we do now, and in the months ahead. We have the strength and we have the courage to overcome the danger that threatens our country” (Paschall 1995, 70). In addition to threatening the United States, Truman noted that the attack threatened the credibility of the United Nations, which authorized U.S. defense of the island in the interest of protection of international security. He also saw the challenge as one that targeted the underpinnings of a civilized global system, the rule of law. In a September 1, 1950 radio address, Truman warned “No cause has ever been more just or more important. For the first time in all history, men of many nations are fighting under a single banner to uphold the rule of law in the world. This is an inspiring fact. If the rule of law is not upheld we can look forward only to the horror of another war and ultimate chaos” (Tucker 2000, 892). Truman’s arguments note not only the importance of victory in the war, but of a victory reflecting the underlying values of the new global order and international law.

General Douglas MacArthur, in command of the Pacific Theater, affirmed the U.S. commitment to fight the war in accordance with international law, including the recently negotiated Geneva Conventions. On July 4, 1950, he sent this directive to his troops: “Personnel of the Armed Forces of North Korea and other persons of North Korea who are taken into custody or fall into the hands of armed forces now under my operational control in connection with hostilities in Korea will be treated in accordance with humanitarian principles applied by and recognized by civilized nations in armed conflict.”¹ Superior officers reinforced this message several times and clarified that soldiers’ obligations included humane

treatment of civilians.² Although these directives related primarily to prisoners of war, MacArthur's efforts, and the clarification that such treatment extended to civilians, suggests military leaders acknowledged the importance of international law in limiting their range of responses to the enemy.

The first regiment to enter the Korean conflict was the 24th Infantry Division. However, since the unit was understrength, Eighth Army officers shifted troops from other regiments to fill the vacancies. This move led to a transfer of nearly eight hundred officers and enlistees from the 1st Cavalry Division to the 21st Infantry Division.³ Eighth Army leadership subsequently filled these new vacancies with replacement troops just arriving in Japan and with individuals released from military custody (Cook 2002, 124).

MASS CIVILIAN REFUGEE FLOWS

In addition to the North Korean soldiers, U.S. forces also faced an unfamiliar challenge—thousands of civilian refugees. Dressed in traditional civilian white clothing, these refugees moved south, away from North Korean forces, often blocking roads and impeding U.S. units.

Aside from creating logistical challenges, some U.S. military leaders viewed the refugees as a threat. Rumors spread throughout regiments about North Koreans dressed in traditional white clothing; one of the more colorful rumors told of a 'pregnant' woman carrying a radio and alerting North Korean forces to U.S. positions (Appleman 1961, 199). The Inspector General's No Gun Ri report describes the influence of these reports on units arriving in Korea: "Rumors about North Korean tactics and problems with refugees undoubtedly fueled the soldiers' imaginations long before their first contact with the enemy and the populace" (2001, 26). Units deployed to Korea likely saw all civilians as possible threats.

To better manage the refugee flows, U.S. units set up routines to direct and screen refugees. U.S. commanders ordered "refugees will not be permitted to enter friendly lines. Positive measures will be taken to divert such columns before arrival at friendly psns [positions]."⁴ U.S. and South Korean military officials established procedures to screen refugees; units were to turn over suspected North Korean soldiers or collaborators to military police. Second Lieutenant James Bryant, in a July 1950 after-action review, described the reasoning behind this approach, "If the North Koreans could be convinced that they would be treated well, more would surrender."⁵

In general, screening efforts turned up few enemy soldiers. An Eighth Army intelligence unit interviewed members of the 24th Infantry Division and learned that, after thorough screening of refugees, “none was found carrying arms or uniforms” (Hanley et al. 2001, 73). Intelligence reports also cast doubt on the widespread practice of infiltration; North Korean troops preferred to go around U.S. positions (Bateman 2002, 73). Although rumors of infiltration were undoubtedly widespread, they had little basis in fact and the vast majority of civilian refugees posed no threat to U.S. soldiers.

Unfortunately, refugees often overwhelmed the units tasked with directing and screening them. Rumors continued about North Korean infiltrators—the 1st Cavalry Division’s war diary for July 24, 1950, noted “The control of refugees presented a difficult problem. No one desired to shoot innocent people, but many innocent looking refugees dressed in the traditional white clothes of the Koreans turned out to be North Korean soldiers transporting ammunition and heavy weapons in farm wagons and carrying military equipment in packs on their backs” (Inspector General 2001, 37). Rumors repeated often enough can influence fearful troops and lead to civilian deaths.

Investigations by journalists, survivors, and the South Korean Truth and Reconciliation Commission discovered a number of incidents in which U.S. forces killed civilian refugees. Most civilians died due to strafing by airplanes requested by ground forces. In some cases, units shot directly at civilians to stop their movement. Most incidents of civilian killing occurred during the first months of the war when U.S. forces were pushed back by North Korean attacks and in 1951 when U.S. forces retreated from renewed North Korean and Chinese attacks.

The only incident the United States military has investigated is the incident at No Gun Ri. On the evening of July 25, 1950, as the 7th Cavalry Regiment arrived at their assigned position outside of Yongdong, rumors of advancing North Korean forces spooked unit members. The official regimental diary for this time period has been missing from the National Archives since 1998; the unit’s activities can only be pieced together through first person accounts of veterans, civilian survivors, and other observational reports. According to the Inspector General’s No Gun Ri Review report, they withdrew from their positions “in a disorganized and undisciplined manner” (Inspector General 2001, 86). Former unit members remember deliberately shooting at civilians and killing many of them. A clerk from the 7th Cavalry regiment recalls typing a description of the

event into the now missing regimental journal: “If you see ’em, kill ’em was the general attitude toward civilians” (Hanley 2007). Norman Tinkler, a machine gun operator in the unit, said they “annihilated” the refugees out of fear of North Korean infiltrators: “Refugees came through our positions the day before and pulled pin and threw three hand grenades at our guys. I wasn’t going to let them get near me” (Galloway 2000). Some soldiers remember the incident lasted a few hours; survivors claim they were trapped in the train tunnel for two days.

While the U.S. military’s No Gun Ri review claimed there were no direct orders for soldiers to kill civilians, there are numerous records contradicting that finding. At the very least, there was great confusion about how to deal with refugees. General William Dean, head of the 24th Infantry Division, on July 13, 1950, refused to order artillery fire on refugees; he reportedly said “The war won’t be won by killing civilians” (Hanley et al. 2001, 73). However, on July 27, General Kean, head of the 25th Infantry Division, ordered his soldiers to treat “all persons in civilian clothes moving within the combat zone as the enemy” (Inspector General 2001, 37). General Hobart Gay, commander of the 1st Cavalry Division, frustrated with civilian refugees impeding his troops’ movement, claimed the right to shoot any civilians in his area of responsibility (Hanley et al. 2001, 104). However, Colonel John C. Lippincott, a platoon leader in the 7th Cavalry Regiment, disputes claims of orders to shoot at civilians: “And I want you to know that as long as I was there I have never ever received an order as a platoon leader ... to kill all civilian refugees because some ’em may be North Korean soldiers” (Inspector General 2001, 124). Certainly, during the first months of the war, units faced confusing orders about how to cope with refugees.

As the Korean conflict continued and U.S. forces not only held on to positions on the Peninsula but also advanced into North Korea, refugee flows stabilized at two million refugees per month.⁶ Eighth Army forces and U.N. civilian assistance teams set up refugee camps and provided food and medical aid. A report by United Nations Civilians Assistance Command describes their accomplishments: “Explicit instructions from Eighth Army designed to eliminate the use of main supply routes by the foot traveling indigenous population, were implemented by establishing check points for screening and diversion, setting up refugee areas that provided food distribution centers, milk stations, and medical and sanitation facilities.”⁷ Although refugees still faced difficult circumstances, successful Eighth Army and other U.N. organizations’ efforts provided them safety.

However, when Chinese “volunteer” forces entered the conflict in full force in December 1950–January 1951, a mass refugee exodus followed retreating U.N. and U.S. forces. This massive refugee onslaught again posed a danger to U.S. units; refugees pressed up against their rear and presented risks of infiltration. Eighth Army Commander Matthew Ridgway described the scene: “The southward exodus of several million refugees before the oncoming communist flood presents perhaps the greatest tragedy to which Asia has ever been subjected” (Tucker 2000, 561). As a last-ditch effort, to ensure the safe evacuation of U.S. forces, Ridgway ordered that retreating units could fire on refugees (Ridgway 1967, 95–96).

However, not all units followed these orders. Captain Norman Allen, 5th Cavalry Regiment, described his dilemma one evening during the retreat:

There must have been a million refugees. They came right up to our lines and we had to fire tracers over their heads to stop them from overrunning us ... When our roadblock reported that refugees were pressing in on them and the pressure was growing, the men requested permission to fire ... I instructed the roadblock to fire full tracer along the final protective line, then to fall back onto high ground. If an enemy unit was in and among those refugees, well, then they simply would be in our rear in the morning. I could not order firing on those thousands upon thousands of pitiful refugees (Knox 1985a, 656).

Allen was not alone in preventing his soldiers from firing on civilians. Members of the 8th Cavalry Regiment similarly had difficulty complying with orders to fire on civilians. Some units simply “never got around” to calling in airpower to strafe refugees: “On more than one occasion we were instructed to bring on the fighters and strafe the columns because they probably were harboring enemy soldiers ... Our low-level flight observation revealed that all of the refugee columns we observed were women and children. So, somehow we never got around to obeying” (Armstrong 1997, 114). The 1st Cavalry Division, facing the problem of non-compliance with orders to fire on refugees, also attempted to impose fines on soldiers who refused (Conway-Lanz 2006, 113). Although the Eighth Army gave commanders authority to fire on refugees, some units chose to take the risk and protect civilians.

The war in Korea was a brutal one in which one million people—combatants and civilians—died (Truth and Reconciliation Commission 2009, 7).

All forces, including the United States, South Korea, North Korea, and United Nations allied troops bear responsibility for these deaths. American war crimes investigators documented numerous cases of North Korean torture and abuse of prisoners of war and South Korean civilians while American planes strafed large groups of civilians and bombed North Korean cities. Although the United States has at least investigated the killings at No Gun Ri, the South Korean Truth and Reconciliation Commission investigated and verified survivors' accounts of numerous incidents involving U.S. forces. Some units engaged in civilian killing, but other units did not. What explains these differences in responding to the challenges posed by mass movements of civilian refugees?

COMMON EXPLANATIONS

Following years of denials, in 1999, an Associated Press story about the No Gun Ri massacre prompted the United States military to investigate the No Gun Ri incident. After what the report describes as an exhaustive review of archival materials and interviews with former soldiers, the report concludes, "What befell civilians in the vicinity of No Gun Ri was a tragic and deeply regrettable accompaniment to a war forced upon unprepared U.S. and ROK [South Korean] forces" (Inspector General 2001, 192). From this assessment, it is not clear where responsibility for the incident truly lies. Observers and officials at the time focused on the brutality of the war, and in particular, the ruthless Korean enemy. Others who commented on the poor performance of U.S. forces in Korea focused on their lack of experience, their "softness" and a general lack of military readiness. Finally, some placed the blame on the U.S. president, Harry Truman, for engaging in a "police action" and failing to provide troops with adequate resources and moral support.

Savagery of Combat

Following the brutal fighting during World War, particularly in the Pacific theater, many observers of the Korean War blamed civilian deaths on the brutality of the enemy. Civilian leaders and the media depicted the North Koreans as animals and outside the boundaries of human decency. Although some of the stronger feelings of hatred for the Japanese faded, leaders still remained cautious about the "Asiatic" mind (Dower 1986, 310). Attorney General J. Howard McGrath called communists "rodents"

(Cumings 1990, 691). Historian Walter Karig wrote in *Colliers*: “Not since the days of Indian warfare 80 years ago, of which there are no survivors to coach our troops, have American fighting men come up against an adversary so cunningly adept at concealment, mobility and surprise; and so insouciantly contemptuous of every rule of civilized warfare” (1950, 24). Hanson Baldwin, military editor of *The New York Times*, offered a similar description of the enemy forces: “We are facing an army of barbarians in Korea, but they are barbarians as trained, as relentless, as reckless of life, and as skilled in the tactics of the kind of war they fight as the hordes of Genghis Khan ... They have taken a leaf from the Nazi book of blitzkrieg and are employing all the weapons of fear and terror” (Quoted in Osborne 1950).

These negative descriptions were reinforced by journalists and soldiers on the ground in Korea. John Osborne, a veteran war reporter, argued that the nature of the war “force [d] upon our men in the field acts of the utmost savagery ... not the usual, inevitable savagery of combat in the field, but savagery in detail ... the shooting and shelling of refugees who may include North Koreans in the anonymous white clothing of the Korean countryside” (Osborne 1950). Julian Tunstall, a British soldier who served with U.S. units in Korea, described the American ‘gook’ doctrine: “Asian peoples are not equal to Americans; they are not even people; they are sub-human, and they must be treated as dirt” (1953, 11). Bruce Cumings, a well-respected Korean War historian, observes that the discussion about the war and Koreans in general was one-sided; he could find only one article in the summer of 1950 featuring any positive description of Koreans (Cumings 1990, 696).

However, despite these widespread stereotypes, many soldiers felt great empathy for civilians, both North and South Korean. Private First Class Doug Koch, a member of the 5th Cavalry Regiment, remembered: “One of the first sights we had in Korea was all the refugees coming down the road. They pushed what they could, carried the rest. After seeing this, most of us agreed we’d rather fight the war in Korea than back in the United States. No one wanted his family to go through the ordeal these Koreans were going through. The look on their faces was something I’ll never forget” (Knox 1985a, 88–89). Another U.S. soldier intervened when South Korean soldiers tried to steal what appeared to be the life savings of an older Korean man (Knox 1985a, 296). Many soldiers noted the initial fear and surprise of civilians when U.S. units treated them with kindness. Private Victor Fox, 5th Cavalry Regiment, recounted entering a

house: “Our interpreters told us these civilians expected us to put them to death, as that’s what they’d been told by the Communists. Their fears turned to happy confusion when we offered them cigarettes, chewing gum, and chocolate bars. I think we also gave them some of our canned rations. Looked like they needed them more than we did” (Knox 1985a, 394). Some U.S. units did not see the Koreans as one enemy monolith, but instead felt pity for civilians caught between enemy forces and struggling to survive. The extreme range of views on Koreans, particularly civilians, suggests the brutality of the conflict and racialized depictions cannot fully explain the motivations behind units that committed war crimes.

“State of Shameful Unreadiness”

In his memoirs, General Matthew Ridgway, who took over the Korean War after the departure of General MacArthur, decried the condition of the Eighth Army at the outbreak of the Korean War (1956, 191). In addition to the lack of experienced soldiers, the Eighth Army also suffered from a drought in resources. Although the domestic U.S. economy was booming after the end of World War II, in the context of a push for demobilization, the President, Secretary of Defense, and Congress made severe cuts to the Defense Department’s budget. New optimism about the role of technology in future wars meant the Army absorbed the majority of the cuts (Schnabel and Watson 1979, 45). Army units in Europe, which military and civilian leaders perceived as the frontline in the war with the Soviet Union, retained most of their staff and funding, while the Eighth Army in Japan faced cuts that led to reliance on “obsolete equipment, inadequate stocks of supplies, shortened training periods, and other serious deficiencies” (Schnabel and Watson 1979, 46). Major General Charles Willoughby, General MacArthur’s chief intelligence officer, noted the Pentagon made major sacrifices to maintain a “paper” force: “The occupation infantry in Japan was kept habitually one-third below strength. The American regiments had only two instead of three battalions” (1954, 360). These shortages, along with difficulties in finding suitable training areas, hampered efforts to maintain the forces’ readiness.

When the United States decided to deploy ground forces to Korea, military leaders had to transform a “paper” force into a fighting one. Many battle-tested soldiers had left the service by the time units deployed to Korea (Cook 2002, 83). A booming economy and military demobilization led veterans to seek lucrative opportunities in the civilian job market

at home. A soldier in the 24th Infantry Division, interviewed after initial battles in Korea, complained: “less than one-third of the non-commissioned officers and officers in his battalion had World War II experience.”⁸ Eighth Army senior officers filled officer positions with individuals who had no battle experience: they had earned their promotions through special headquarters duty or administrative work.⁹ These decisions created an army filled with bodies, but not necessarily combat skills or leadership.

In addition to lack of experience and skills, some critics of the Korean War-era soldiers argued they were too “soft.” One such critic referred to the Eighth Army as a “cream puff” army and argued: “If these guys had spent more time on the firing range and less time in the PX snack bar ... they might be alive today” (Quoted in MacDonald 1986, 203). Occupation duty in Japan lacked many of the rigors of battle; soldiers primarily served as guards and participated in ceremonies (Bateman 2002, 34). The strong peacetime economy in the United States meant recruiting agents had to promise soldiers an exciting lifestyle of traveling around the world. Recruits looked forward to light responsibilities and “I and I,” intoxication and intercourse, which characterized life in Japan, not frontline combat (Appleman 1961, 180). Many senior leaders later blamed the high turnover rate for the Eighth Army’s poor performance (Ent 1996, 10).

These critiques of the forces deployed in Korea, however, ignore efforts made by military leaders to improve the training and discipline of the troops. When General Walton Walker took charge of the Eighth Army in 1949, he aggressively reoriented the force from occupation to combat training (Hanson 2016, 168). Walker and other senior officers lacked confidence in the new Army approach to basic training that minimized unit specific efforts and put new arrivals through another thirteen weeks of instruction (Hanson 2016, 169).

Unit commanders’ observations also demonstrated prior war experience had mixed effects. While many unit officers mourned the lack of combat experienced soldiers, others argued these soldiers had the greatest difficulty. A 19th Infantry Regiment commander noted: “most of the men who cracked under pressure were ex-combat men.”¹⁰ Although the interview does not document the commander’s reasoning behind this statement, soldiers with combat experience could have more fragile psyches, lower thresholds for fear, or greater cynicism about the enemy.

Many soldiers, in addition to their lack of experience, felt abandoned by their country to fight a meaningless war. Colonel Dick Stephens, commander of the 21st Infantry Regiment, noted: “The men and officers had

no interest in a fight which was not even dignified by being called a war. It was a bitter fight in which many lives were lost, and we could see no profit in it” (Quoted in Fehrenbach 1963, 149). Frank Bifulk, a corporal in the 7th Cavalry Regiment, said: “Truman really slapped us in the face. He called Korea a police action. Here we were in Korea fighting and dying and our president says that” (Knox 1985a, 669). The lack of acknowledgment of their sacrifice angered many of the soldiers. Marguerite Higgins, one of the few journalists in Korea during the early days of the war, witnessed this frustration: “I saw young Americans turn and bolt in battle, or throw down their arms, cursing their government for what they thought was embroilment in a hopeless cause” (Quoted in Edwards 2006, 143). Captain Norman Allen, 5th Cavalry Regiment, agreed soldiers felt reduced to fighting for their own survival. In a letter to his mother, he argued: “Trying to convince us that we aren’t just so much sacrificial cattle will be difficult to do ... if anyone is trying to be idealistic, well—don’t try to reason. It is nothing more than survival, sheer, base common survival. This place holds no value now, military, political, or idealistic” (Quoted in Knox 1985b, 23). These feelings of hopelessness and the drive to survive, while certainly generating frustration in the units, does not explain why some units might participate in war crimes.

Experience, toughness, and resolve (or lack thereof) may be simple and intuitive explanations for poor performance of units in Korea. However, it is not clear why these conditions explain civilian killing. Fearful soldiers are certainly likely to “bug out,” but why would they shoot civilians, particularly in large numbers? Cynical soldiers might opt to stay at their base or pull back rather than engage unknown individuals that could pose a threat. Although the poor state of preparedness certainly explains the confusion within the troops and their general ineffectiveness, it cannot explain why some troops did question, and fail to follow, instructions to kill civilians.

These common explanations—savagery, inexperience, and despair—seek to place responsibility for soldiers’ actions at the lowest level of the chain of command. While individuals are certainly responsible for their own actions, these explanations do not suggest military leaders could have taken any actions to prevent civilian deaths. The explanations are also so general that one begins to wonder why civilian killing was not more widespread. Although there were likely more incidents of civilian killing than the U.S. military acknowledges, the practice was not universal. Why did some units refuse to target civilians despite confusing orders that appeared to permit, if not require, such action?

SOCIALIZATION

Going beyond these broad explanations, I examine the socialization efforts of the U.S. military; did they adequately prepare their soldiers to adhere to the laws of war? After World War II, the U.S. military faced calls for demobilization. Budget cuts and the loss of experienced soldiers impacted the professionalism of the armed forces. However, given continued threats in Europe, the military certainly understood the need to maintain forces committed to the goals of security and defense of freedom. The United States, at the forefront of the creation of the United Nations, also took on a global leadership role promoting democracy and human rights. Having recently completed the negotiations for the Geneva Convention, did the United States military adequately train soldiers and signal commitment to these new principles, including the protection of civilians caught on the battlefield?

Training

In March 1949, the U.S. Army introduced its new Basic Military Training Program. This program emphasized the importance of creating soldiers steeped in military tradition but capable of individual initiative and leadership: “While he must learn to conform to the Army pattern, observe its customs and traditions, and fit into its discipline, within these boundaries he remains an individual. As an individual, he must be trained to think, act, and respond with his own initiative.”¹¹ Over fourteen weeks, new recruits would receive instruction on weapons, tactics, hygiene and military justice, including the laws of war. However, instructors conducted the military justice training, four hours out of many hundreds of hours during this period, all together during week thirteen. This session covered various aspects of military justice, including common military offenses (dereliction of duty, AWOL, etc.) and court martial procedures.¹² Given the amount of information in this training session, officers likely lectured to recruits about the topics in a classroom-style environment. In military documents and oral histories, there is no description of the specific instruction or application exercises to test soldiers’ comprehension of the laws. A purely lecture-based approach, and the fact that the training was scheduled at the end of the program, likely led recruits to forget or dismiss the information.

Officers might have expanded soldiers' understanding of the laws of war during additional training. The Chief of Army Field Forces General Mark Clark, in response to concerns about equity in the court martial sentences during World War II, revised the advanced military justice curriculum.¹³ However, this training lasted only four hours and covered multiple technical components. The guidelines included no instructions on application exercises or detail about how instructors should communicate the curriculum. Clark does note, however, that the military should only provide this instruction to officers in direct need of the information, such as military police. A memo written on his behalf argues: "Constant effort has been made to reduce the duration of all courses and to restrict curricula to 'must know' subjects which cannot be dealt with in unit training and which are related to [the] job for which soldiers are being schooled."¹⁴ Thus, beyond the limited instruction during basic training, members of infantry units received no organization-wide training in the laws of war.

This situation worsened when the shortage of available troops in Japan and need for replacements in Korea led General Clark to cut the fourteen-week basic training period to six weeks. Although the memo announcing this decision does not detail the curricula changes made to accommodate the shortened training period, it seems likely that leaders eliminated the laws of war training. In a public announcement on September 9, 1950, Clark provided insight on his preferred order of priority in training: "Training in the use and care of weapons has priority and is followed by instruction in combat and operational subjects, field training, tactical exercises, administrative duties, and general military subjects, in that order."¹⁵

Skeptical of general training efforts, the Eighth Army did implement an extensive Mobilization Training program in Japan that duplicated much of the basic training program new recruits received in the United States. These training efforts took up a great deal of time and effort for the units on occupation duty, yet there was no mention in the Occupation Diary of laws of war or military justice training.¹⁶ Even though the units' combat readiness improved dramatically from its 1948 level, there is no evidence this program provided units with additional training on the laws of war or their obligations to protect civilians.

While units did not receive Geneva Convention training prior to deployment, they should have received this training in Korea. On July 4, 1950, although neither the United States nor South Korea had yet ratified the treaty, General MacArthur announced all United Nations and allied forces would comply with the treaty's provisions; in this announcement,

he ordered the military to ensure that all UN forces are trained in their obligations.¹⁷ Given the nature of combat at that point, however, with U.S. and South Korean forces in full retreat, units had little time to conduct training on treatment of prisoners or civilians. In September 1950, the Army Judge Advocate did, at the direction of Eighth Army headquarters, distribute 123 copies of the Geneva Convention to combat units.¹⁸ A memo from General Headquarters also extended Geneva Convention protections beyond prisoners of war: “civilian prisoners, not members of North Korean forces, detained as Communists or Communist sympathizers, and others, are to be granted at all times the full measure of protection provided by the rules of civilized warfare.”¹⁹ The memo goes on to call for “proper orientation, training and command, [for] Republic of Korea and other military personnel operating under the United Nations Command” to ensure they are “indoctrinated with the above principles.” While this memo did not specifically address civilian refugees or firing on them, it does suggest military leadership believed that civilians deserved protection and wanted to communicate this to units. However, none of the regimental diaries discussed how they met this directive, and none of the soldiers’ oral histories described “refresher” training in the laws of war or the Geneva Conventions.

Given the recent completion of the Geneva Convention negotiations, soldiers might not have had a strong understanding of their specific obligations related to this source of international law. However, the efforts and commitment of General MacArthur and Eighth Army headquarters suggest they expected soldiers to uphold customary principles of the laws of war, including protections for civilians. Despite this commitment, the U.S. Army made only minimal efforts to educate soldiers about their obligations in the laws of war during basic training; even this effort became a casualty of mobilization demands. Some of the soldiers in the 5th, 7th, and 8th Cavalry Regiments may have had the four hours of training ordered under the basic training program, but the military deployed some occupation troops to Japan without the fourteen week basic training program.²⁰ Many of these regiments, after losing hundreds of their officers and soldiers to the 24th Infantry Division, received fresh replacements who went through the standard basic training, which the military reduced to six weeks in September 1950. Upon initial deployment, these Regiments had the same, extremely minimal training in the laws of war. Replacements arriving throughout the conflict likely had no training in the laws of war.

Enforcement

In addition to training forces about their obligations under the laws of war, senior and lower-level officers need to enforce the law to communicate the organization's commitment. Even limited training can be reinforced by committed leaders holding units accountable to the organization's values. Demonstrating commitment could include means to report violations by U.S. and South Korean forces, investigation of those violations, and punishment for units and soldiers who participate in war crimes.

Although reports of civilian killing came into relevant authorities, senior officers took few actions to investigate them. Reports of North Korean atrocities, including the execution of American prisoners of war, led General MacArthur to create a War Crimes Division within the Eighth Army to investigate and document these abuses. He warned North Korean officials he would prosecute and punish any enemy soldiers caught violating the laws of war.²¹ However, the War Crimes Division did not appear to have the authority to investigate U.S. or South Korean-perpetrated atrocities. In a Command Report, the War Crimes Division describes a particular incident in which South Korean guards allegedly killed North Korean prisoners and asks "whether such individuals are to be tried as war criminals or left to be dealt with as violators of their respective military law."²² The memo also remarks that the Division has sent this question to the General Headquarters and Eighth Army Headquarters with no response.²³ The Eighth Army's Civilian Assistance Division and Army Judge Advocate both have records of receiving reports of abuses, but not the specific actions they took to investigate them or punish the violators. The response to the Civilian Assistance Section is simply "message to all units ... directing that unlawful action against civilian population to cease."²⁴ An army chaplain complained to General Matthew Ridgway, who took control of the Eighth Army in December 1950, about the lack of control of soldiers, especially in regard to civilians; he was angry about officers' refusal to investigate serious crimes that "made murder, rape, and pillage easy for the criminally inclined" (MacDonald 1986, 210). Colonel Howard Levie, head of the War Crimes Division, reflected on the military's failure to adequately enforce the laws of war: "I think we've done very badly on trying our own people on war crimes" (Quoted in Hanley et al. 2001, 223). Despite messages regarding the importance of the Geneva Convention and laws of war coming from General Headquarters, senior military leaders took few actions to ensure units protected civilians.

The military conducted no investigation into the events at No Gun Ri during the conflict. As the memo from the War Crimes Division suggests, there were few authorities or resources to investigate U.S. unit participation in killing civilians. Military police focused their efforts on assisting South Korean authorities who were attempting to keep civilian refugees out of the way of U.S., South Korean, and United Nations forces. The U.S. War Crimes Division lacked adequate staff and transportation to even investigate North Korean atrocities.²⁵ Although military leaders made rhetorical commitments to the laws of war, they did not follow up with adequate resources for enforcement.

The military unfortunately paired its lack of commitment to enforce the laws of war with another damaging signal—orders to attack civilians. Many officers leading ground troops issued orders to shoot at refugees. General Hobart Gay of the 1st Cavalry Division reportedly reserved the right to “shoot anyone in civilian clothes in the battle zone” (Hanley et al. 2001, 104). During the January 1951 evacuation, General Ridgway also ordered that units could shoot civilians as a last resort to stop their movement across the lines (Mossman 1990, 202). The Air Force complied with Army requests to strafe refugees. A series of Eighth Army memos from headquarters to the Commanding General of the 5th U.S. Air Force ordered: “Attack, in orange areas, groups not identified as friendly, wearing enemy uniforms or civilian clothing.”²⁶ Eighth Army headquarters repeated these orders in daily memos from November 30 to December 5, 1950. U.S. Ambassador to Korea, John Muccio, also described orders killing civilians: “If refugees do appear from north of U.S. lines they will receive warning shots, and if they then persist in advancing they will be shot.” He warned there may be “repercussions in the United States” for this possibly illegal order (Quoted in Hanley 2007). The United States also widely used napalm and bombed North Korea indiscriminately (Cumings 1990, 754–755). These actions, which senior military leaders endorsed, communicated to ground forces that they did not value the protections guaranteed civilians under the laws of war.

The military as an institution sent soldiers conflicting messages about its commitment to the laws of war. While General MacArthur took pains to publicly commit to upholding the Geneva Conventions and created a War Crimes Division, he invested no effort to investigate reported U.S. war crimes or prosecute violators. He, along with other senior leaders, condoned and ordered military attacks that belied ambivalence about protection of civilians.

Despite the importance of socialization in generating unit compliance with the laws of war, the U.S. military failed to adequately enculturate soldiers to accept and obey the laws of war. Training programs did not help soldiers understand the laws of war, and enforcement efforts sent conflicting messages about the military's commitment to the laws of war.

SUBCULTURES AND COUNTERCULTURES

U.S. forces serving in Korea faced many pressures: a hostile battlefield, minimal training, and confusing and conflicting orders. Many units felt the situation they faced daily did not resemble the "police action" Truman discussed. In the field, members of units depend on each other for survival. Unit cohesion helps soldiers have confidence in battle—if they have faith in the skills of their fellow soldiers and believe they will help protect them, the unit can be effective even in the face of extreme challenges. However, weak units, or units lacking those bonds of trust, can fracture or form dangerous countercultures. Fractured units may behave erratically, disobeying orders and responding out of fear. Units with countercultural subcultures may develop norms that undermine or dismiss organizational values, including the laws of war.

Poor Discipline and Bugging Out

Socialization efforts at the organizational level are only as good as their acceptance at the unit level. Enforcement of the laws of war requires a baseline of discipline in the unit; if officers cannot get soldiers to comply with common norms, it is unlikely they could get them to comply with the laws of war.

Prior to deployment to Korea, standards of discipline among the occupation forces in Japan were low. Although regulations prohibited fraternizing with local women or frequenting particular bars, soldiers often did so; they did not worry about confrontations with military police (Bateman 2002, 33). Soldiers who the military did discipline still found their way back into the Army and on to Korea. The Eighth Army's manpower shortage led it to reintegrate soldiers destined for military confinement into combat units (Cook 2002, 124). Even soldiers jumping off ships headed to Korea did not escape service; a memo from the Office of the Army Judge Advocate notes military police would detain them and place them on the next ship to Korea. The memo concludes: "All present at the con-

ference agreed that such action would accomplish the dual purpose of conserving manpower and preventing courts martial from being used to escape from hazardous duty.”²⁷ While this directive accomplished the mission of filling vacancies in regiments, it also introduced a host of problems into a theater where unit officers did not have time to deal with discipline.

Once in Korea, many of the occupation troops continued their disregard for non-combat related regulations. Reginald Thompson, a journalist traveling with U.S. units, noted the lack of control some unit officers displayed: “Further up the street, men were firing [lighting on fire] houses for the fun of it. We found a young captain who simply shrugged helplessly and couldn’t stop them. He hadn’t seen much harm in it anyway” (1951, 164). A sergeant in the 7th Cavalry Regiment reflected a similar cavalier attitude toward discipline: “Our men were put up in houses we’d taken from Korean civilians ... There were some nice looking girls among the Koreans, and I had a feeling there might be some moonlighting if we let it. I sure didn’t care. I figured the guys put their lives on the line each day ... They were tough kids, fighting a tough war, and deserved every break we could give them” (Knox 1985b, 201). Units justified their actions, which allegedly included rape and looting, as rewards for their efforts on the battlefield (MacDonald 1986, 210). Many soldiers saw little point in abiding by military regulations, especially when unit officers did not enforce them.

Regimental Identity

Alongside discipline, regimental identity can influence unit behavior. Few forces have as distinctive an identity as the 7th Cavalry Regiment. As one of the longer standing U.S. military units, the 7th Cavalry dates back to the Indian conflicts in the Western United States, the Mexican-American war, and the conflict in the Philippines. General George Armstrong Custer, the well-known general who led the 7th Cavalry into battle against Sioux Indians, helped develop the regiment’s identity around its renegade methods and experience in the American West (Cavalry Outpost Productions 1996). The 7th Cavalry Regiment also fought in the Pacific Theater during World War II, where soldiers encountered guerrilla warfare and brutal Japanese tactics. Many men died in fierce battles and units began a practice of killing Japanese soldiers trying to surrender (Hanley et al. 2001, 19).

The legacy of the 7th Cavalry Regiment is one of mavericks far from the oversight of civilian and military leaders.

During occupation duty in Japan, soldiers in the 7th Cavalry ensured new recruits knew the history of the unit; former Sergeant Robert ‘Snuffy’ Gray said, “We get them to love the regiment.” Initiation included reading a brief history of the unit, which described their exploits in the American West. The unit kept Custer’s sword, boots and uniform in a glass case at their barracks in Tokyo (Hanley et al. 2001, 17). Robert Bateman, a former member of the 7th Cavalry Regiment, explains the importance of regimental identity: “Each soldier identified closely with the regiment. Every man wore the regimental crest upon his uniform. When passing an officer, the men saluted and rendered a greeting that echoed the regimental motto of ‘Garryowen’” (2002, 30). Members of the unit worked to indoctrinate new members in the 7th Cavalry Regiment identity and values.

Although 7th Cavalry Regiment champions may have been more aggressive in promoting their unit’s identity, the other Regiments within the 1st Cavalry Division shared similar storied pasts. A history of the 1st Cavalry Division traces each regiment’s background and describes their spirits. The 5th Cavalry Regiment “Black Knights,” filled with “men with adventure in their hearts and a quickening heat in their blood,” fought battles with Native Americans as the country expanded westward. The 8th Cavalry Regiment “Mustangs” fought with the 7th Cavalry Regiment against the Sioux Indians and “became known for its quick striking activities in the trouble spots of the Indian wars.” All of the Regiments of the 1st Cavalry Division shared a history of fighting unfamiliar (non-European) foes, and thus may have shared norms about warfare and the enemy. The 1st Cavalry Division’s motto, “Sharpen your bayonet and radiate the will to do,” reflects the division’s values and sometimes brutal methods (2).

The 1st Cavalry Division, and the 5th, 7th and 8th Regiments, built their identities on their experiences in the Wild West and in contrast to professional armies with European traditions. While some of the units certainly rejected limits on their behavior in Tokyo, these regulations related primarily to relationships with Japanese women and restrictions on consumption of alcohol (Bateman 2002, 33). Once these Regiments deployed to Korea, while leaders made occasional references to upholding the pride and traditions of the Regiment, there is no evidence their renegade identity led the 7th Cavalry Regiment to target civilians while the 5th and 8th Cavalry Regiments did not.

Regardless of storied histories and determined efforts, by the time the 1st Cavalry was deployed to Korea the division and its respective regiments' identities were relatively weak. While some veterans had a strong attachment to their regiment, the regiments as organizations have gone through many changes; over time, the military has intermittently decommissioned and reorganized each of them. The 1st Cavalry Division, although it retains the name "cavalry," lost its horses in the prelude to World War II. A Division historian observes the importance of this change: "It was the passing of an age of chivalry in battle that had grown from the days of Knighthood and reached its peak in the great cavalry charges of the Civil War" (The First Team 1952). The Division sought to replace the horses with an identity emphasizing amphibious landings and jungle warfare, but these new methods lacked the romantic history of battles of the American West (The Big Picture 1950). Retaining the 'cavalry' name, and recalling past battles, did not cultivate a strong identity in the face of numerous organizational changes. While the regimental histories glorify the units' battle victories and describe their uniforms and battle cries, there is little evidence of norms of beliefs shared by unit members beyond loyalty.

Additional challenges weakened the influence of the regiments' identities and subcultures on units in Korea. First, there were few battle-hardened veterans to pass on the regimental identity. Many of the veterans of the Pacific theater left the service for jobs in the civilian sector. Between 1945 and 1949, the annual personnel turnover rate in the Eighth Army was 43%; this rate continued in 1950 just prior to the Korean War. These new soldiers may also have lacked a certain lust for battle, since recruiting difficulties meant the military promoted service as a way to see the world, not necessarily to fight for the country and pacify "uncivilized" foes. The 7th Cavalry's romantic Western image and maverick identity lacked strong advocates and did not necessarily appeal to the incoming soldiers.

Although unit leaders, like Gray, attempted to indoctrinate new soldiers in the 7th Cavalry Regiment's identity, there was no organizational pressure or competition to induce the units to differentiate themselves. Most of the 1st Cavalry Division's time in Japan was spent on occupation duty. In 1950 General Walker took command of the Eighth Army and sought to bring it up to combat readiness. However, the Korean invasion cut short Walker's efforts; units had not participated in larger exercises that might have stimulated identity formation through group competition (Appleman 1961, 113). New unit members did not feel compelled to

develop strong bonds with their fellow soldiers. The occupation environment in Japan was not conducive to subcultural development.

Finally, the Eighth Army decision to transfer officers and enlistees to the 24th Infantry Division damaged any unit identity that did exist within the 1st Cavalry Division prior to the Korean invasion. All units in Japan were under strength, and Eighth Army leaders had to fill over one thousand vacancies prior to the unit's departure to Korea. Replacements coming from the United States, expecting occupation duty, now joined the 1st Cavalry Division preparing to leave for Korea. There was little time for the remaining officers to educate new unit members. In Korea, confusion in troop movements and high casualty rates also meant the composition of the units changed constantly, preventing promotion of subcultural norms (Blair 1987, 50). Without stable membership, unit identity remained relatively shallow among the new members of the 5th, 7th and 8th Cavalry Regiments. While some regiments may have been more successful than others in integrating new soldiers, there is no evidence unit subculture can explain the variation in the units' targeting of civilians and participation in war crimes.

Unit Leadership

All previous explanations, noting the poor state of training, enforcement, and weak organizational culture, seem to beg the question of why civilian massacres were not more common during the war. Given the enormous pressures units were under and the knowledge that leadership condoned, if not supported, the killing of civilians, it is surprising some units chose instead to fall back, endure the risk of being overrun by enemy infiltrators, and provide aid to the refugees. One variable that may be able to explain the variation in unit responses is the quality of unit leadership.

The U.S. military acknowledged the importance of leadership in building a strong bond between unit officers and their units. In the 1949 Field Manual on Operations, the Army argues: "Troops are influenced strongly by the conduct of their leaders. Mutual confidence between the leader and his men is the surest basis for discipline" (Quoted in Cook 2002, 94). The mass transfer of 1st Cavalry Division officers to the 24th Infantry Division at the outset of the Korean War undoubtedly shook many of the 1st Cavalry Division's soldiers; the officers who trained them would not go into battle with them. This transfer also disproportionately impacted the 7th Cavalry Regiment, which lost 168 noncommissioned officers. Melvin

Chandler, a captain in the 7th Cavalry Regiment in Korea, argues the loss of these officers “was a serious blow to the heart and soul of the regiment as many of these ... officers had been with their units for several months” (1960, 243). This abrupt change of leadership weakened unit confidence and likely left the soldiers feeling vulnerable upon arrival in Korea.

Some of the replacement officers, while resentful of returning to duty, in retrospect recognized the important guidance they brought to these newly orphaned units. Master Sergeant James Hart, a unit officer in the 5th Cavalry Regiment, reflected on the importance of his combat experience and leadership: “Especially in those critical days early in the war, we provided the skills and leadership that were so essential for success on the battlefield” (Peters and Li 2004, 236). Strong leaders, with a background in the organization and combat experience, could instill confidence in soldiers that inexperienced unit officers could not. Strong leadership can give units greater willingness to stay and fight, but also to withhold fire under the officer’s command. Leadership that earns the respect of the unit can in turn reflect respect for the larger organization and commitment to the laws of war.

In terms of unit leadership, 7th Cavalry Regiment, in comparison to the 5th and 8th Cavalry Regiments, took the largest blow from the loss of personnel to the 24th Infantry Division. This loss of leadership weakened unit cohesion and confidence. Once these units felt unsupported on the battlefield, fear, rather than duty, may have motivated their actions. While other Regiments either maintained their unit officers or inherited replacements with combat experience, the 7th Cavalry Regiment went into Korea with weak leadership.

CONCLUSION

U.S. military socialization efforts were weak in the aftermath of World War II. While basic and advanced training existed in the laws of war, there is no evidence the military sufficiently trained and drilled soldiers on these laws. The rapid deployment of soldiers left no time for refresher training in preparation for the mission. Military leaders did not anticipate the vast numbers of civilian refugees who would complicate their operations. Neither the 5th, 7th, or 8th Cavalry Regiments had more than a brief encounter with the laws of war. Even when the military did acknowledge the importance of the laws of war, senior officers did not signal their commitment to enforcing them. General MacArthur committed U.N. and Allied forces to adhere to the newly completed Geneva Conventions, but

did not take any specific efforts to ensure officers educated their units about them. This lack of commitment on the part of senior leadership communicated low regard for military regulations. The U.S. military needed to do more to ensure its soldiers understood their international legal obligations.

Given the general signals coming from leadership that at best undermined civilian protection, a unit level explanation is needed to explain variation in compliance with the laws of war. Many units struggled with discipline due to the rapid shift from relatively easy occupation duty in Japan to the alien and threatening battlefield in Korea. The 7th Cavalry Regiment, with its commitment to maintaining a unique regimental identity based on fighting brutal battles, might explain their disregard for the protection of civilians and efforts to cover up for any of their unit member's misdeeds. However, there is no evidence the 7th Cavalry Regiment's subculture influenced the unit's behavior. The Regiment, which shared similar histories with the other regiments in the 1st Cavalry Division, did not have a strong contemporary identity; the loss of the "cavalry" horses weakened the unit's connection to its history. The unit did not have consistent membership for a period of time when leaders could indoctrinate them; even leadership was inconsistent in the unit leading up to the war. There were also few competitions or other comparisons between units that would foster the in-group-out-group dynamic and strengthen unit identity. While 7th Cavalry Regiment veterans may value their unique subculture, there is no evidence their values, or the values of the other 1st Cavalry Division regiments, led them to disregard the laws of war or participate in war crimes.

However, some unit officers appeared to cultivate unit subcultures that promoted official organizational values and the protection of civilians. The 5th Cavalry Regiment, with their experienced leaders, was able to control soldiers' behavior and manage refugee flows humanely. The 7th Cavalry Regiment, which suffered the most from the transfer of officers to other divisions at the outset of the Korean War, did not have the benefit of this leadership. Weak unit leadership in the 7th Cavalry Regiment made their participation in war crimes more likely in comparison with the other regiments.

The official military investigation of the massacre at No Gun Ri characterized the civilian deaths during the Korean War as a "tragic and regrettable accompaniment of war" (Inspector General 2001, 192). However, the indiscriminate killing of refugees, as acknowledged in a memo from Far

East Forces intelligence staff to operations staff, was “extremely prejudicial to the U.N. cause, which is largely founded on the humanitarian principle of protecting Korea from Communist aggression” (Hanley et al. 2001, 181). Understanding why some units killed civilians and others did not is crucial to preserving principles underlying the laws of war and preventing such tragedies in the future. Strong unit leadership played a key role in controlling unit behavior toward civilian refugees. Efforts to prevent future war crimes need to focus on strengthening military socialization and must ensure their efforts credibly extend down to unit leadership.

NOTES

1. General Headquarters—Far East Command, “Outgoing message, 4 July 1950 from CINCFE Tokyo, Japan to CG FEAF Tokyo, CG Eighth Army Yokohama,” RG 338 Records of U.S. Army Operational, Tactical and Support Organizations (World War II and thereafter), Eighth US Army, Civil Affairs Section, Civil Assistance Files 1950, National Archives at College Park, MD.
2. “Convicted War Criminals” (19 December 1950), RG 153 Records of the Judge Advocate General (Army), War Crimes Branch, Box 15—Reading File, 1951–1957, National Archives at College Park, MD.
3. “Report from the Secretary of Defense to the President of the United States on Operations in Korea During the Period 15 June 1950 to 8 July 1951,” Box 1692-IX Corps Occupational and Other Histories, 1950–1951, Ops in Korea Jun-Jul 1950 to G-3 Defense Plans 1950, RG 338 Records of the US Army Operational, Tactical and Support Organizations (World War II and thereafter), Eighth U.S. Army, Military History Section, G-3 Command Report, 1950, National Archives, College Park, MD: 21 and Department of the Army, No Gun Ri Review (Department of the Army Inspector General, January 2001), <http://www.army.mil/nogunri> (Accessed 6 May 2008): 77.
4. Radio Branch, Incoming Message (1), Box 679, RG554 Records of the General headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command—Adjutant General’s Section, Operations Division, Secret General Correspondence, 1950, National Archives at College Park, MD.
5. Kum River Defense, 19th Infantry Regiment, 16 July 1950, After Action Interviews, Reel 6 in Center of Military History, *Korean Conflict: A Collection of Historical Manuscripts of the Korean Campaign* (Washington, DC: Library of Congress Photoduplication Service, 1975).

6. Chart 5 in Far East Command-Military History Section, "Civil Affairs/Civil Assistance Problems," in History of the Korean War, Volume III, Part 5, Reel 8 in Center of Military History, *Korean Conflict: A Collection of Historical Manuscripts of the Korean Campaign* (Washington, DC: Library of Congress Photoduplication Service, 1975).
7. Command Report, United Nations Civil Assistance Command, Korea, 8201st Army Unit, For Period 3 November 1950 to 31 August 1951, Box 1, RG 554 Records of General Headquarters, Far East Command, Supreme Allied Powers, and United Nations Command—United Nations Civil Assistance Command, Korea (UNCACK), Adjutant General's Section, Operations Division, Command Reports, 1950–1953, National Archives in College Park, MD.
8. Kum River Defense, 19th Infantry Regiment, 16 July 1950, After Action Interviews, Reel 6 in Center of Military History, *Korean Conflict: A Collection of Historical Manuscripts of the Korean Campaign* (Washington, DC: Library of Congress Photoduplication Service, 1975).
9. Many critics call this process "Operation Flushout." Cook 17–18.
10. Kum River Defense, 19th Infantry Regiment, 16 July 1950, After Action Interviews, Reel 6 in Center of Military History, *Korean Conflict: A Collection of Historical Manuscripts of the Korean Campaign* (Washington, DC: Library of Congress Photoduplication Service, 1975).
11. Pamphlet—Basic Military Training Program (14 Weeks) for Newly Enlisted Men, Box 351, RG 337—Headquarters Army Ground Forces, Army Field Forces Headquarters, Adjutant General's Section, Communication and Records Division, Decimal File, 1949–1950, National Archives at College Park, MD.
12. Pamphlet—Basic Military Training Program.
13. Memo from the Office of the Chief of Army Field Forces, 16 March 1949 to Commanding General of the First, Second, Third, Fourth, Fifth and Sixth Armies regarding Training in the Administration of Military Justice, Box 349, RG 337 Headquarters Army Ground Forces, Army Field Forces Headquarters, Adjutant General's Section, Communication and Records Division, Decimal File, 1949–1950, National Archives at College Park, MD.
14. Memo from Brig. Gen. John W. Church to Adjutant General, Department of the Army, Attn: Director of Organization and Training regarding Instruction in the Administration of Military Justice (28 January 1949), Box 349, RG 337 Headquarters Army Ground Forces, Army Field Forces Headquarters, Adjutant General's Section, Communication and Records Division, Decimal File, 1949–1950, National Archives at College Park, MD.
15. Department of Defense, Office of Public Information—Statement on Army Training issued by General Clark, Chief of Army Field Forces

- (9 September 1950), Box 352, RG 337 Headquarters Army Ground Forces, Army Field Forces Headquarters, Adjutant General's Section, Communication and Records Division, Decimal File, 1949–1950, National Archives at College Park, MD.
16. First Lieutenant Charles A. Rogers, *Occupation Diary—First Cavalry Division on Occupation Duty in Japan, 1945–1950* (Pomona, CA: First Cavalry Division Association, 1950).
 17. Memo from General Headquarters, United Nations Command, Tokyo, Japan. “Control of UN Command Personnel” (23 September 1950), Folder 010, Box 176, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command, Adjutant General's Section, Operations Division, General Correspondence, 1950, National Archives at College Park, MD.
 18. Memo to Historical Section from the Headquarters, Eighth U.S. Army in Korea, Office of Army Judge Advocate (12 September 1950), RG 338 Records of U.S. Army Operational, Tactical, and Support Organization (World War II and thereafter), Eighth U.S. Army, Office of the Judge Advocate, Historical Reports, 1950–1958, National Archives at College Park, MD.
 19. Statement from MacArthur on treatment of prisoners of war (23 September 1950), Folder 010, Box 176, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command, Adjutant General's Section, Operations Division, General Correspondence, 1950, National Archives at College Park, MD.
 20. It is not clear why the military made this decision, but perhaps they assumed that occupation forces needed a different skill set and had more time to train in their units. Cook 47.
 21. Outgoing Message from General Headquarters, Far East Command to Washington, DC, RG 338 Records of US Army Operational, Tactical and Support Organizations (World War II and thereafter), Eighth U.S. Army, Civil Affairs Section, Civil Assistance Files, 1950.
 22. War Crimes Division, Judge Advocate, Eighth U.S. Army Korea (EUSAK), Command Report (1–31 December 1950), RG 338 Records of the U.S. Army Operational, Tactical and Support Organizations (World War II and thereafter), Eighth U.S. Army, Office of the Judge Advocate, Historical Reports 1950–1958, National Archives at College Park, MD.
 23. Headquarters, Eighth U.S. Army Korea (EUSAK), Office of the Army Judge Advocate, Command Report (15 February 1951), RG 338 Records of the U.S. Army Operational, Tactical and Support Organizations (World War II and thereafter), Eighth U.S. Army, Office of the Judge Advocate, Historical Reports 1950–1958, National Archives at College Park, MD.

24. Headquarters, Eighth U.S. Army Korea (EUSAK), Civilian Assistance Section, Report: Civilian Assistance Activities (16 November 1950), Box 1437, RG 338 Records of U.S. Army Operational, Tactical and Support Organizations (World War II and thereafter), Eighth U.S. Army, Civil Affairs Section, Civil Assistance Files, 1950, KCIA unclassified messages to General Administrative Files, National Archives at College Park, MD.
25. Memo from Major Bruce Gillaspey, JAG Command Claims Office for Staff Judge Advocate, Japan Logistical Command (18 October 1950), RG 338 RG 338 Records of U.S. Army Operational, Tactical and Support Organizations (World War II and thereafter), Eighth U.S. Army, Office of the Judge Advocate, Historical Reports, 1950–1958.
26. Memo to Commanding General, 5th U.S. Air Force (30 November 1950), Box 1780, RG 338 Records of U.S. Army Operational, Tactical and Support Organizations (World War II and thereafter), Eighth U.S. Army, Military History Section, G-3 Command Report, 1950, Book 1: General Orders to Commentary on Eighth Army Command Post Exercises, National Archives at College Park, MD.
27. Headquarters Eighth Army, U.S. Army, Office of the Army Judge Advocate Memo to Adjutant General, Historical Section, Eighth Army, War Diary (26 July 1950), Box 1785, RG 338 Records of the US Army Operational, Tactical and Support Organization (World War II and thereafter), Eighth US Army, Military History Section, Eighth U.S. Army Korea (EUSAK) Command Reports, 1950–1952, December 1950: Ordinance to Graphic Supplement, National Archives at College Park, MD.

REFERENCES

1950. The First Cavalry Division in Korea. In *The Big Picture*.
1952. *The First Team: The First Cavalry Division in Korea (18 July 1950–18 June 1952)*. Atlanta, GA: Albert Love Enterprises.
2001. No Gun Ri Review. Edited by Department Inspector General and of the Army.
- Appleman, Roy. 1961. *South to the Naktong, North to the Yalu (June–November 1950)*. Washington, DC: Officer of the Chief of Military History, Department of the Army.
- Armstrong, Frank, ed. 1997. *The 1st Cavalry Division and their Eighth Engineers in Korea: America's Silent Generation at War*. Burlington, VT: Queen City Printers.
- Bateman, Robert L. 2002. *No Gun Ri: A Military History of the Korean War Incident*. Mechanicsville, PA: Stackpole Books.
- Bernstein, Barton J. 1989. The Truman Presidency. In *The Truman Presidency*, ed. Michael James Lacey. New York, NY: Cambridge University Press.

- Blair, Clay. 1987. *The Forgotten War: America in Korea, 1950–1953*. New York, NY: Times Books.
- Cavalry Outpost Productions. 1996. 7th Regiment, Early History. Cavalry Outpost Publications. Accessed June 23. http://www.first-team.us/journals/7th_rgmt/7thndx01.html.
- Chandler, Melbourne C. 1960. *Of Garryowen in Glory—The History of the Seventh United States Cavalry Regiment*. Annandale, VA: The Turnpike Press.
- Conway-Lanz, Sahr. 2006. *Collateral Damage: Americans, Noncombatant Immunity and Atrocity after World War II*. New York, NY: Routledge.
- Cook, Paul J. 2002. How Did a Lack of Strategic and Operational Vision Impair the Army's Ability to Conduct Tactical Operations in Korea in the Summer of 1950? Master of Arts, U.S. Army Command and General Staff College.
- Cumings, Bruce. 1990. *The Origins of the Korean War: Volume II: The Roaring of the Cataract, 1947–1950*. Princeton, NJ: Princeton University Press.
- Dower, John W. 1986. *War Without Mercy: Race and Power in the Pacific War*. New York, NY: Pantheon Books.
- Edwards, Paul. 2006. *The Korean War*. Westport, CT: Greenwood Press.
- Ent, Brigadier General Uzal W. 1996. *Fighting on the Brink: Defense of the Pusan Perimeter*. Paducah, KY: Turner Publishing Company.
- Fehrenbach, T.R. 1963. *This Kind of War: A Study in Unpreparedness*. New York, NY: The Macmillan Company.
- Galloway, Joseph. 2000. Doubts about a Korean 'Massacre'. *U.S. News and World Report*, 22 May.
- Hanley, Charles. 2007. 1950 'Shoot Refugees' Letter was Known to No Gun Ri Inquiry, But Went Undisclosed. *The Associated Press*, 14 April. Accessed 12 June 2009.
- Hanley, Charles, Sang-Hun Choe, and Martha Mendoza. 2001. *The Bridge at No Gun Ri: A Hidden Nightmare from the Korean War*. New York, NY: Henry Holt and Co.
- Hanson, Thomas E. 2016. The Eighth Army's Combat Readiness Before Korea: A New Appraisal. *Armed Forces & Society* 29 (2): 167–184.
- Inspector General. 2001. No Gun Ri Review. Edited by Department of the Army.
- Karig, Walter. 1950. Korea—Tougher Track Than Okinawa. *Colliers*, 23 September, 24–25, 69–70.
- Knox, Donald. 1985a. *The Korean War—Pusan to Chosin—An Oral History*. San Diego, CA: Harcourt Brace Jovanovich.
- . 1985b. *The Korean War: Uncertain Victory*. San Diego, CA: Harcourt Brace Jovanovich.
- MacDonald, Callum. 1986. *Korea: The War Before Vietnam*. New York, NY: The Free Press.
- Major General Charles A. Willoughby, and John Chamberlain. 1954. *MacArthur, 1941–1951*. New York, NY: McGraw-Hill Book Company.

- Mossman, Billy C. 1990. *Ebb and Flow, November 1950–July 1951 (United States Army in the Korean War)*. Washington, DC: Center of Military History.
- Osborne, John. 1950. The Ugly War. *Time*, 21 August.
- Paschall, Rod. 1995. *Witness to War, Korea*. New York, NY: The Berkley Publishing Group.
- Peters, Richard, and Xiaobing Li. 2004. *Voices from the Korean War: Personal Stories of American, Korean, and Chinese Soldiers*. Lexington, KY: The University Press of Kentucky.
- Ridgway, Matthew B. 1967. *The Korean War*. Garden City, NY: Doubleday.
- Ridgway, Matthew B., and Harold Martin. 1956. *Soldier: The Memoirs of Matthew B. Ridgway*. New York, NY: Harper Brothers.
- Schnabel, James F., and Robert J. Watson. 1979. *The History of the Joint Chiefs of Staff. Volume III, The Korean War*. Wilmington, DE: Michael Glazier, Inc.
- Thompson, Reginald. 1951. *Cry Korea*. London, UK: Macdonald & Co.
- Truth and Reconciliation Commission. 2009. Truth and Reconciliation: Activities of the Past Three Years. Edited by Republic of Korea.
- Tucker, Spencer. 2000. *Encyclopedia of the Korean War: A Political, Social, and Military History. Volume II, A–M*. Santa Barbara, CA: ABC-CLIO.
- Tunstall, Julian. 1953. *I Fought in Korea*. London, UK: Lawrence & Wishart.



Enemies or Friendlies? British Military Behavior Toward Civilians During the Malayan Emergency

Abstract After World War II, the British re-entered Malaya to find that anti-Japanese forces they previously supported had now begun an insurgency against colonial interests. While the British had extensive experience with jungle warfare, the first British units in Malaya struggled to deal with insurgent attacks. For some units, frustration with insurgent tactics boiled over into reprisals against civilians. The massacre of twenty-five civilians at Batang Kali is the most extreme example of this violence. However, many units took pity on the civilians caught in the crossfire and endured tremendous risks to protect them. Based on extensive archival research, the author finds that, while all units received relatively little training in the laws of war, some units had subcultures that valued tactical innovation and pride in service. Leaders of these units helped to steer uncertain soldiers toward the ideals of minimal force and civilian protection.

Keywords Batang Kali • Massacre • Jungle warfare • Counter insurgency • Subculture

On December 12, 1948, on patrol near the village of Batang Kali, a unit of the Scots Guards shot twenty-five civilians. While the scale of this event was uncommon in the British military's experience during the reoccupation of Malaya, some units failed to discriminate between guerrilla fighters and civilians caught in the crossfire. In total, almost five thousand civilians

died during the conflict; while many of these deaths were at the hands of insurgents, British forces also were responsible (Mockaitis 1990, 9). The lack of care in protecting civilians, particularly at the outset of the Emergency, not only took the lives of hundreds of peasants but also undermined British efforts to develop intelligence networks and deny resources to the insurgents. Why were some units unwilling to take a more conservative approach and protect civilians who could help them prevail in the larger conflict?

To understand unit behavior, I first examine the conditions under which the British re-entered Malaya, the global environment, and the challenges troops faced. I then discuss the common explanations for the Batang Kali massacre. However, these explanations cannot account for units that limited their use of force and protected civilians. I then discuss the socialization of British units deployed to Malaya and unique unit subcultures. To better understand specific unit behavior, I reviewed the official histories of units deployed at the outset of the emergency, field notes and reports sent to local authorities and British officials, local media reports about the insurgency and British troops, and oral histories of individual soldiers. While all units received relatively little training in the laws of war, some units had subcultures that valued tactical innovation and pride in service. Leaders of these units helped to steer uncertain soldiers toward the ideals of minimal force and civilian protection.

THE CHALLENGES OF REOCCUPATION

During World War II, the British, even after withdrawing their own forces, supported guerrilla groups that fought the Japanese in Malaya. After the war, the British returned to retake control, but guerrilla forces did not completely disband and served as the foundation for anti-British resistance. Agitating for independence and turning towards communism, these forces targeted British commercial interests, attacking rubber plantations and tin mines. By June 1948, escalating violence and the assassinations of several prominent British landowners led British authorities in Malaya to declare an “emergency,” giving the police and government greater flexibility in prosecuting the war against the insurgents.

When the Colonial Office declared the Emergency, threats from the Soviet Union and communism in Europe dominated the agenda of leaders in London. However, the threat to British civilians and business

interests in Malaya forced the government to temporarily shift its focus to Asia. Creech Jones, Secretary of State for the Colonies, argued in July 1948 that the Malayan Communist Party, which he blamed for the violence in Malaya, was “the nerve center for the whole subversive movement” (Deery 2007, 34). A Colonial Office memo in March 1949 noted that British failure in Malaya could lead to communist victories throughout all of Southeast Asia: “There is a distinct danger that, as measures are developed for the security of Europe and the Middle East, pressure [from the Soviet Union] upon South East Asia will increase ... if the general impression prevails in South East Asia that the Western Powers are unwilling and unable to assist in resisting Russian pressure ... eventually the whole of South East Asia will fall a victim to the Communist advance and thus come under Russian domination” (Quoted in Deery 2007, 30–31). While Prime Minister Clement Attlee did not convey this danger explicitly to the British public, Winston Churchill, leader of the opposition, during a campaign speech in October 1949, noted the Communist threat: “Let them [communists] cease to distract in Malaya and Indonesia. Let them liberate the Communist-held portion of Korea. Let them cease to foment the hideous protracted war in China. Above all, let them throw open their vast regions on equal terms to the ordinary travel and traffic of mankind. Let them give others the chance to breathe freely, and let them breathe freely themselves” (Gilbert 1988, 437). British civilian leaders clearly felt that, in addition to their economic interests in Malaya, they had to respond to this threat of communist aggression.

Despite these dire warnings, the British government did not give the military in Malaya the attention or resources needed to fight the growing insurgency. Robert Thompson, who had experience with the British campaign in Burma and later became the permanent Secretary of Defense in Malaya, noted that there was very little coverage of the Emergency in the London newspapers, so there was no sense of urgency to press the government to act (Barber 1971, 42). The Chief of Staff stated the lack of a government policy starkly in a Cabinet level meeting about Malaya on June 21, 1950: “Before sending any more troops into Malaya we consider we must know where we are going.”¹ Although civilians talked of the conflict as part of the larger Cold War, their commitment did not go far beyond the notion that they must “do something.” Authorities in Malaya were left to combat communist forces largely on their own.

THE REALITIES OF THE “EMERGENCY”

Guerrilla warfare, a common tactic utilized by an indigenous opposition, imposes tremendous burdens on civilians; they become trapped between government and insurgent fighters. In Malaya, the guerrillas threatened peasant villagers, many ethnically Chinese, to collect money and food for forces living in the jungle. At the same time, the government sought assistance from these civilians to discover the location of insurgent camps and cut off food supplies. The anti-British resistance fighters had numerous advantages over British forces; they lived in closer proximity to villagers, they sometimes had relatives or close friends in the village, and they were not afraid to threaten violence. British authorities thus faced a dual threat: the insurgents and the silent network in villages who, willingly or unwillingly, supported them. The British military, facing the difficulties of distinguishing peasants from fighters, had to adjust to the constant risk of an insurgent attack.

At the time of the Emergency, there were few British military units in Malaya that could aid the police; the Seaforth Highlanders and the Kings Own Yorkshire Light Infantry (KOYLI) moved from Singapore to join the 4th Queens Own Hussars and Cameron Highlanders (Coates 1992, 32). In August 1948, three regiments of the Guards Brigades arrived: the Coldstream Guards, the Grenadier Guards, and the Scots Guards. The British military deployed additional units in 1949–1950, including the Green Howards and the Suffolk Regiment. Once in Malaya, these forces underwent limited jungle warfare training. Although the British had extensive experience in jungle warfare, most recently in Burma during World War II, military leaders had not formalized this experience into a specific jungle warfare curriculum. As the Malayan conflict continued, British authorities refined these efforts and exposed soldiers to the extremes of the jungle environment and reinforced basic military skills.

After a short period of acclimation, units went to different areas surrounding Kuala Lumpur, the capital of the Malayan Federation. A Far East Land Forces situation report described general military activities: “Vigorous patrolling by mixed Army-Police detachments continues in the areas in which bandit activity has been reported and several clashes have taken place.”² All British forces describe similar activities in their quarterly regimental histories for this time period.³

Britain, as a colonial power, had extensive experience with indigenous violence and revolutions; these experiences led the army, especially in civil disturbances, to rely on the principle of minimum force. In the military

pamphlet, *Imperial Duties in Aid of the Civil Power*, the government outlines the basic principle of these missions: “no more force shall be applied than the situation demands.”⁴ Regiments in Malaya were to work with and defer to civil authorities regarding action on intelligence or responding to threats. While some Malayan villagers, primarily Chinese peasants, posed challenges for British officials because they supplied food or other materials to the insurgents, they did not pose an imminent threat. Units that discovered civilians providing assistance to insurgents were to detain and interrogate them to discover the location of insurgent camps.

In addition to limits imposed by the principle of minimum force, Britain also faced new obligations to protect civilians under the recently negotiated Geneva Conventions. While the treaty negotiations did not end until December 1948, the military was aware of the Conventions and making plans to comply.⁵ However, there was great debate between military and civilian officials about what the treaty should and should not include. Notably, the military objected to a prohibition on reprisals, arguing that “a complete ban on reprisals (other than on personnel) could not be allowed in situations like Malaya today ... an occupying power must have powers to take stern measures against passive resistance. These measures need not be unduly ruthless or inhumane.”⁶ Many of the common unit tactics during the first few months of the Emergency, including burning down villages accused of supporting the insurgents and detaining thousands of suspected collaborators, seem consistent with this logic.

KILLING BANDITS AND SYMPATHIZERS

At the outset of the Emergency, units could only respond to threats; the small number of forces available and lack of intelligence limited their options to seek out the enemy. On December 11, 1948, a Scots Guards patrol set out to investigate a village that reportedly provided support to local insurgents. The Malaya District Headquarters’ Quarterly Historical Report documents the official version of the event:

Acting on police information, patrol of 2SG [Scots Guards] found 26 male suspects in a *kongsi* house ... on the evening of 11 December. 1 who attempted to escape was shot dead, and the remainder confined in the *kongsi* house under guard for the night. Acting on information supplied by one of the suspects, a *kepala* [headman] arriving with a lorry [truck] full of food was arrested early in the morning. Shortly afterwards 25 suspects attempted

a mass escape on a pre-arranged signal. They ran into parties of our own troops who had been positioned to block the exits into the jungle, and 24 of them were shot dead.⁷

This version of events, which various authorities repeated in other official reports, however, raised questions both in the local media and with local government officials. Anthony Short, author of the official history of the Malayan Emergency for the Malaysian government, with access to many Malayan and British documents, notes that what British authorities should have touted as a great success they instead buried: “That 24 bandits should have been killed was in itself remarkable but the reticence shown by the army in what should have been a considerable victory made it even more so” (Short 1975, 166). Given the difficulty of finding insurgents, such a large number of kills represented a major blow against the insurgents. The lack of publicity regarding this encounter raises questions about the initial version of events.

In the days following the massacre, local officials and Chinese organizations’ protests led the Attorney General, Sir Stafford Foster-Sutton, to conduct an informal inquiry. He interviewed several members of the patrol and visited the area. Although he later described the incident as “a bona fide mistake,” he conducted no formal inquiry, and there are no records to document his informal investigation.⁸ When a Member of Parliament questioned Secretary Jones about the incident and the inquiry’s results, he responded: “The Chinese in question were detained for interrogation under Emergency Regulations powers. An inquiry was made into this incident by the civil authorities and, after careful consideration of the evidence and a personal visit to the place concerned, the Attorney General was satisfied that, had the Security Forces not opened fire, the suspect Chinese would have made good an attempt to escape.”⁹

The Scots Guard’s official military history for the campaign, published in 1952, includes a short discussion of the event that while upholding the official story, raises questions about how the unit felt about their actions; “The 12th December 1948 will always remain engraven in the minds of certain members of ‘G’ Company as it will on those of the inhabitants of Batang Kali; for on that day twenty six members of the village were killed by a patrol. *Whether the action was right or wrong need not concern us at the moment.* Suffice to say that those killed were known to be active bandit sympathizers” (The Scots Guards 1951, 57 Italics added by author).

Despite the British government and military's best efforts to defend the unit's actions, there remained a cloud over the events at Batang Kali.

During 1969 and early 1970, as the United States military dealt with revelations of the My Lai massacre in Vietnam, William Cootes, a member of the Scots Guards patrol that shot the villagers, told his version of the Batang Kali killings to the British newspaper, *The People*. He described his unit commander informing the unit that they were going to a village and would "wipe out anybody they found there."¹⁰ His fellow platoon member, Alan Tuppen, also came forward and detailed the instructions of the captain before they went to the village: "He said we were to go out on patrol and that our objective would be to wipe out a particular village and everyone in it because, he said, they were either terrorists themselves or were helping terrorists in that area." After the platoon separated the men from the women and children, Tuppen remembers the sergeant calling the men to attention: "He told us that all the remaining men and boys were to be shot. He then said if anyone of us were too squeamish to carry this out, we should let him know there and then by taking one pace forward and falling out of the parade." The unit divided the remaining villagers into groups, and three soldiers took each group to a different area at the perimeter of the village. Tuppen described the actual massacre: "After a few seconds I heard shooting from one of some of these other groups. Instinctively, we started firing too at the villagers in front of us. The villagers began to fall. One man with bullets in him kept crawling and we fired several more rounds into him but he still would not die. He was finally killed when a bullet went through his head." Tuppen clearly refutes the official descriptions of the incident: "The important point I wish to make is that none of the villagers were shot while trying to escape of their own free will or after being forced away by any action on our part."¹¹ Other members of the patrol also came forward to support Cootes and Tuppen's version of events.¹²

In addition to this new testimony, *The People's* investigation raised questions about other elements of the military's version of events. In an interview with Captain George Ramsay, the platoon commander who allegedly gave the orders to "wipe out the village," he noted the unit's poor marksmanship; "we had often been criticized before the incident because of our inability to hit moving targets. Up to that day our bag of terrorists had been very poor indeed."¹³ If the unit could not shoot at moving targets with any accuracy, how could they kill all of the villagers as they escaped? New evidence also came forward regarding the credibility of

the informal inquiry. Many of the unit members argued that they invented their testimony to the inquiry after the fact. Cootes recalled that the official, although he questioned the story, voiced support for the patrol: "I remember the official saying it was strange that if the men had made a run for it, why their bodies were found lying closely together in different groups. He suggested they wouldn't make a break in groups, they would be more spread out all over the place. I just repeated the story that I had already told him and I clearly remember his last words to me. He said he hoped we got away with it."¹⁴ The soldiers' new testimonies and a public outcry led the government to refer the case to the Department of Public Prosecutions, but after several months the Director issued a statement that he was ending the investigation due to a lack of government documents and inability to verify testimony from an event over 20 years ago.¹⁵

In 2009, based on new evidence regarding the Attorney General and his role in covering up the incident, the government agreed to reopen the case (Verkaik 2009). However, in 2010, the Foreign Office and Ministry of Defense decided against a public inquiry. As a result, surviving victims and family members filed a case in British courts asking for a formal investigation into the incident. Newly released documents from the Foreign Office provided greater details on the incident and raised new questions about how far knowledge about the killings travelled up the chain of command. While the British Supreme Court ultimately rejected the claimants' demand that the British government conduct a new formal investigation, they did note that the case, in unearthing documents, had raised significant questions about the British government and military's response. Lord Neuberger argued "this court have said in all terms that the official UK Government case as to the circumstances of the killings may well not be correct and that the killings may well have been unlawful" (Belfast Telegraph Online 2015).

Although the Batang Kali massacre is the most well-known case of British forces killing a large number of civilians, archival records note regular occurrences of civilian deaths. Most units engaged in limited encounters with the enemy, often only reporting one or two kills per incident. Larger scale encounters were rare. Often those killed were labelled bandits, but in one occasion a unit did note "one female civilian accidentally shot."¹⁶ Anthony Short, in an interview during the 1970 media blitz about the Batang Kali incident, noted: "I would guess that maybe in the whole twelve years of the emergency there I doubt if there were more than a hundred people killed by stray bombs, bullets, or anything else."¹⁷ By focusing on

the Batang Kali massacre, particular behaviors that existed widely during the early days of the Emergency are magnified; the deaths of small numbers of civilians, while common, likely never were recorded or led to the same level of scrutiny that this massacre did. While recorded deaths might have been rare, it was common, particularly at the outset of the Emergency, for units to treat civilians roughly and destroy their villages as a way to isolate the guerrillas. These tactics created the conditions for a long and brutal battle with the Communist insurgency (Stubbs 2004, 254).

Part of the reason the insurgency was able to flourish was Communist propaganda efforts. While these publications likely exaggerate British brutality, they do serve as a window into how the guerrillas saw British tactics. *The Freedom News*, a communist newspaper, described the Batang Kali massacre: "Machine guns were then put up. Sharp and woeful cries were then heard amidst the firing of machine guns with bullets passing through the thick foliage of the rubber trees into the air" (Ramakrishna 2008, 31). The *Malayan Monitor*, another propaganda publication, questioned the official explanation of events: "Even the Government puppets in Malaya felt it necessary 'to ask for further information' when 24 detained civilians were shot on December 12, 'while attempting to escape'" (Malayan Monitor). While impugning the British was undoubtedly their motivation, the propaganda accounts confirm many of the details of the incident in the unit soldiers' 1970 testimony. The publications also targeted National Registration and the New Villages program that relocated ethnic Chinese peasants into "concentration camps." By 1952, the tone of the propaganda publications changed from focusing on events inside Malaya to communist victories and struggles throughout Asia.¹⁸ The change in focus, and lack of discussion of mass killings or civilian casualties, suggests that British policies had changed, and the insurgents had to direct supporters' attention elsewhere.

COMMON EXPLANATIONS

In the immediate aftermath of the Batang Kali massacre, British and local authorities concluded that the Scots Guards had been justified in shooting the civilians as they tried to escape. After the revelations of the participants, this explanation fell apart, and historians, journalists, and former military and civilian leaders offered their own explanations for the event and the broader punitive British approach in Malaya. A few excused the brutality as part of the nastiness of guerrilla war and the communist insurgents. Others focused on the morale of the British units sent to Malaya and the role of rotating National Service members.

The Ugliness of the Enemy and Jungle Warfare

In 1945, when the British reoccupied Malaya, members of the guerrilla anti-Japanese forces joined British soldiers for parades in London celebrating their victory. However, only a short time later, these individuals reorganized to challenge British rule. Colonial leaders and the media initially depicted these fighters only as annoyances or bandits. Once Colonial Officials declared the Emergency, rhetoric about the enemy quickly escalated. In Malaya, radio listeners heard Malcolm McDonald, a British official with a long history in the colony, declare: “It is the terrorists ... who are now trying to impose on you a vicious, tyrannical rule” (Deery 2007, 36). British officials already in Malaya painted the ethnic Chinese peasants with a broad brush, depicting them as terrorists deserving violent treatment (Miller 1954, 89).

The nature of jungle warfare—patrolling in the dark, fearing surprise ambushes, and dealing with the heat, the humidity, the animals and bugs—stressed all units that served in Malaya. Some observers argued that these conditions made accidental civilian killings inevitable (Thomas 1966). Many patrols would stay in the jungle for days, even weeks, without encountering the enemy and then, in a brief moment, insurgents would ambush them.¹⁹ Other soldiers described finding booby-trapped bodies of civilians and British soldiers.²⁰ In response to *The People’s* Batang Kali coverage, R.V. Brinnicombe-Wood, a sergeant with the 4th Queens Own Hussars Regiment, argued: “The uninitiated may not be aware that we fought against people who had no respect for the Geneva Convention; they took no prisoners and, in consequence our maxim was ‘kill or be killed.’”²¹ Herbert Moss, who joined the KOYLIs, already in Malaya in 1948, described his disgust: “I hated them because of the atrocities that we had heard about.”²² When the Scots Guards arrived in Malaya and began their patrols, they heard many stories of insurgent atrocities targeting British landowners and local civilians.²³ Many soldiers, frustrated with their lack of success and continuing insurgent actions, took out their aggression on civilians. A common British army tactic was to burn down villages near major insurgent attacks; the units assumed that the village must have provided insurgents with food and other support (Stubbs 2004, 74). Civilian support for the guerrillas, these soldiers argued, justified their actions.

While it may be easy to imagine soldiers frustrated with guerrilla tactics, there were many other soldiers who approached the conflict with indifference. Paul Humber, of the Coldstream Guards, had a simple attitude

toward his service: "That was what we were there for, so we just had to get on with it."²⁴ Edward Slade, with the KOYLI in Malaya both before and during the Emergency, had few feelings toward the enemy: "respected him because of his cunningness, but you never gave a tuss for him."²⁵ Michael Gilbert, with the successful Suffolk Regiment, noted the risk of getting too emotionally involved: "I had no particular feelings as such or hatred ... I didn't like what they were doing to my colleagues ... I think you can get too emotionally involved in things, you've got to see it for what it is. If they got a chance to kill you, they would, if you got a chance to kill them that was your job."²⁶ John William Noble, also with the Suffolks, offered a similar perspective: "I suppose my personal feelings was ... I can't remember it was a hate for them. I don't [think] anyone can say they particularly hated them ... [it was more] a matter of they were terrorizing people in the area, and we were there to stop it."²⁷ Even those who felt strongly about the enemy pitied the peasants caught between the two forces. Moss, who was so disturbed by reported enemy atrocities, also recalled many of the villagers were innocent victims: "Local people in the outlying areas were very resourceful, very hard working ... frightened of the terrorists."²⁸

A few soldiers even came to appreciate Malaya and expressed empathy for the insurgents. Raymond Burdett, a member of the Suffolk Regiment, remembered one encounter: "When we met some of these communists, we captured some of them, the poor devils were frightened out of their wits."²⁹ John Desmond Mander, with the Green Howards in 1949, thought there should have been greater efforts to reach out to them: "What I felt about them was that we knew so little about them. And I thought we ought to send people into the jungle more to get to know them."³⁰ Frederick Dobbs, who served with the Green Howards, noted: "I pitied the enemy—my politics at 18 were nil ... But I was out there because the government said I was out there, there was a lot of young lads in the enemy camp who were certainly in that predicament, some of them 14–15 years [of] age who didn't know what they were doing."³¹

Poor Morale and Inexperience

Historians and British military authorities have also cited the lack of experience to explain the behavior of certain units during the Emergency. Despite extensive British participation in jungle warfare in Burma during World War II, many of those veterans left the army before units deployed to Malaya (Marston 2006, 97). The units also suffered because of budget

cuts and overstretch after World War II (Erskine 1956, 469). After the soldiers' revelations in *The People*, the Scots Guards headquarters wrote a memo that was highly critical of the unit: "It will be remembered that 2SG [Scots Guards] had only been in Malaya a matter of weeks, and that for some members of the patrol, which included MT [military transport] drivers, sick men, and at least one member of the Corps of Drums, this was almost certainly their first operation."³² However, this description conflicts with the testimonies of many of the unit members, who claimed they participated in several patrols before setting out for Batang Kali.³³ If the Scots Guards patrol had included such low quality soldiers, one would expect that their lack of skills would make the killing all of the "escaping" prisoners unlikely; a few of the villagers should have escaped, or at least incurred injuries but survived. If lack of experience or shortage of patrols explained the unit's reaction to the situation at Batang Kali, there should have been many more cases of civilian massacres.

Many critics blamed the National Service program for weakening British army units and sending unmotivated troops to fight.³⁴ Under this post-World War II program, all young men in the United Kingdom were to serve in the army for a set period of time.³⁵ These soldiers often would deploy to Malaya but rotate out just after completing jungle warfare training or after gaining patrol experience (Erskine 1956, 473). More cynically, some critics feared that National Servicemen lacked the drive or character to be good soldiers (Jackson 1991, 45). While many officers and soldiers agreed that National Servicemen caused problems of additional paperwork and frequent troop rotation, few argued that they did not serve as competently as regular soldiers. William John Martin, a member of the Suffolk Regiment, argued: "At least 75% of the men in 1st Battalion Suffolk Regiment, one of the most successful battalions in Malaya, were National Servicemen, where the majority of our junior officers were National Service officers."³⁶ GOC Robert Urquhart, who took over from General Boucher in 1950, reported: "I make no distinction between my National Service boys and my regular soldiers: one is as good as the other."³⁷ Many soldiers, regardless of unit, agreed that there was little discernible difference between national servicemen and regular soldiers (Simpson 1992, 155).

Rather than experience or composition, units seemed most impacted by low morale. Given the unclear mandate from the British government, soldiers did not understand why they were in Malaya or what they were supposed to accomplish. The inattention to details of the conflict at the

highest levels of the British government undermined the soldiers' motivation and morale. Sacha Carnegie, who served in a Guard unit in Malaya, recounted his reaction to media coverage of civilian leaders: "Read about unimaginative politicians having said the same senseless thing for the ninety-ninth time" (1955, 94). High Commissioner Sir Henry Guerney pled with leaders in London to pay greater attention to the conflict and support the British civil servants and soldiers who wondered whether the government appreciated their sacrifices (Stockwell 1995, 113).

Soldiers were particularly skeptical of efforts to link the conflict to Britain or national security; they saw themselves more cynically as protecting British economic interests. Leaders labeled the conflict an "Emergency," rather than a war, to protect these businesses' insurance policies. As the Regional Information Officer in Malaya lamented, "This ban [on the designation of the violence as a war or description of the insurgents as the "enemy"] ... has had the effect of preventing public opinion both inside and outside Malaya from obtaining a clear picture of the seriousness of the MCP threat" (Deery 2003, 239). Raymond Burdett, of the Suffolk Regiment, remembers: "They mostly emphasized King and country, this is what we've got to do it for, but it boiled down that we were there to protect the rubber and the tin."³⁸ While low morale certainly may have impacted the productivity of units, it seems more likely to explain unwillingness to go on patrol rather than engaging in mass slaughter.

Heated rhetoric and violent portrayals of the guerrillas, limited experience, and low morale undoubtedly influenced the behavior of British units during the Emergency. However, it is difficult for any of these factors to specifically explain why the Scots Guards massacred civilians at Batang Kali, or why some units willingly implemented brutal tactics to control civilians while other units were more restrained. These general explanations would lead one to expect that the killing of civilians was universally practiced and approved, but the empirical record suggests otherwise. Examining unit behavior is crucial to better understanding both compliance and non-compliance with norms of civilian protection.

SOCIALIZATION

The brutal violence of World War II led nations to negotiate and sign the Geneva Conventions, which provide explicit protections for prisoners and civilians during war. The British began the process of incorporating their Geneva Convention obligations into basic military training in 1949. In

addition, British forces providing aid to a civil power (as in Malaya) operated by the principle of minimum force. However, the question remains as to how the British military socialized its troops regarding minimal force and their obligations to protect civilians. Training at home was minimal, but jungle warfare workshops in theater offered practical guidelines aimed at ensuring that units recognized the differences between enemy fighters and friendly civilians.

Training

British troops in Malaya at the outset of the Emergency received almost no training in the laws of war. The Basic Military Training curriculum, described in a yellowed memorandum, focused on “drill, weapons training, gas training, physical training, education, health and religious training.”³⁹ Within the section on education, there is some mention of the United Nations, but no discussion of the laws of war. Even in documents about officer training, there is no mention of international law or protection afforded civilians. Michael Gilbert, member of the Suffolk Regiment, when describing his training illustrated what was included and hints at what was not: “teaching you how to march, how to handle a rifle, and how to behave in a soldierly manner.”⁴⁰ Many soldiers noted that the purpose of basic training seemed to be to break down any individual resistance to obeying orders. Raymond Burdett, member of the Suffolk Regiment, reflected on his experience; the trainers sought “to get us to follow instructions, not to question commands.”⁴¹ Training focused primarily on skills needed in conventional combat, not skills needed in policing or counter-insurgency operations where the presence of civilians could complicate tactical decisions.

Prior to their emergency deployment to Malaya, the Coldstream, Grenadier and Scots Guards were involved in many ceremonial duties in London. These units were also under strength, so the military added soldiers to the Guards who had not finished basic training (Sunderland 1964, 42). However, these units had the opportunity to do remedial training on the ship as they traveled to Malaya. In the training instructions for the Grenadier Guards, the commanders note the difficult situation they are going into and the lack of time for additional training: “It is very probable that the Bn [battalion] will not have very long to organize and train in Malaya, before it is required to operate against the bandits, therefore, every opportunity must be taken on board ship to get the Bn ready and fit

to fight.”⁴² The same memo continues to detail important combat skills the unit can work on, weapons, medical, wireless training and compass and map reading. Another training instruction details some lectures that officers will give on board, but these only covered “regimental history and custom” and “general interest” topics.

Units were instructed to review the pamphlet, “Imperial Policing and Duties in the Aid of the Civil Power.” This pamphlet stresses the importance of discipline, particularly in controlling the behavior of soldiers facing a challenging security environment:

Duties in the aid of the civil power call for the highest standards of discipline among officers and men ... the patience of soldiers when employed over long periods on these unpleasant duties is sorely strained; casualties among their comrades and the acts of terrorists, who are to the soldiers no more than despicable murderers, try their patience and naturally tend to embitter their outlook. The desire to hit back and the ordinary and quite understandable motive of revenge will only be held in check by good, sound, and humanely administered discipline.⁴³

Unfortunately, soldiers in these regiments noted that the lack of space, resources, and widespread seasickness cut many of the last-minute training efforts short.⁴⁴

When British units arrived in Malaya, they proceeded to Nee Soon, where they participated in a short jungle warfare training course. In several memos describing the importance of this training, officers mention the “legal implications” of jungle warfare. However, these memos do not include a description of these implications; they are included in a special memo only for officers.⁴⁵ Although these memos are not readily accessible in available archives, other memos and routine orders suggest that given the military’s subordination to the civilian authorities, civilian courts could adjudicate any violations of local laws, including murder. However, documents that explicitly outlined this problem or how officers should educate their units about it also do not appear to be available. In a U.S. military review of British innovations in counterinsurgency training, there is no evidence of training in the Geneva Conventions or the laws of war (Sunderland 1964, 43–45).

However, during this course, many soldiers remembered that instructors taught them to distinguish between enemy targets and “friendlies,” who included civilians or fellow soldiers. At the same time, much of the

training sensitized soldiers to fire quickly in the jungle environment. Alan Tuppen, a member of the Scots Guards platoon that participated in the Batang Kali incident, noted that jungle training consisted of a “lot of snap shooting practice at pop-up targets.”⁴⁶ Raymond Burdett, Suffolk Regiment, described the same kind of training, but noted that the trainers “could put in a friendly.”⁴⁷ While these statements do not specifically speak to international law regarding protection of civilians, there is evidence that the trainers emphasized the importance of only killing enemy soldiers. All units received standard jungle training in these early days of the conflict, and so should have learned the importance of distinguishing between enemy and civilian targets. Jungle warfare might have tested their capacity to distinguish these targets, but the underlying norm conveyed was clear.

In addition to this training, there were also general orders to arrest, not kill, anyone suspected of aiding terrorists. Standard orders directed units to detain these individuals and take them to local police stations for questioning. While these orders do not address the issue of training, they do suggest how military authorities thought soldiers should deal with civilians, even those aiding the guerrilla forces. William Colyear Walker, head of the Jungle Warfare School, describes a similarly conservative rule of engagement: “Before you can fire at the enemy you are instructed to shout ‘Halt!’ in Chinese, and if, in the twilight of the jungle, where every tree may hide a bandit, you kill a man who is not one, it is a serious offense.”⁴⁸

However, not all units complied with these expectations or knew how to respond to a conflict between orders and what they thought was appropriate behavior. Attorney-General Foster-Sutton, who conducted the informal inquiry of the Batang Kali incident, denied that it was possible that the Scots Guards sergeant in command ordered the soldiers to shoot unarmed villagers; yet, four of the members of the patrol claim that sergeant told them the villagers had assisted the guerrillas and thus the unit would shoot them.⁴⁹ While some of the soldiers thought this order was unusual, none of them described feeling that it violated their soldierly values, or felt compelled to refuse the order or report the sergeant.⁵⁰ Even though the training environment suggested that soldiers could only shoot at armed insurgents, there was no outward opposition to the alleged order to shoot the unarmed villagers. Their training did not prepare them to question orders, even if they were inconsistent with their personal or professional values.

In 1949 and 1950, too late for the units initially deployed to Malaya, the British military began to educate soldiers about their Geneva Conventions obligations. On 8 February 1950, the Army Chief of Staff noted the mili-

tary should issue a pamphlet to communicate the most important aspects of the treaty to soldiers; "Owing to the fact that Field Service Regulations are, we understand, now obsolete, we think that it will be necessary to issue a pamphlet to all units to acquaint them with their duties in the field or *occupied territory* under the Conventions."⁵¹ In this pamphlet, the section on civilians details soldiers' legal obligations to protect civilians: "Civilians are entitled in all circumstances to respect for their persons, their honour, their family rights, their religious convictions and practices and their manners and customs. They must at all times be humanely treated and especially protected against all acts of violence or threats thereof and, when appropriate, against insults and public curiosity."⁵² The pamphlet also prohibits specific abuses of civilians, including physical or mental coercion, physical suffering, collective action, intimidation, or reprisals against their property. While these provisions seem to cover most of the dangers soldiers could pose to civilians, there is no evidence the military widely distributed these pamphlets or that soldiers read them. In many hours of oral histories, none of the soldiers that had served during the Emergency mentioned learning about the Geneva Conventions or the laws of war.

British soldiers received minimal training in the laws of war and minimum force during basic training and in preparation for operations in Malaya. British efforts to educate soldiers about the Geneva Conventions either did not ever reach units deployed in Malaya or left no impression on them. However, the inclusion of distinguishing targets in the jungle warfare curriculum, along with the ambiguous concerns about "legal implications," suggests that officers knew British units were not supposed to shoot at civilians. Among all regiments, the standard of training was very similar. All of these regiments went through the introductory jungle warfare course and received the same instruction about "snap shooting" and differentiating between targets. Differences in training do not seem to explain why some units killed civilians while others did not.

Enforcement

While the British military did not explicitly educate soldiers about the laws of war, they did instruct them to distinguish between enemy and civilian targets. Soldiers, however, would also need to see these principles enforced and respected by their leaders to integrate them into their own values. Unfortunately, civilian and military leaders in Malaya instead excused brutal behavior and signaled to units that any actions taken against the guerilla fighters or civilian villagers would be justified.

At the outset of the Emergency, colonial officials urged the use of force to control the “bandits” challenging them. In a memo on “Law and Order in the Federation,” High Commissioner Guerney argued: “It is in fact impossible to maintain the rule of law and fight terrorism effectively at the same time.”⁵³ He notes that both the police and military forces break the law “every day” and insists that shows of force are necessary to defeat the insurgents. He also signals an unwillingness to enforce the law: “it is most important that police and soldiers, who are not saints, should not get the impression that every small mistake is going to be the subject of a public enquiry or that it is better to do nothing at all than to do the wrong thing quickly.” Another telegram in January 1949 from the High Commissioner of the Federation of Malaya to the Colonial Office repeated this reluctance to interfere in military operations: “One of the difficulties of this situation is that we have a war on terrorism on our hands and are at the same time endeavoring to maintain the rule of law. I would also point out that it is an easy matter from one’s office and home to criticize action taken by security forces in the heat of operations and working under jungle conditions but not so easy to do the job itself.”⁵⁴ The telegram, which commented on reports of the killing of civilians at Batang Kali, concluded: “We feel that it is most damaging to the morale of the security forces to feel that every action of theirs, after the event, is going to be examined with meticulous care.”

When authorities did attempt to uphold the law and regulations, particularly on the use of force against civilians, military leaders would balk and threaten to abort the entire mission in Malaya. Ronald Denys Eden Buckland, who served as a staff officer in the Guards Brigade in Malaya from 1950 to 1952, described a botched ambush in which soldiers killed a woman and injured an old man. He noted that the soldiers had not followed the general orders to call out to the individuals because “by the time you shouted out in Chinese, Malaya, Tamil three times they’ve either shot you if they’re baddies or they’ve scampered.”⁵⁵ However, the civilian magistrate in charge of the inquest found the unit responsible for the death and noted that the civil authorities would try the soldiers under local law. Buckland approached the head of the British forces in Malaya, General John Harding, who threatened the civilian high commissioner with a full military pullout. According to Buckland, Harding told Guerney, “Unless you can sort this out pretty speedily, I’m going to have the whole of the army out of the jungle and the war is over as far as I am concerned, because I’m not going to have this happening.” Guerney arranged for a more informal inquiry, which deemed that no one unit or person acted

inappropriately. The military leadership's intervention sent a signal to units that colonial authorities had no power to question their actions.

In addition to failing to uphold norms of restraint and civilian protection, civilian and military leaders often endorsed approaches that contradicted principles of the units' training. Rather than encouraging units to distinguish between enemies and friendlies, officials encouraged them to treat peasants (willingly or unwillingly) perceived as aiding the enemy the same as the bandits. High Commissioner Guerney in a conversation with Secretary Jones, argued: "The Chinese [peasants] are as you know notoriously inclined to lean towards whichever side frightens them more and at this moment that seems to be the government" (Bayly and Harper 2007, 455).

Military leaders also saw the problem in Malaya solely in terms of security rather than taking a more comprehensive view of the political and economic aspects of the conflict. Robert Thompson remembered the naïve view of GOC Boucher. He recalls him bragging, "I can tell you this is by far the easiest problem I have ever tackled ... In spite of the appalling country, the enemy is far weaker in technique and courage than either the Greek or the Indian Reds" (Quoted in Barber 1971, 41). Boucher's approach, which relied on use of force, led to widespread use of Emergency powers, including arbitrary detention and punitive actions against villages suspected of supporting insurgents. The police, some transfers from British Palestine, used torture to try to gain information on insurgent locations and operations.⁵⁶ These tactics created animosity between Chinese peasants and the British forces, and were counterproductive in generating the one resource critical in a counterinsurgency, good intelligence (Hoong 1984, 152).

In the specific case of civilian protection, officers encouraged units to shoot at all people trying to escape, regardless of their status as enemies or friendlies. In the weeks following the Batang Kali incident, GOC Boucher, noted: "it must be widely understood that those who have consorted with or assisted bandits were enemies of the state and ran the risk of incurring military action in the same way as those who were killed at Batang Kali" (Malayan Monitor 1948–1956, 5). The chaplain of the Scots Guards concurred: "The shooting of escaping prisoners was inquired into—and accepted as a nasty, but necessary part of a nasty operation."⁵⁷

While diaries and oral histories note a few occasions of soldiers writing reports of accidental killings of civilians, or attending court inquests, the British military did not retain these reports.⁵⁸ There is no evidence that the military leadership investigated these incidents. Units did not include acci-

dental civilian deaths in unit reports, and sub-districts also did not include accidental deaths in their reports to the Ministry of Defense or the Colonial Office. Senior leadership failed to send credible signals about their commitment to international law and soldiers' obligations to protect civilians.

Although units deployed to Malaya had little to no training in the laws of war or civilian protection, they did receive practical training on enemies and friendlies. This training should have conveyed the broad values of limited use of force and engagement with villagers to develop intelligence networks and discourage support of the guerrilla fighters. Unfortunately, this training was undermined by civilian and military leaders who preferred brute force and demanded impunity for their actions. Given this environment, it is surprising that more massacres of civilians did not occur. Why did some units engage in restraint while others enacted the government's brutal approach?

SUBCULTURE AND COUNTERCULTURE

Although British training and socialization efforts were weak, it is still possible that units could develop enhancing subcultures that broadly supported the official norms of Imperial Policing. Alternatively, countercultural subcultures could emerge that rejected those policies and endorsed the local leaders' violent approach. Important indicators of such subcultures include unit discipline, regimental identity, and the quality of unit leadership.

Discipline

The British military, in a 1945 document, "The Development of Basic Training" acknowledged the importance of cultivating military discipline. This standard of discipline must be more than just punishment and rewards, soldiers should strive for perfection in all aspects of their behavior: "During his training period we have to make a man understand that discipline does not consist merely in breaking rules ... From the very earliest days of service a man must be made to realize that once he has been shown exactly what is required of him on the square, on the training ground, or in military life generally, he must aim at perfection, not just now and then but all the time and whether he is likely to be found out or not."⁵⁹ The message of the military is clear: soldiers must absorb the principle of discipline and strive to meet and exceed the organization's expectations.

The Conduct of Anti-Terrorist Operations in Malaya, the seminal work that became the handbook of all soldiers and that British forces adopted in other counterinsurgencies, similarly stresses the importance of discipline.⁶⁰ Lieutenant Colonel C.A.T. Suther, in a memo based on his work training soldiers for counterinsurgency against the Japanese, notes that officers must enforce basic standards of discipline, even in the jungle: “Despite such conditions as para 4 [jungle conditions] suggests, the very highest standards must be the aim all the time including smartness, steadiness, and such things as no falling off in saluting, etc.”⁶¹ Unit officers, for protection of their soldiers and civilians, had to retain control at all times.

In Malaya, general unit discipline was mixed. Units on patrol had to learn to move through the jungle quietly to avoid disclosing their approach to insurgents; they also had to manage their fear of numerous animals and insects and learn to live in the jungle leaving no trail (Miller 1972, 24). Soldiers on patrol had to be on guard at all times for an insurgent ambush. Some units learned the hard way that lack of discipline often meant serious casualties when insurgents attacked. The Gordon Highlanders lost a whole patrol through negligence; Dobbs, of the Green Howards, lamented their lax attitude. He described the patrol as “walk[ing] through the jungle with your rifle slung over your shoulder” when insurgents attacked.⁶² Other units, such as the Green Howards, tightly controlled units to prevent casualties; Dobbs continues, “Discipline was so tight sometimes it made you winge, you used to play a hell about it.” Colonial officials and officers with experience in Malaya knew that insurgents could come out of nowhere and attack at any moment; they ordered units to exercise strict discipline on patrols. Unfortunately, lack of discipline, especially during patrols, led to many of the British casualties in the first year of the Emergency. This lack of discipline likely also put civilians in greater danger as jumpy troops chose to shoot first and ask questions later.

Regimental Identity

In addition to basic training and discipline, developing regimental pride and identity is a central part of the socialization process in the British military. Each regiment learns its history; training officers quiz new recruits with historical events and regimental honors. After World War II, men called up under National Service did not necessarily go to a local regiment, so training officers worked to cultivate this identity solely based on regimental history. William John Martin, who served in the Suffolk Regiment,

remembered working with new recruits to instill the regiment's history and values.⁶³ Raymond Burdett, also with the Suffolks, described training officers cultivating pride and competition: “[they] introduced this pride against other squads.”⁶⁴ Paul Humber, a member of the Coldstream Guards, noted the importance of regimental identity to individual pride: “[I was] honored in some way [to serve with a] famous regiment with a famous history. [I felt a] certain distinction, [I] served my country and served my regiment with a certain amount of honor.”⁶⁵ Regimental subculture served to motivate the soldiers and give them a unit identity to uphold.

Within subcultures, members who share the same values will bond together like a family. The regimental system in Britain fuels this protective culture; soldiers stay in the same units and serve with the same soldiers for years. While many feel pride in their regiment's history, most of the former soldiers feel loyalty to their fellow unit members. As John Scurr, a KOYLI, recalled: “[We] knew a few things in conversation with older soldiers, I wouldn't say the loyalties of ordinary soldiers were directly tied up with the past of the regiment so much, more the immediate regiment ... all good pals together.”⁶⁶ Within this more personally constituted subculture, unit members pledge to look out for each other and the unit; they internally punish any behavior that reflects poorly on the unit. Subculture leaders may enforce these boundaries through threats or other forms of coercion.

The Scots Guards

In addition to history and values, some regiments claim a “national” identity. Soldiers from the United Kingdom come from a variety of “national” traditions: English, Scottish, and Irish. Observers of the Scots Guards have suggested that part of Scottish identity is participating in whatever fight the unit is engaged in; no one in the unit was willing to watch other soldiers go on patrol while they waited at the base camp. John Baynes, a platoon commander with the Scots Guards in Malaya, argued:

[Using small patrols] would have been unthinkable in a Scottish regiment, as opposed to what I have heard referred to as a ‘pudding’ English one. No self-respecting Jock, however lowly his rank, would accept being left out of an operation while the officers and NCOs went off to hog the action. Had any tried to do so, I dread to think what the NAAFI beer tent would have looked like on their return. The very idea of operating with parties such as the Suffolks used was unthinkable in a Scottish unit (Simpson 1992, 155).

Oldfield notes that when the Green Howards served with the Scots Guards in Malaya, the Guards had a difficult time adjusting to jungle warfare: "At this early stage, like other battalions before them, they were still feeling their way. Operations were almost exclusively of company or occasionally platoon strength" (Oldfield 1953, 4). The Scots Guards had a relatively weak record of insurgent captures or kills; pressure would have been high to generate some kind of result to compare to other units.

During the Batang Kali incident, Sergeant Hughes allegedly told the Scots Guards that they would shoot the villagers, and gave soldiers unwilling to participate an opportunity to "fall out of line."⁶⁷ However, none of the soldiers did so. When asked why, most of the soldiers seemed to have an unspoken fear of what might happen to them at the hands of others in the unit. Alan Tuppen recalls: "I did not want to kill anybody, but I was too frightened to move and make myself look a coward in front of the others. I was also aware of the strict discipline of the Guards."⁶⁸ Later, in a radio interview, he said: "Well, there's always the chance of ... not reprisals but fear of what your comrades might think, you know, when you got back."⁶⁹ The interviewer asked: "In fact the pressure not to be thought yellow was greater than the pressure to keep away from what might, perhaps, have seemed to be a doubtful act?" Tuppen answered yes. Members of the unit also described colluding to concoct the story about the prisoners running away when they faced the inquest. While some do not remember warnings about the possible punishment or colluding on the story, others describe the sergeant threatening them with fourteen to fifteen years in prison if they testified to what they had done.⁷⁰ This unit worked to conceal the secret of what they had done until members came forward in 1970. The subculture, which serves a useful purpose in cultivating a group identity, created a fear of ostracism or punishment that increased the likelihood of both participation in war crimes and collusion to conceal the unit's guilt.

The Suffolks

While the Scots Guard's reluctance to adapt to the mission in Malaya could explain their poor performance, frustration, and ultimately participation in civilian killing, other units adapted and earned a strong reputation for their unit as a result. Many soldiers acknowledge the Suffolk's reputation in Malaya and attribute their success to their leadership and small patrol tactics. Raymond Hands, a member of the unit, noted that they "had a very solid reputation within the colonial community and

[were] highly respected as such for what they had achieved.”⁷¹ While Burdett noted that they shared a strong regimental identity prior to coming to Malaya, the Suffolks also built regimental pride through their performance: “best record, lost the fewest men ... [I] didn’t want to go with anyone else.”⁷² The Suffolks, an English regiment, did not feel that tactical innovation threatened their identity; instead, they built on their regiment’s reputation through their performance in Malaya.

However, despite the importance of regimental identity, even members of the Suffolk’s acknowledge that much of their loyalty came from a commitment to their fellow soldiers and officers, not historical battles or national allegiance. Raymond Hands described his unit as “just a random selection of nineteen-year olds who were doing the same thing and received the same training and did the same job day in and day out.”⁷³ The Suffolk subculture, rather than relying on a pre-determined identity, cultivated loyal soldiers who sought the British ideals of perfection outlined in basic training, even if meeting these ideals required new tactics.

The Role of Unit Leaders

Unit leaders can mean the difference between a strong unit subculture that supports organizational values, a weak subculture that allows the unit the fracture, or a strong counterculture that rejects scrutiny or outside intervention. In Malaya, unit leaders played an important role in the development of subcultures that both protected and endangered civilians.

In “Lessons from the Emergency,” the Director of Operations in Malaya reflects on the importance of strong unit leaders: “The key to success or failure has been the quality of leadership by the Commanding Officer himself and among the junior officers and noncommissioned officers.”⁷⁴ In the Grenadier Guards Training Instructions, issued prior to the unit’s arrival in Malaya, officers noted: “Junior leaders—it is expected that Pls [platoons] and Secs [sections] will have to operate independently in the jungle, and therefore a very high standard of junior leading will be required. Coy [Company] Comds [commanders] must do what they can to impress on their young Ofrs [officers] and NCOs [noncommissioned officers] the big responsibility that will rest on their shoulders.”⁷⁵ Unit officers, given the decentralization of the forces in Malaya and the lack of communication between headquarters and units on jungle patrols, had extra responsibilities in terms of exerting discipline and controlling their units.

In the Scots Guards, soldiers and outside observers raised questions about the quality of the unit's leaders. During the Emergency, the Scots Guards saw tremendous turnover in officers; in the unit's short time in Malaya (1948–1951), eighty officers served in the thirty officer positions (Erskine 1956, 473). Alan Tuppen, one of the men on the patrol at Batang Kali, felt compelled to mention: "I would like to state finally that there was no British officer with us on this particular patrol. I believe this is quite unheard of. It was certainly the only patrol I ever went on without an officer in charge."⁷⁶ The platoon commander, George Ramsay, who allegedly told the soldiers that they were to "wipe out" the village, did not actually go on the patrol. After the incident, Ramsay moved to the headquarters unit and then left Malaya; there is no explanation for this move in the unit histories or soldiers' testimonies.⁷⁷ Two sergeants, Charles Douglas and Robert Hughes, led the patrol, and Douglas apparently had little leadership experience. As the only man still in the military when the scandal broke in 1970, he claimed to remember little about the event.⁷⁸ However, other members of the patrol remember that he seemed uncertain how to get the detained villagers to cooperate, and one soldier told a story of how he shot at a young boy, thought he had killed him, but in reality the boy was suffering terribly and another soldier had to put him out of his misery.⁷⁹ None of the soldiers who testified about the incident had great confidence in or loyalty to their leaders; instead, they expressed fear of punishment.

James Calvert, who visited numerous units and advised General Harding, also saw difficulties with the unit leadership in the Scots Guards. He remembered a conversation with a platoon commander who claimed that his unit shouldn't be in Malaya: "[The battalion was] raised and trained and organized to fight in Europe. I'm not going to upset the whole organization and training of my battalion just to chase a lot of bare assed niggers around the jungle."⁸⁰ He strongly defended his reluctance to retrain his soldiers to fight what he considered a lesser enemy in the jungle. This commander, who GOC Harding eventually removed from his position, expressed resistance to tactical innovation that eventually helped the British win the war in Malaya. This officer set the tone for his unit; they would likely follow his lead in resisting change. This comment reflects a lack of respect for the mission and the enemy. The resulting frustration with failed tactics could have led his unit to kill civilians that they saw aiding the enemy.

The Suffolk Regiment, which historians consider one of the most successful units in Malaya, had unit leaders that recognized the importance of discipline and the protection of civilians. Many Suffolks credit their discipline and strong performance to their officers. William Martin, member of the Regiment, was grateful for “very good platoon leaders—highly experienced in jungle warfare.”⁸¹ Noble, also a member of the Suffolks, described the importance of officers to the Suffolk success in Malaya, “[the] type of officers ... leaders are important ... lots of fine officers and many more that got mentioned for honors.”⁸² Many soldiers from the Suffolk Regiment remembered that they had outstanding leadership from their officers, which contributed to their success and strong reputation among all the regiments involved in the Malayan emergency.⁸³

The Scots Guard’s subculture and unit leadership contributed to the unit’s poor performance in the counterinsurgency effort in Malaya. Frustration with its lack of success and lack of experienced guidance could have led the unit to take out its aggression on the civilian ‘collaborators’ at Batang Kali. The Suffolk Regiment, which had seasoned leaders experienced in jungle warfare and was more willing to adapt its tactics, performed well in Malaya. The unwillingness of the Scots Guards to adapt may explain why they killed civilians when other regiments did not.

CONCLUSION

The massacre at Batang Kali, alongside civilian and military leader’s preference for a counterinsurgency strategy based on force, weakened British efforts to bring peace and stability to the former colony. Civilian killings and brutal treatment weakened Britain’s relationship with local authorities and the Malaysian people and fueled the counterinsurgency. Once the strategy and military approach changed to one of protection of and engagement with civilians, the insurgency weakened, but the British forces were still needed for over a decade.

The British military, despite its long history of colonial occupation and managing indigenous resistance, did not adequately socialize soldiers in the laws of war or their obligations to protect civilians. Most descriptions of training from the soldiers’ perspectives emphasized the importance of obedience and military skills. Some of the soldiers at Batang Kali had a sense that the orders to kill the civilians were wrong, but were not confident in that assessment and did not know how to question their superior officer’s orders. Local civilian and military leaders, rather than holding

forces accountable, provided protection from punishment and encouraged violence as a means to control the civilian population in addition to the guerrillas.

Given this environment, it is surprising that Batang Kali is the most extreme example of civilian killing during the conflict. While the Scots Guards, with a stubborn counterculture and poor leadership, used the favorable environment to kill civilians, other units practiced restraint. Although poor training and discipline may have led to casualties within the units, they did not kill civilians. Some units, like the Suffolks, distinguished themselves through their success in defeating insurgents and protecting civilians without unnecessary violence. Unit leaders, and their attention to unit discipline and identity, seem to explain the difference between units that targeted civilians and those that protected them.

Although the British did eventually prevail in what most historians consider one of the few successful counterinsurgency efforts, brutality towards civilians during the early years of the Emergency reduced the villagers' willingness to provide crucial intelligence and risked creating a larger insurgent force (Stubbs 2004, 263). The implementation of the New Villages Plan to relocate and protect Chinese peasants and the appointment of General Templer to oversee civil and military operations in Malaya changed the nature of the conflict and eliminated the confusion about the strategic approach to the communist forces. Many British soldiers and observers also credit the increased confidence of civilians in the security forces for generating increased cooperation with military units, especially in providing intelligence. The role of unit leaders, in both providing discipline and controlling the subculture, suggests that efforts to prevent future war crimes will have to target the military as an organization and involve unit leaders in implementation of reforms.

NOTES

1. Cabinet Malaya Committee, "Military Situation in Malaya—April 1950, Note by the Chiefs of Staff," April 21, 1950, DEFE 11/35, National Archives in Kew, United Kingdom.
2. Far East Land Forces (FARELF) Situation Report, no. 4 (28 July to 10 August, 1948), CO 717/170/1, National Archives in Kew, United Kingdom.
3. I reviewed Quarterly Historical Reports for the Coldstream and Grenadier Guards, the KOYLIs, the 4th Queens Own Hussars, the Green Howards,

- and the Suffolk Regiments. I also reviewed the Quarterly Historical reports for the Headquarters Malaya District and North Malaya Sub-District.
4. *Imperial Policing and Duties in Aid of the Civil Power* (13 June 1949), CO 537/5068, National Archives in Kew, United Kingdom. Although the government revised this edition in 1949, it was originally written in the late 1800s in the context of wars in India, and thus would have been available to officers and soldiers prior to service in the Malayan Emergency.
 5. "Geneva Conventions 1949 Ratification Discussion-General Policy," Minute Sheet, Army Chief of Staff to Sir Robert Craigie, UK Representative to the Geneva Convention negotiations, WO 32/13612, National Archives in Kew, United Kingdom.
 6. "Minute re Geneva and Malaya, reprisals, July 1949," Geneva Conventions 1949-Questions of Principle arising at Diplomatic Conference Geneva, WO 32/13613, National Archives in Kew, United Kingdom.
 7. "Headquarters Malaya District G Branch, Quarterly Historical Report 1948 October–December," WO 268/555, National Archives in Kew, United Kingdom.
 8. "Sir Stafford Foster-Sutton," Transcript of Radio 4 "World at One" (2 Feb 1970), DEFE 70/101, National Archives in Kew, United Kingdom.
 9. "Incident, Selangor," Excerpt from *The Hansard* (26 January 1949), DEFE 70/101, National Archives in Kew, United Kingdom.
 10. Testimony of William Cootes.
 11. Testimony of Allen Tuppen to *The People*, Feb. 1, 1970, Allegations of Massacre, 1948, DEFE 70/101, National Archives in Kew, United Kingdom.
 12. Other soldiers that came forward are Victor Remedios, George Kydd, and Robert Brownrigg.
 13. Interview with George Ramsay, *The People*, February 1, 1970, Allegations of Massacre, 1948, DEFE 70/101, National Archives in Kew, United Kingdom.
 14. Testimony of William Cootes.
 15. Press release from the Director of Public Prosecutions (29 June 1970), Allegations of Massacre, 1948, DEFE 70/101, National Archives in Kew, United Kingdom.
 16. Federation of Malaya, Singapore—Law and Order Military Situation—War Office Weekly Situation Summaries, CO 717/170/2, National Archives at Kew, United Kingdom.
 17. Interview with Anthony Short, BBC Television-Scotland, "Reporting Scotland" (2 February 1970), WO 296/41, National Archives at Kew, United Kingdom.
 18. "Malaya Monthly Emergency and Political Report, 15 December 1953–15 January 1954," SE Asia Department—Monthly Emergency and Political

- Reports in the Federation of Malaya and Singapore, CO 1022/208, National Archives at Kew, United Kingdom.
19. John Scurr (KOYLI), oral history interview, May 1, 1999, cassette tape, catalog no. 18820, Imperial War Museum, London, United Kingdom.
 20. Herbert Moss, oral history interview.
 21. RV Brinnicombe-Wood, "Background to the 'massacre' in Malaya (letter)," *South China Morning Post* (February 14, 1970), DEFE 70/101, National Archives in Kew, United Kingdom.
 22. Herbert Moss, oral history interview.
 23. Ken Gardner and William Dorrان, "Horror at a Nameless Village," *The People* (Feb. 1, 1970), DEFE 70/101, National Archives in Kew, United Kingdom.
 24. Paul William Humber (Coldstream Guards), oral history interview, February 26, 1999, cassette tape, catalog no. 18270, Imperial War Museum, London, United Kingdom.
 25. Edward William Slade (KOYLI), oral history interview, April 8, 2004, cassette tape, catalog no. 20260, Imperial War Museum, London, United Kingdom.
 26. Michael Gilbert, oral history interview.
 27. John William Noble, oral history interview.
 28. Herbert Moss (KOYLI), oral history interview, July 6, 1998, cassette tape, Imperial War Museum, London, United Kingdom.
 29. Raymond Sydney Burdett (Suffolk Regiment), oral history interview, no date, cassette tape, Imperial War Museum, London, United Kingdom.
 30. John Desmond Mander (Green Howards), oral history interview, January 20, 1992, cassette tape, catalog no. 12401, Imperial War Museum, London, United Kingdom.
 31. Frederick Dobbs (Green Howards), oral history interview, August 7, 1988, cassette tape, catalog no. 10316, Imperial War Museum, London, United Kingdom.
 32. "Allegations of Massacre, 1948," OUT Telegram from High Commissioner Federation of Malaya to Colonial Office, "Following Personal for Higham from Newbould-Incident at Batang Kali on 12 December," 1 January 1949, DEFE 70/101, National Archives in Kew, United Kingdom.
 33. Testimony of William Cootes and Alan Tuppen.
 34. "Boys in the Jungle," *Evening Standard* (July 19, 1950) CO 537/5977, National Archives in Kew, United Kingdom.
 35. Initially, the program obligated individuals for twelve months, the Parliament extended service to 18 months in December 1948. In 1950, the period was extended again to two years. Tom Hickman, *The Call-Up, A History of National Service* (London, UK: Headline Book Publishing, 2004): xv-xvii.

36. William Martin (Suffolk), oral history interview, March 5, 1998, cassette tape, catalog no. 17933, Imperial War Museum, London, United Kingdom.
37. Note for the Information of the Secretary of State, CO 537/5977, National Archives in Kew, United Kingdom.
38. Raymond Burdett, oral history interview.
39. Lt. Gen. R.N. Gale, Director General of Military Training, "Basic Military Training," December 20, 1951, WO 32/12455, National Archives in Kew, United Kingdom.
40. Gilbert, oral history interview. I thought that "soldierly manner" might include training in the laws of war, but Gilbert's description focuses on drill, uniform, and recognition of military hierarchy (obedience to superior officers).
41. Burdett, oral history interview.
42. "3rd Battalion Grenadier Guards Training Instructions, No. 1 1948," September 7, 1948, WO 268/607, National Archives in Kew, United Kingdom.
43. War Office, "Imperial Policing and Duties in Aid of the Civil Power," June 13, 1949, CO 537/5068, National Archives in Kew, United Kingdom.
44. Leslie Raymond Hands (Suffolk Regiment), oral history interview, October 3, 2005, cassette tape, catalog no. 28424, Imperial War Museum, London, United Kingdom.
45. Operational Research Unit, "A Comparative Study of the Emergencies in Malaya and Kenya," 1957, WO 291/1670, National Archives in Kew, United Kingdom.
46. Testimony of Alan Tuppen.
47. Raymond Burdett, oral history interview.
48. Descriptions of the enemy in Malaya changed frequently during the Emergency. While the official military description was communist terrorist (CT), some soldiers called enemy fighters bandits or criminals. Walter Colyear Walker, oral history interview (produced by Charles Allen), 1989, cassette tape, catalog no. 11120, Imperial War Museum, London, United Kingdom.
49. Statements from members of the Scots Guards Unit—William Cootes, Alan Tuppen, Victor Remedios, February 1, 1970, DEFE 70/101, National Archives in Kew, United Kingdom.
50. Testimony of Alan Tuppen.
51. Army Chief of Staff, "Implementation of Geneva Conventions," February 8, 1950, WO 32/13614, National Archives in Kew, United Kingdom (Italics added by author).
52. "Unit Guide to the 1949 Geneva Conventions for the Protection of War Victims," pamphlet, WO 32/13614, National Archives in Kew, United Kingdom.

53. Memo from Sir Henry Guerney, January 28, 1949, CO 537/4773, National Archives in Kew, United Kingdom.
54. OUT Telegram from High Commissioner Federation of Malaya to Colonial Office, "Following Personal for Higham from Newbould-Incident at Batang Kali on 12 December," January 1, 1949. DEFE 70/101, National Archives in Kew, United Kingdom.
55. Ronald John Denys Eden Buckland, oral history interview, January 10, 2002, cassette tape, catalog no. 22369, Imperial War Museum, London, United Kingdom.
56. Noel James Denis Baptiste (Royal Armored Corps), oral history interview, February 1, 1986, cassette tape, catalog no. 10107, Imperial War Museum, London, United Kingdom.
57. Frank Robson and Tom Brown, "Guards 'killed reds as they fled'," *Express* (February 3, 1970), WO 296/41, National Archives in Kew, United Kingdom.
58. Colonel J.P. MacDonald (Suffolk Regiment), Diary, 1952, catalog no. 98/23/1, Imperial War Museum, London, United Kingdom.
59. "The Development of Basic Training—A Training Directive given by Commander-in-Chief, Home Forces, to Army, Divisional and Brigade Commanders and Commanding Officers of Training Units," December 7, 1944 (published January 1945), WO 32/12455, National Archives in Kew, United Kingdom.
60. "The Conduct of Anti-Terrorist Operations in Malaya," (Third edition, 1958), WO 279/241, National Archives in Kew, United Kingdom.
61. Lt. Col. C.A.T. Suther, "Offensive Jungle Operations," no date, WO 268/8, National Archives in Kew, United Kingdom.
62. Frederick Dobbs, oral history interview.
63. William Martin, oral history interview.
64. Raymond Burdett, oral history interview.
65. Paul Humber, oral history interview.
66. John Scurr, oral history interview.
67. Testimony of Victor Remedios to The People, DEFE 70/101, National Archives in Kew, United Kingdom.
68. Testimony of Alan Tuppen.
69. Testimony of Alan Tuppen.
70. Testimony of William Cootes.
71. Leslie Hands, oral history interview.
72. Raymond Burdett, oral history interview.
73. Leslie Hands, oral history interview.
74. Ministry of Defense, "Review of the Emergency, 1948–1957," DEFE 11/191, National Archives in Kew, United Kingdom.
75. "3rd Bn Grenadier Guards Training Instructions—No. 1 1948."

76. Testimony of Alan Tuppen.
77. The Scots Guards order of battle shows that Ramsay became the Signal Officer in the headquarters unit in March 1949, but does not appear on the roster in August 1949. Scots Guards 7.
78. “Notes on interview between ‘The People’ and WOI Douglas,” DEFE 13/843, National Archives in Kew, United Kingdom.
79. Testimony of William Cootes.
80. James Calvert (SAS), oral history interview, October 1987, cassette tape, catalog no. 9989, Imperial War Museum, London, United Kingdom.
81. William Martin, oral history interview.
82. John Noble, oral history interview.
83. William Martin, Frederick Dobbs, Leslie Raymond Hands, oral history interview. John William Noble, oral history interview, March 24, 1997, cassette tape, catalog no. 17333, Imperial War Museum, London, United Kingdom. Colonel Adams, oral history interview, February 16, 1987, cassette tape, catalog no. 9707, Imperial War Museum, London, United Kingdom.

REFERENCES

- Barber, Noel. 1971. *The War of the Running Dogs—How Malaya Defeated the Communist Guerrillas 1948–1960*. London, UK: Cassell.
- Bayly, Christopher, and Tim Harper. 2007. *Forgotten Wars: Freedom and Revolution in Southeast Asia*. Cambridge, MA: Harvard University Press.
- Belfast Telegraph Online. 2015. Relatives Lose Appeal for Probe into 1948 Malaya Plantation Shootings. *Belfast Telegraph Online*, 25 November 2016. Accessed 17 April 2017.
- Carnegie, Sacha. 1955. *Sunset in the East*. London, UK: Peter Davies.
- Coates, John. 1992. *Suppressing Insurgency: An Analysis of the Malayan Emergency, 1948–1954*. Boulder, CO: Westview Press.
- Deery, Phillip. 2003. The Terminology of Terrorism: Malaya, 1948–52. *Journal of Southeast Asian Studies* 34 (2): 231–247.
- . 2007. Malaya, 1948: Britain’s Asian Cold War? *Journal of Cold War Studies* 9 (1): 29–54.
- Erskine, David, ed. 1956. *The Scots Guards, 1919–1955*. London, UK: William Clowes and Sons.
- Gilbert, Martin. 1988. *Winston S. Churchill*. Volume III ‘Never Despair’ 1945–1965. Boston, MA: Houghton Mifflin Co.
- Hoong, Khong Kim. 1984. *Merdeka! British Rule and the Struggle for Independence in Malaya, 1945–1957*. Selangor, Malaysia: Institute for Social Analysis (INSAN).

- Jackson, Robert. 1991. *The Malayan Emergency, The Commonwealth's War, 1948–1966*. London, UK: Routledge.
- Malayan Monitor. Vol. 1 (1948–1956). London, UK: Putera—A Malay Confederation Comprising the Malay Nationalist Party, PETA (Malay Youth Organization), AWAS (Progressive Malaya women's organization, Malay Peasants Union, several Malay groups).
- Marston, Daniel. 2006. Lost and Found in the Jungle: The Indian and British Army Jungle Warfare Doctrines for Burma, 1943–5, and the Malayan Emergency, 1948–1960. In *Big Wars and Small Wars: The British Army and Lessons of War in the Twentieth Century*, ed. Hew Strachan. London, UK: Routledge.
- Miller, Harry. 1954. *The Communist Menace in Malaya*. New York, NY: Frederick A Praeger.
- . 1972. *Jungle War in Malaya: The Campaign Against Communism 1948–1960*. London, UK: Arthur Barker Limited.
- Mockaitis, Thomas R. 1990. *British Counterinsurgency, 1919–60*. New York, NY: St. Martin's Press.
- Oldfield, Major J.B. 1953. *The Green Howards in Malaya*. Aldershot, UK: Gale and Polden, Ltd.
- Ramakrishna, Kumar. 2008. *Freedom News: The Untold Story of the Communist Underground Publication*. Singapore: S. Rajaratnam School of International Studies.
- Short, Anthony. 1975. *The Communist Insurrection in Malaya, 1948–1960*. New York, NY: Russak & Company, Inc.
- Simpson, Grant G., ed. 1992. *The Scottish Soldier Abroad, 1247–1967 (The Mackie Monographs, University of Aberdeen)*. Edinburgh, Scotland: John Donald Publishers Ltd.
- Stockwell, A.J. 1995. *Malaya, Part II—The Communist Insurrection, 1948–1953*. London, UK: Her Majesty's Stationery Office (HMSO).
- Stubbs, Richard. 2004. *Hearts and Minds in Guerrilla Warfare: The Malayan Emergency, 1948–1960*. Singapore: Marshall Cavendish International.
- Sunderland, Riley. 1964. *Army Operations in Malaya, 1947–1960 (Memorandum RM-4170-ISA)*. Santa Monica, CA: The Rand Corporation.
- The Scots Guards. 1951. *Malaya 1948–1951*. Kuala Kubu Bharu, Malaya: The Battalion.
- Thomas, Leslie. 1966. *The Virgin Soldiers*. Boston, MA: Little, Brown, and Company.
- Verkaik, Robert. 2009. 60 Years on, Malaya 'Massacre' by British Troops to Be Investigated. *The Independent*, 30 April. Accessed 21 July 2009.



The Dark Side of Peacekeeping: The Canadian Airborne Regiment in Somalia

Abstract In 1993, the Canadian peacekeeping operation in Somalia came under international scrutiny when a young Somali, Shidane Arone, was beaten to death. His killing cast a dark shadow over a Canadian mission that aimed to provide humanitarian assistance and ensure Canada's international reputation as a promoter of human rights. Subsequent investigations revealed that 2 Commando, the unit that killed Arone, had been involved in several violent incidents with civilians. However, other Canadian units in similarly hostile conditions had offered comfort and assistance to civilians. After examining training records, enforcement of civilian protection norms, and unit subculture, the author finds that 2 Commando had developed a pernicious subculture that led them to quickly escalate situations to violence and endanger civilians. Although responsibility for Arone's death was properly attributed to the members of the unit, failures in socialization, particularly in ignoring 2 Commando's countercultural subculture, occurred throughout the chain of command.

Keywords Peacekeeping • Somalia • Canada • Detention
• Subculture

In 1993, Canadian peacekeepers tortured to death Somali teenager Shidane Arone; his crime was penetrating the base of 2 Commando, a unit of the Canadian Airborne Regiment taking part in the United Nations

peacekeeping mission. After capturing Arone, who offered little resistance, Major Corporal Clayton Matchee beat, bound, and burned Arone with cigarettes. Several other unit members witnessed the beating, but no one intervened until Arone was already dead. Although Arone's death is the most extreme case, Somali civilians were abused, even killed, by Canadian peacekeepers deployed to help secure the region and provide humanitarian aid. The killing of Arone and revelations of the peacekeepers' brutality shocked Canadians and overshadowed the good work done by other Canadian units. The events led to a broader inquiry of the Canadian military and the disbanding of the Canadian Airborne Regiment. Why did the peacekeepers of 2 Commando treat civilians so brutally when other units facing similar challenges showed restraint?

I first contextualize the Somalia mission within the larger Canadian strategy of "New Internationalism" and the importance of peacekeeping to Canada's role on the world stage. I then describe the mission of the Canadian Airborne Battle Group and the challenges they encountered. Although observers at the time blamed Arone's death and violence toward civilians on problems with camp security, racism, and frustration, none of these factors can explain why only 2 Commando of the three units included in the battle group used disproportionate violence towards civilians. After examining training records, enforcement of civilian protection norms, and unit subculture, it appears that 2 Commando developed a pernicious subculture that led them to quickly escalate situations to violence and endanger civilians.

NEW INTERNATIONALISM AND CANADIAN LEADERSHIP ON THE WORLD STAGE

At the outset of the 1990s, many leaders in the international community were optimistic that the end of the Cold War would usher in a new era of peace. The emergence of civil conflicts in the former Yugoslavia and Somalia focused global leaders on the importance of humanitarian and peacekeeping efforts. Long involved in the role of peacekeeping, Canada sought to take on a greater leadership role in these missions (Bercuson 1996, 220).

Although Canada was already engaged in on-going peacekeeping missions, Prime Minister Brian Mulroney saw the Somalia mission as

part of a strategy of “new internationalism.” His Secretary of State for External Affairs Barbara McDougall explained this strategy as recognizing “that the domestic and international causes of conflict are inextricably linked and can no longer be compartmentalized” (McDougall 1992, 3). Canada had long had a reputation in international affairs as a champion of peacekeeping, and the end of the Cold War opened up opportunities to further develop that role. Mulronev was committed to increasing Canada’s influence at a time that saw the withering of Russia and the overwhelming dominance of the United States. Former Chief of Staff of the Prime Minister’s Office, Hugh Segal, noted that Mulronev “had a very strong view that Canada is a minor player, of no compelling consequence, unless its leadership decides to increase its importance by having it involved in the shaping of coalitions and linkages” (Quoted in Dawson 2007, 48). Growing domestic media attention to the crisis in Somalia further pushed the government toward involvement in United Nations actions to secure their position on the world stage.

Increasing violence in Somalia led to the creation of a more aggressive U.S.-led effort as part of the larger U.N. operation. This effort would take direct action against Somali militias hampering humanitarian activities. Although Canadian officials had originally signed on to the humanitarian mission they decided instead to join the U.S. operation. The government then consulted the Canadian military and asked what units they could provide. The Canadian Airborne Regiment (CAR), as the stand-by U.N. unit, seemed ideal to deploy. However, as the Commission of Inquiry noted in retrospect, “it appears that pursuit of this goal [a high profile mission], and the unfounded belief that the Canadian Airborne Regiment was ready to go, blinded decision makers to the need to go through the standard planning process to ensure that the Canadian commitment was appropriate from a policy perspective and that the force was operationally ready” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997). While this truncated decision-making process cannot explain why 2 Commando behaved so differently from other units deployed to Somalia, it does raise questions about the responsibilities of civilian and military leaders to ensure that troops selected for particular missions are appropriately trained and prepared.

THE CAR

Canada, as a signatory to the Geneva Conventions and recognized leader on human rights issues, was (and is) obligated to treat detainees humanely and discriminate in the use of force between civilian and military targets. The Conventions require that countries disseminate information about the treaty to their soldiers and provide adequate training and enforcement of these obligations. There is no question that Canada had an international legal responsibility to ensure that its soldiers adopted a “do no harm” approach towards civilians, use minimum force, and treat detainees humanely.

Before the creation of the Somalia mission, the Department of National Defense (DND) had designated the CAR as the United Nations stand-by unit. CAR is a paratrooper unit composed of three commandos; each draws from the major infantry units in the Canadian Forces.¹ When national policy makers began to consider participating in UNOSOM, military leaders certified that the CAR was operationally ready for deployment. Due to the specific needs of the mission, senior officers combined the three Commandos of the CAR (known as 1 Commando, 2 Commando, and 3 Commando) with two additional units to create the CAR Battle Group (CARBG). Although these units did not have time to train together, the Somalia Inquiry final report noted that military leaders did not demand that the deployment be delayed and instead adopted a “can do” attitude that did not adequately prepare the units for their mission (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997).

The three commandos of the CAR trained at the same base in Petawawa, Canada and encountered similar environments when deployed to Somalia. 1 Commando secured an airstrip while 2 and 3 Commandos shared responsibility for patrolling the town of Belet Huen (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, I:289). Eventually, 1 and 3 Commandos took charge of areas west and east of the town; due to previously uncontrolled militia activity, these areas posed similar threats to those in 2 Commando’s charge. In their new roles, 1 and 3 Commandos conducted patrols and did hut searches for weapons. 2 Commando maintained its role of providing security in the town. Although 2 Commando was primarily responsible for temporarily holding detainees, all units would have had the opportunity to capture individuals suspected of military activity or petty theft from their camps. All three units engaged with Somali civilians, both friendly and hostile, on a daily basis.

CAMP SECURITY AND ENGAGEMENT WITH CIVILIANS

The CAR faced a number of problems with Somali civilians, mostly young men who penetrated the camps and stole various provisions. Protocol called for soldiers to capture and detain these individuals, then turn them over to Somali authorities as quickly as possible. Technically, these individuals were not prisoners of war, since soldiers did not capture them on the battlefield and they were not members of an enemy force. However, the frequency of theft and the poor design of the CARBG base led to escalating frustration and anger among the soldiers.

These problems led some commanders to authorize highly aggressive measures to deal with thieves. Lieutenant Colonel Mathieu, commander of the CAR, who upon his arrival said he would be the “toughest warlord on the hilltop,” instructed soldiers to shoot anyone penetrating the base or even touching the perimeter fence (Cheney 2004). Soldiers expressed a great deal of confusion about when this order would apply: could soldiers shoot thieves running away? Could soldiers shoot Somalis just touching the perimeter gate? Did a Somali have to steal something critical (weapons, ammunition) to justify shooting, or could soldiers shoot individuals for stealing food or water? Many officers felt that the use of deadly force for theft was excessive and refused to pass the order on to their units. Mathieu later revised this order to allow soldiers to shoot thieves between the “skirt and flip flops” with the intent to injure but not kill (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, V:1061).

THE DEATH OF SHIDANE ARONE

On the evening of March 16, at approximately 8:45 p.m., soldiers detained Shidane Arone for penetrating an abandoned camp next to the 2 Commando area. He was in good physical condition and offered no resistance. Over the next few hours, 2 Commando soldier Matchee repeatedly beat Arone; Arone became unconscious several times. Matchee bound him by his ankles and wrists with a “baton stuck between his arms and his body behind his back.” Matchee also allegedly burned him with cigarettes, punched him, and put a cloth over his head and poured water over him. Several officers saw the prisoner in the process of this abuse; Sergeant Mark Boland commented as he left the area, “I don’t care what you do, just don’t kill the guy” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, I:321). As the beating continued,

Private Kyle Brown assisted Matchee and other soldiers wandered by the scene. Finally, at midnight when the guard shift changed, the incoming soldier noticed Arone's condition and notified his supervisor, who confirmed that Arone was dead.

Officials reported the incident to the Department of National Defense and Area Headquarters. Evidence of the abuse also emerged from photographs Brown took during the beating. Military police investigators arrived quickly after the incident and arrested Matchee, Brown, Private David Brocklebank, and their superiors Sergeants Marc Boland and Perry Gresty. During his detention, Matchee attempted suicide; as a result, he suffered brain damage that left him unable to stand trial. The military did try lower-level members of the CAR; juries found Brown guilty of manslaughter and torture. Juries also found Boland, Captain Michael Sox, and Major Anthony Seward guilty of negligent performance of their duties. In separate proceedings, military juries twice acquitted Mathieu of any involvement or responsibility for his soldiers' actions (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, I:336–8). No Department of National Defense (DND) senior officers faced trial, although they did testify both in the De Faye Board of Inquiry investigation and in the civilian Commission of Inquiry. However, the shortened-tenure of the Commission of Inquiry meant they did not hear testimony regarding Shidane Arone's death.

Although this case is the most extreme, there were numerous reports of abuse of detainees. Some reports noted that soldiers beat young thieves severely, while soldiers forced other Somalis, mainly children, to suffer the humiliation of having their hands painted white or wearing signs declaring they were thieves (Brodeur 1997). Soldiers even staged a "mock" amputation of a young thief's hands: they covered his eyes, hit a machete on a table where his hands were, and threw cold water over him (Worthington and Brown 1997, 111). Even though Colonel Labbé, the Somalia Commander reportedly issued orders in January 1993 to Lieutenant Colonel Mathieu that "he did not want to see Somali nationals detained in a fashion that would humiliate them," there is no evidence that Mathieu passed this order on to his unit commanders (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, V:1430).

2 Commando faced a challenging environment by having responsibility for the city, but 1 and 3 Commando also had difficult assignments. 1 Commando oversaw the largest section of Belet Huen Humanitarian Relief Sector, which stretched the limits of their patrolling ability. Canadian

patrols faced rock-throwing Somalis while others engaged in dangerous searches of Somali homes looking for weapons and other illicit material. One 3 Commando unit faced an individual charging it with a machete; soldiers, after firing warning shots, eventually shot the man in the foot and disarmed him (Amaral and Vernon 2000, 48). A militia gang also ambushed 3 Commando on a routine patrol (Amaral and Vernon 2000, 64). Even accounting for the fact that 2 Commando may have had more contact with Somalis because of its duties, they were still responsible for a disproportionate amount of the violence committed against civilians. The nature of the mission in Somalia tested all soldiers' abilities to use minimal force in the face of an uncertain threat.

COMMON EXPLANATIONS

After the public learned about the killing of Shidane Arone, Canadian media, government, and military leadership went through several phases of explanations of the incident. Initially these explanations focused on soldiers protecting the base from theft and the difficult desert conditions. Observers also attributed the behavior to racism, especially when videos emerged that showed CAR members participating in racist and violent hazing rituals prior to their service in Somalia. These videos, along with notions of a "unique paratrooper culture," led to the CAR's disbandment. Soldiers noted the unclear mandate and confusion of the quick shift from a humanitarian to a security mission.²

Base Intrusions and Deterrence

Many observers and soldiers commented on the sparse and tense environment the units endured. Soldiers lived in difficult conditions—their tents were temporary, the climate was extremely hot and dry, there was little water, and soldiers had only field rations for food. Constant concerns about theft also fueled frustration among the troops. As one soldier stated: "You have to understand the level of frustration. We were being ripped off every night. People were infiltrating an area where we were sleeping. It would be like people breaking into your home. Just sort of walking in and taking a loaf of bread off the table. But never really threatening you" (Anonymous quotation in Winslow 1997, 241). While this theft primarily consisted of staples (food, water), soldiers also worried about theft of key parts for helicopters and other equipment that might hamper the mission

or evacuation of injured Canadian soldiers. The threat to the base from theft was the justification for the March 4, 1993 operation that led a reconnaissance platoon to shoot two Somali citizens.

However, these after-the-fact explanations greatly exaggerate the threat posed by intruders. Somalis entering bases did not injure any Canadian soldiers; a medical officer noted during the Inquiry that he did not know of any conflict-related Canadian casualties during the entire deployment (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, V:1069). Captain Hope, who conducted the rushed and informal investigation of the March 4 shooting, conceded during testimony that although the reconnaissance platoon acted under the pretense of combating thievery of weapons or ammunition, he was unaware of any such attempts, much less a successful attempt, made at the camp (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, V:1114).

Some soldiers argued that they abused detainees to deter them from continuing to enter the camp; they feared a repeat of the March 4 shooting. Seward used this defense at his court martial; in a letter to his wife he argued that the intent of the “abuse” order was to scare Somalis and convince them to stay away from the camp. Brown, convicted of manslaughter and torture in the Arone case, defended his actions: “I didn’t want to get involved with guarding prisoners, but I had already decided that if the situation arose, I would do my best to get the message across to prisoners that they were risking their lives and could be shot if they came back. Getting killed was a real possibility, so roughing up prisoners to drive home that message seemed a better alternative” (Worthington and Brown 1997, 122). While this defense of “abuse” serves the interests of soldiers looking to salvage their careers and public image, it ignores the fact that there were options besides killing or abusing non-combatants coming into the camp, such as an improved camp layout or superior camp security.

White Soldiers and Black Bodies

During the post-Somalia investigation process in Canada, videos emerged of CAR soldiers engaged in violent and racist hazing rituals. Some of the more disturbing acts caught on tape included soldiers eating bread soaked in vomit and excrement, and a black soldier on a leash led around like a dog (Thompson 1995, A1). These tapes recorded events that occurred before the units deployed to Somalia and fueled charges that racism

motivated the CAR's violent acts. Sherene Razack, a professor of sociology at the University of Toronto, sees these actions as part of a larger system of racism in Canada: "The very concrete practices of violence against Somalis enabled individual soldiers to imagine themselves as men from the land of clean snow, men whose duties in bringing order to Somalia required violence" (2000, 128). On the tapes, in addition to racist actions, there were also symbols associated with white supremacist and neo-Nazi groups. At this time, there was little concern amongst members of the Canadian military about the presence of white supremacist groups in their ranks, and no monitoring of their prevalence. In addition to the videos, the Commission of Inquiry found that CAR soldiers developed and used racist terms for Somalis, including "nig-nog, nigger, somali, smufty, moolie and gimme" (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, II:538–539).

These videos corroborated allegations that paratroopers had an inherently aggressive culture. As one of the CAR soldiers noted: "The Airborne had a reputation for physical toughness and for being aggressive, more than any other unit in the Canadian Forces. They also had an unparalleled reputation for being undisciplined" (Winslow 1997, 123). This aggressive identity led many observers to criticize the Department of National Defense (DND) for selecting the CAR for the Somalia mission. However, Jean-Paul Brodeur, a professor of criminology at the University of Montreal, who evaluated the CAR and its appropriateness for peacekeeping, found no evidence that suggested, at least in a theoretical sense, that the DND should not have sent the CAR to Somalia.³ It was, after all, the stand-by force designated for U.N. missions and had success in a 1974 peacekeeping mission in Cyprus (Brodeur 1997, 62).

Despite these actions and rhetoric, there is no evidence that these views explain the abusive treatment of civilians in Somalia. Participation in supremacist groups pervaded the entire Canadian Armed Forces; a 1993 Canadian Broadcasting Company investigation found sixty-five soldiers who participated in racist groups; nineteen of those soldiers lived at the Petawawa base, home of the CAR (Razack 2004, 125). Any Canadian unit might have included some of these soldiers. Also, members of 1 Commando made and appeared in the hazing video depicting racist and degrading rituals but did not engage in the level of violence toward civilians that 2 Commando did. While racism and aggressiveness certainly shaped some of the soldiers' views toward Somalis and their approach to conflict resolution, there is no direct connection between those views and the extreme acts of violence directed at civilians.

Frustration and Morale

Last minute changes to the mission left the CAR unprepared for the environment they would face in Somalia. As Canadian Commander Cogdon states: “we, in Canadian Forces, were not given the appropriate time to do the appropriate estimates, reccees [reconnaissance], really look at the force required, the levels that were there. We were reacting to a political imperative to make this happen as quickly as we can, to jump on the band wagon and get in there” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, III:873). This imperative came with troop number limitations that meant the CAR had to leave behind many logistical elements of the unit, including cooks, pay clerks, and military police. The CAR was not accustomed to building a camp and living in it for months at a time; conditions in their hastily constructed bivouacs were harsh compared to the Royal Canadian Dragoon’s camp (an armored unit deployed alongside the CAR commandos), which included places for entertainment and even a mini-putt golf course (Winslow 1997, 206). The absence of these logistical teams meant the CAR lived in extremely hard conditions for the entire deployment (Watson 1993).

The decision to join an uncertain mission and sacrifice certain elements of the unit led CAR soldiers to question the operation and their leadership. Despite the satisfaction of developing some productive relationships with local Somali leaders and rebuilding crucial infrastructure, the soldiers quickly became frustrated with Somali hostility and felt that their mission was futile. A Canadian corporal mused: “There is a war here, but where? Why are we here? We were increasingly aware that those who had sent us knew nothing of this archaic world. Politics are lived here according to the rhythm of the sun, and what is true now is no longer true an hour later” (Brodeur 1997, 175). Many soldiers in the CAR expressed similar sentiments. They were frustrated with corruption, their lack of preparation for the mission, and the lack of information about when they would go home.

Unfortunately, soldiers took out their frustration on Somali civilians. A journalist for the *Toronto Star* observed the tense atmosphere: “None of them [the soldiers] was willing to admit there’s brewing animosity in the ranks toward Somalis for fear of getting rapped for poor public relations. But it’s as plain as the sand that surrounds them to anyone who goes on patrol with the Canadian Forces stuck out in this wind-swept scrubland on the fringes of the Ogaden Desert” (Watson 1993).

This frustration, however, did not always lead to violence. Some troops who found humanitarian aid in black markets would retake it and return it to distribution points. Others would force trucks to unload at checkpoints, and then stop the women and children from reloading the truck, leaving only the men to do the job (Anonymous quotation in Winslow 1997, 239). While these soldiers admit they may have overstepped political and cultural boundaries, they did not resort to violence.

The Canadian government cut short the inquiry into Arone's death and the unit's violent behavior in Somalia before all testimony was complete. However, these general explanations do not address the differences between the Commandos and their relationship with Somali civilians. Did the Canadian military adequately socialize all units of the CAR before they were deployed to Somalia? Did a countercultural subculture take hold in 2 Commando that led to greater violence toward civilians?

SOCIALIZATION

While all militaries value training and discipline, peacekeeping in particular requires that troops understand the relevant laws of war and their responsibilities toward civilians. One would expect that Canada, with a long history of peacekeeping and history of human rights, has a well-developed and effective training program on the obligations of the laws of war. However, the evidence suggests that the Canadian military's training program and enforcement efforts did not sufficiently prepare the CARBG regarding its legal obligations towards civilians, particularly civilian detainees.

Training

Military leaders within Canada have long recognized the importance of training soldiers in the laws of war. The all-purpose combat training for Canadian soldiers includes a number of basic skills: use of small arms, communication equipment, patrolling, sentry and guard duties, and compliance with the Law of Armed Conflict (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, II:560). This training, like all military socialization efforts, aims to build skills, generate obedience, and transfer norms that soldiers accept as their own. In regard to the

laws of war, W.J. Fenrick, the Director of Legal Operations and Training for the Canadian military, notes “Compliance with the law as a result of intellectual and moral predisposition, good training and good advice is much more useful than rigorous enforcement of the law before a war crimes tribunal after an offence has been committed” (1991, 15).

However, leaders restructured this training program in the 1970s to allow individuals focused on military justice greater opportunities to specialize. These changes led to a drastic decrease in general instruction regarding the laws of war. While basic training still included the Geneva Conventions, officers completed any additional study on their own, without oversight or accountability. Chris Madsen, professor of history at the University of Calgary, notes: “Whereas the previous promotion examinations were cumulative in the expected knowledge of military law, the OPDP (Officer’s Professional Development Program) gave a concentrated dose early in the officer’s career. But no adequate reinforcement took place after the officer completed the self-study module” (1999, 128). The omission of ethics and morals training from the Unit Leaders course also suggests that the institution did not take its international obligations seriously (Metz 1997, 33). The Canadian delegation to the Convention Against Torture Committee, which was reporting in the immediate aftermath of the Arone killing, could only say that “Canadian armed forces ... participating in U.N. peacekeeping and humanitarian operations outside Canada received specific training in, *inter alia*, the use of minimum force” (Metz 1997, 60).

Within the CAR, each Commando conducted their mission-specific training separately (Brodeur 1997, 111). In the case of the original U.N. mission in Somalia, which would have involved a less aggressive and more traditional peacekeeping operation, leaders gave the units minimal direction in terms of training. The Commission of Inquiry concluded: “The unit was left essentially on its own to develop a plan, with no peacekeeping doctrine, training directives, or standard package of precedents and lessons learned upon which to draw. This is astonishing, given Canada’s decades of involvement with peacekeeping missions” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, II:578). When the mission changed, there was little time for additional training. The CARBG deployed to Somalia with no opportunity to train together and few incentives to coordinate training between themselves. The highly condensed timetable meant officers only included “critical” training sessions, which did not include detailed information about the laws of war.

During the pre-deployment phase, the CAR's peacekeeping training primarily focused on learning to use their new armored vehicles and standard weapons instruction. Brodeur, in his study of the CAR and its preparation for the mission, concluded, based on the testimony of unit soldiers, that there was little non-combat training. The CAR's training officers could not specify how many hours were devoted to non-combat training. Several soldiers, after direct questions, identified some of the topics, including first aid stands, "local customs/intelligence briefings (given only to officers), arrest and detainment procedures, incident resolution, public affairs procedures and briefings on the ROE [rules of engagement]" (Brodeur 1997, 113). Also, many of the training elements, including training on culture, rules of engagement, and the laws of war had no evaluations attached to them, so leaders had little incentive or even ability to ensure that unit officers received and disseminated this information (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, II:622).

Prior to the Somalia deployment, Lieutenant Colonel Watkin, the unit's military justice officer, gave senior officers a general briefing on the laws of war. Leaders did not order these officers to pass this information on to their troops. Lieutenant Colonel Morneault, who was the head of CAR just prior to deployment, testified: "When I left, there had been no formal training conducted on ethics, or the law of war, at any level" (Brodeur 1997, 116). Colonel Labbé and Brigadier General Beno, the Commander of the Special Service Force (of which CAR was a branch), both assumed that soldiers received this training at other points in their military careers. The CAR's new commander, Lieutenant Colonel Carol Mathieu (replacing Morneault), also did not ensure that the CAR received refresher training in the laws of war. This failure is especially ironic, as he had particular knowledge of the importance of this training. In a 1984 paper titled "New Horizons: Law of War Training for the Canadian Forces: A Luxury or A Necessity?" he noted the dangers of "potential situations like the My Lai incident" if standards of law of war training remained low. He testified to the Commission of Inquiry that he was "pretty sure" that Lieutenant Colonel Watkin's lecture "must have filtered down" to the troops, but he made no effort to ensure that was true (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, IV:1024). Officers who should have provided law of war training did not, leaving the soldiers unprepared to understand or fulfill their legal obligations.

Even if the troops did not receive specific training on the laws of war, officers could have integrated this information into other training sessions. However, there is little evidence that this instruction happened. Historically, Canadian troops always prepare for detention of POWs or other individuals; they did so during the Gulf War though they did not operate in the combat area (Fenrick 1991, 15–16). However, in preparation for Somalia, there was minimal training in handling detainees. Several soldiers testified that they thought they should make the detainee “uncomfortable,” which they interpreted in various ways, including sleep deprivation, pouring cold water over prisoners, and denial of food (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, IV:1013). Many of the soldiers said they were not familiar with the Geneva Conventions or their provisions protecting detainees.

Mathieu, when confronted with this testimony during the formal government inquiry, noted the self-serving nature of this defense. He said: “You may have fallen victim to the soldiers’ first defense. When in doubt, play the fool. Because when you go into the army, you learn to treat prisoners with dignity. Because prisoners are pretty simple. You capture them, you secure them. If they are injured, you take care of them ... it’s as simple as that” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, IV:1024). Soldiers reportedly continued the widespread practice of humiliating detainees until May 1993, which suggests that either Mathieu was wrong, and soldiers did not know how to handle detainees, or soldiers did not think officers would punish them for continued abuse.⁴

In spite of the lack of training about laws of war in any of these contexts, one might still expect to find some discussion of ethics or minimal use of force in the specific peacekeeping mission training. Brigadier General Beno set out three basic rules in the training order: “minimum use of force, a maximum use of deterrence, and conflict resolution at the lowest level” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, I:254). However, there is no evidence that the Commando heads successfully communicated these principles. Informational briefings regarding the nature of the mission were not helpful, as they focused on mundane issues, such as climate and terrain, rather than the nature of the threat or the common problems soldiers were likely to face (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, III:492). One soldier characterized the training as “useless” (Brodeur 1997, 108). Soldiers deployed to Somalia lacked information about the

specific nature of the conflict and thus felt anxious going into a totally unfamiliar situation.

The final arena in which leaders could have instructed soldiers in the laws of war was in training on the rules of engagement. However, both the drafting and distribution process for the rules of engagement for the CAR was inadequate. As Fenrick notes, rules of engagement (ROE) provide important guidelines for soldiers in conflict, and they are not limited to communicating only the boundaries of the law: “ROE must be in compliance with the law, but they must, in addition, pay due heed to political and operational considerations. This is, ROE may not purport to authorize conduct which violates the law but they may, for political or operational reasons, restrict the activity of unit commanders beyond what the law alone would allow” (1991, 15). Given the last-minute change in the nature of the operation, officers drafted the ROE hastily. In fact, the Department of National Defense felt the need to revise the ROE because they were too aggressive. These revisions delayed printing of the revised ROE cards that went to each soldier and any specific ROE training. Colonel Labbé, rather than waiting for the revised cards, distributed the original ROE cards and decided to switch in the revised cards in theater (Dawson 2007, 126). This switch may have confused soldiers who became familiar with the original cards and did not understand the important revisions to the ROE. However, even the more aggressive ROE would not have sanctioned abuse of Somali civilians.

The late development of the ROE meant that officers did not train soldiers in them; instead, the commanders simply distributed the cards assuming the soldiers could interpret and apply them. American Captain Karen Fair, who worked with U.S. troops in Somalia training in the ROE, was critical of this approach: “The use of hypothetical scenarios had to be developed and used in order to actually teach the ROEs ... Soldiers would be confused and would not understand their role if the ROE card was merely handed to them and read to them ... ROEs without these training hypotheticals were practically useless” (Winslow 1997, 209). Some soldiers never received the ROE cards, and thus relied on verbal orders regarding use of force.

Confusion about the ROE became evident on March 4, when Canadian soldiers shot two Somali civilians inside the perimeter of their base camp. Although Colonel Labbé “in hindsight” recognized that the last minute mission change could have led to confusion about the ROE, he did not order any in-theatre training to correct that confusion (Dawson 2007, 126–127). Soldiers continued to have doubts about the ROE, and one claimed that these doubts weakened morale:

Sometimes there would be changes in the Rules of Engagement ... It gets confusing. At first, you get Rules of Engagement saying that if the guy breaches the wire just shoot to maim. That's not bad. Then a week later they say shoot the knee bone and then a week later they say no between the knee and the foot. So you say what is it this week? I can't remember. Like say you got called out to stand at 3 in the morning. You just woke up. You're disoriented. You run out. So your adrenaline's pumping. Your pupils are dilated as far as they can go. You're sucking in every bit of light to see what's going on. You don't have time to say week number one it was between the hips, two it was this, three it was that, you just don't know. You just want to take care of yourself. It was very confusing and I think that was probably bad for morale. (Anonymous quotation in Winslow 1997, 210–211)

Soldiers' testimony during the government inquiry demonstrated there was great confusion about the ROE (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, V:1061–1062).

In the CAR, soldiers had few opportunities to learn about their obligations under the laws of war. Changes to the broader military training program may have increased the sophistication of laws of war training, but they also limited the audience to a narrow group of officers. Additional training lacked accountability. Mission-specific training for deployment to Somalia became confused as the military shifted from UNISOM to UNITAF. Given the general weakness of training in the laws of war throughout the CAR commandos, there is little evidence that insufficient training can explain the different commando's behavior toward civilians in Somalia.

Enforcement

Organizational leaders, both through guidance and example, can help units maintain the proper balance between obedience to authority and adherence to legal norms (Friedland 1996, 37). Through efforts to establish respect for the organization and the laws of war, Canadian officials could have communicated the basic principles of professionalism and limited use of force. Signaling these principles could have filled the void in the units' training and strengthened unit discipline. When enforcement is credible, units will respect their leaders' orders and seek guidance (when possible) in unfamiliar situations. Examining behavior of the CAR suggests that leaders did not credibly enforce the laws of war.

The Commission of Inquiry found that, between the beginning of the deployment in December 1992 and March 1993, members of the CAR were involved in sixty-two disciplinary incidents. These incidents included “mistreatment of detainees, killing of Somalis, theft of public property and self-inflicted gunshot wounds” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, V:1263). However, relevant officers did not contact military police to investigate these incidents, and in many cases, there were no investigations at all. In one of the more serious cases, the March 4 shooting of 2 Somalis, Colonel Labbé ordered a unit officer to conduct an informal investigation; he did little more than collect the statements of the unit members involved. Colonel Labbé then ordered changes to the investigative report that eliminated information about his orders to shoot intruders before the officer sent it to DND headquarters. Leaders within the CAR did not take enforcement of discipline or the rules of engagement seriously, which may have given units within the CAR a sense that officers would not punish use of excessive force.

Aside from these specific actions, many soldiers reported that their leaders had a very aggressive attitude toward Somalis and promised to protect them from any disciplinary action. Captain Michael Rainville, head of the reconnaissance patrol that shot the two Somalis on March 4, allegedly told his soldiers that he would give a case of beer to the first soldier who shot a Somali (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, V:1108). Other soldiers testified that Lieutenant Colonel Mathieu said, “Kill the bastards and we’ll cover for you” (Thompson 1996a). Lieutenant Colonel Watkin also was concerned about some of Mathieu’s comments regarding the importance of the rules of war. According to Watkin, Mathieu said, “All that [laws of war] doesn’t matter, you just throw down some loose rounds” (Quoted in *The Hamilton Spectator* 1994). Even if these comments are exaggerations of what these leaders actually said, they reflect a lack of interest in enforcing the laws of war or using minimum force.

In addition to Lieutenant Colonel Mathieu’s alleged cavalier attitude, officers did not listen to soldiers who raised questions about the legality or appropriateness of orders or practices. Many unit officers questioned the initial orders to shoot Somalis who penetrated the perimeter of the camp, but leaders only reluctantly revised them. Officers did not always widely and formally distribute these revisions, which may have led the March 4 shooting. Also, several soldiers raised concerns about the humiliating treatment of civilians, especially children (Razack 2004, 5–6). Despite

these concerns, the practices continued, even after the killing of Shidane Arone. On March 16, many soldiers observed the condition of Arone and reported it to their superiors, who took no action (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, I:323). After his death, there were no efforts to conduct remedial training in the law of war or ethical aspects of detention, even though military justice officers in the area offered to conduct such training (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, V:1143).

Leadership at the battle group and unit levels failed to convey the importance of principles of minimal force and treating civilians humanely. Instead, leaders issued vague orders that appeared to condone violence and sent signals that they would prevent any external forces from enforcing protections for civilians.

The Canadian military failed to adequately socialize its soldiers in the laws of war. Training programs did not ensure that soldiers understood their obligation or could apply the laws of war in conflict situation. Senior leaders also did not enforce the laws of war. Disciplinary problems and excessive violence drew some criticism, but senior officers, and unit officers in the CAR did not demonstrate their commitment to the laws of war or limits on escalating force. This lack of training and enforcement, however, occurred throughout all the Commandos of the CAR, and cannot explain 2 Commando's disproportionate violence.

SUBCULTURE

Although training and enforcement of civilian protection norms may have been inadequate, these norms can also be promoted by enhancing unit subcultures. The failure to adequately socialize units can also lead to a lack of unit identity or development of countercultural subcultures that reject organizational norms. While the CAR itself fostered an "elite" identity, each one of its commandos developed its own subculture. Evidence from the preparation and deployment to Somalia suggests 2 Commando had a dangerous subculture that may explain why it engaged more violence toward civilians.

CAR Identity

Regimental identity is crucial to forming morale, which many believe helps soldiers cope in highly stressful combat situations. As military historian David Bercuson notes, regiments seek "to create an extended family

that will nurture soldiers, give them a framework for life away from the battlefield, and ensure that when they enter battle, they will not be alone, even in death” (1996, 116). The CAR, whose members were originally competitively selected for the unit, shared the bond of being among the toughest soldiers in the Canadian military. Given the CAR’s “elite” purpose—to parachute beyond enemy lines and set the battlefield for advancing troops—creating such an identity was even more crucial to compensate for the difficult training and potential danger soldiers could encounter.

The “elite” nature of the CAR led some soldiers to develop a sense of superiority towards other soldiers in their home regiments and towards their leaders. Retired Lieutenant Colonel Charles Cotton notes: “Members tend to identify themselves with their warrior tribe and to reject the standards expected from the more general military population. Simply put, their cohesive spirit is a threat to the chain of command and wider cohesion ... [The] unit ideal ... nourishes and makes possible an ‘above-the-law’ outlook among its members” (Friedland 1996, 46). Soldiers within the CAR felt that since they were physically superior and would enter the battlefield before their counterparts, they deserved greater respect. The culture within the CAR valued toughness and aggression, but also included disrespect for other regiments and military authorities.

While this “elite” identity was the foundation of the CAR, as time and budget cuts took their toll, CAR leadership became less and less discriminating in enforcing their high standards. Each Regiment of the Canadian Forces has its own process for selecting soldiers for the CAR. At times, the home regiments relaxed rigorous physical training standards to fill the necessary slots. Some regiments used the CAR as a “dumping ground” for problem soldiers. Service in the CAR could impede promotion within the home regiment (Amaral and Vernon 2000, 1). As one of the CAR captains testified at the Board of Inquiry: “there’s a big esprit de corps in the Airborne Regiment; however, sometimes people get a big ego out of it. And they’re what we call ‘bar commandos.’ They’re not too good in the field but when they hit the local scene they’re the rough, tough Airborne soldiers” (Quoted from the BOI Inquiry Report Brodeur 1997, 96). Even Brigadier General Beno conceded that the elite identity was somewhat shallow: “Soldiers posted into the Regiment are given very physically demanding training and are led to believe, *or at least told to believe*, that they are elite troops” (Italics added; Winslow 1997, 130). While this “elite” identity creates a strong sense of pride within the unit, that pride can expand into arrogance and a sense of impunity.

If the CAR itself had an “elite” culture, why did the Commandos also develop subcultures? These subcultures may be a response to the erosion of the CAR “elite” ideal. As soldiers realized that their status was not that of other respected elite units, they needed to compensate by developing an even stronger, more aggressive identity. As Jean-Paul Brodeur observed: “parachuting into combat does not make soldiers into an elite unit possessing the kind of special skills which the British SAS or U.S. Navy Seals have. It follows from this point that the CAR members had to construct artificially their own uniqueness, since it did not automatically follow from the fact that they were airborne troops” (Brodeur 1997, 133).

Many soldiers abandoned their home regiments and made long-term careers in the CAR, which supported their loyalty to the Commando, and suggested they would go to great lengths to defend it. Soldiers from the CAR reflected on how the unit becomes a soldier’s sole support mechanism. “One of our colonels once said that we were a micro-society, a self-sufficient system. ... We are in a world apart, one ideology, the same principles. We are so self-sufficient, it’s like nothing else exists. It’s like ‘If this group didn’t exist, what would I do, where would I go?’ It’s as though the world were flat, and at the edge of this world there is nothing but a huge waterfall” (Anonymous quotation in Winslow 1997, 17).

The all-encompassing nature of the unit created both strength and dependency for its members and made it difficult for officials to manage them. Any discipline issues or other violations of organizational norms were covered up in the interest of protecting the unit. As Deborah Harrison notes in her extensive study on the Canadian military: “Right from the beginning of boot camp, covering up errors is inculcated as a military norm ... members learn to cover for their platoon mates’ deficiencies in order to get the platoon’s job done and win the all-important awards and prizes ... covering for mates’ deficiencies creates solidarity, contributes to readiness, and promotes the kind of polished collective exterior that is considered essential to win wars” (Harrison and Laliberte 1994, 196). Members of the unit supported each other; anyone talking to authority figures or investigators would be isolated and cut off.

Subcultures within the 3 Commandos

Donna Winslow, an anthropologist at the University of Ottawa, conducted a study of the subcultures of the CAR for the Commission of Inquiry. Although her findings are limited given the reluctance of the

Department of National Defense to provide unit documents from Somalia and the conclusion of the Inquiry before testimony was heard on the killing of Shidane Arone, she did have the opportunity to review unit records and interview CAR soldiers and leadership. Based on fifty extensive interviews with members of all ranks and responsibilities in the CAR, she identified these three “subcultures.” 1 Commando represented “French Canadian culture and linguistic specificity” and “seemed to specialize in winning sports competitions.” 2 Commando viewed themselves as “rebels, cowboys, wild ones—‘the hardest, meanest, fighting section’.” 3 Commando “seemed to maintain an attitude of quiet professionalism.” Soldiers from the CAR supported these distinctions:

In sports, the 2 Commando would go out and play but didn’t put every single ounce of energy into it. They’re more interested in getting on with the soldiering business. 1 Commando can go out and play sports, and be happy to win ... If there was a parade somewhere, 3 Commando would be the guys to send. They’re the guys that spend a lot more time on spit and polish and parades and stuff. ... They put 2 Commando out in the trenches, and put 3 Commando over here where everyone can see them. (Winslow 1997, 143)

This description suggests a greater sense of respect for authority in 3 Commando versus 2 Commando. Each Commando’s identity and subculture reflected its views in the military as an organization and its regulations.

2 Commando

2 Commando, whose members self-identified as rebels, represented the “rough and tough” unit of the CAR. Most critics of the CAR and 2 Commando focus on their use of the Confederate flag as a symbol of the unit. The U.S. 82nd Airborne apparently gave the unit the flag after a joint exercise, nicknaming them “the rebels.” Members of the unit argued that the Confederate flag, rather than representing racism, represented more of an anti-authority subculture. Rui Amaral, a senior NCO in 2 Commando argued: “It [the confederate flag] wasn’t a racist thing. We saw ourselves as underdogs, ready to battle against overwhelming odds” (Amaral and Vernon 2000, 14).

This underdog mentality complemented the unit’s dislike of discipline and external interference. Members of 2 Commando showed regular disregard for standards of dress; senior NCOs from the Royal Canadian

Dragoons (armored unit combined with CAR in the battle group) noted this lack of respect during the joint training for the Somalia mission. When Military Police sought to investigate disciplinary infractions and acts of violence, they often met a “wall of silence” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, II:435). Unit members often struck out, sometimes violently, at new officers who sought to enforce military regulations. CAR officers believed 2 Commando soldiers burned two of their Captains’ vehicles and slashed the tires of another captain and NCO.

The aggressive nature of 2 Commando, and its dislike for authority or restrictions on its actions, likely contributed to the unit’s decision to participate in violence against Somali civilians, especially detainees. Members of the CAR described the attitude within 2 Commando: “I felt that members of 2 Commando were very gung-ho. Basically saying: ‘I can’t wait to kill my first black!’ Some of them were trigger happy and too aggressive. I talked to the CO after an O [orders] group about it and I remember him saying: ‘Well, that’s the way I like it!’ The other two commandos weren’t that aggressive” (Winslow 1997, 123). The Commission of Inquiry found that individuals affiliated with 2 Commando generated more disciplinary problems pre-deployment and in Somalia than any other unit within the CAR, and most of the in-theatre court martials involved 2 Commando soldiers (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, II: 515).

1 Commando

Most Canadian observers recognize 1 Commando, not for its acumen in sports, but for the hazing video that ultimately led to the downfall of the CAR. In this video, experienced troops forced rookies in the Commando to engage in acts of humiliation and physical suffering (extreme exercise, vomiting). Those soldiers conducting the hazing also used racial epithets; they wrote KKK on a black soldier’s back, forced him to walk on his hands and knees while other soldiers held a leash, and finally dusted him with white powder while other soldiers called him “Michael Jackson’s secret” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, II:538). Although this soldier denied that there was pervasive racism in the unit, the video was a startling display that shocked the Canadian public and policy makers.

Unfortunately, most of 1 Commando’s records from the Somalia deployment are lost, reportedly destroyed after suffering water damage in

theater (Thompson 1996d). However, some record of 1 Commando's activities can be pieced together through examining the testimony of 1 Commando leaders and soldiers before the Somalia Inquiry and media accounts.

Major Charles Pommet, head of 1 Commando, testified that he maintained strict standards regarding discipline, particularly alcohol. "There was a perception that these people were allowed to party and consume more alcohol while I was keeping a tighter rein on the consumption of alcoholic beverages" (Thompson 1996c). Although soldiers may have disliked Pommet's strict adherence to Canadian military guidelines, there is little evidence that they regularly violated them.

While Pommet was strict in following broad military guidelines, he refused to endorse or pass on orders for violent treatment of Somali thieves and detainees. He stated to the Inquiry: "There was no question of firing on someone who was stealing a bar of chocolate, especially children ... We wouldn't fire on thieves unless we could positively identify that they were armed or attempting an aggressive act" (Thompson 1996b). One of Pommet's soldiers criticized this policy, which he referred to as too lenient. Cpl. Noonan, who served under Pommet and would have favored a more aggressive policy, noted that after the shootings (that preceded Arone's beating and death) theft decreased. However, he did not indicate that any members of 1 Commando violated Pommet's orders.

After returning from Somalia, many members of the CAR felt that their hard work was overshadowed by the controversy surrounding Arone's death. Corporal Roger Chabot of 1 Commando reflected on the difficult conditions they encountered and their satisfaction after completing a difficult mission. He stated: "We went back with aid organizations to fix the wells. After a month you could see the difference. The villages had working wells and pumps to bring the water from the river. Week after week, the valley became greener and greener. It was a great sense of accomplishment" (Flynn 1993). Cpl. Chabot's experiences provide some sense of the responsibilities of 1 Commando given the broader lack of information on their activities.

3 Commando

In contrast to the media's image of the CAR, including 1 Commando's hazing video and 2 Commando's brutality, 3 Commando represented the "polished" ideal of the CAR. When DND decided to deploy reserve soldiers with the CARBG to Somalia, 3 Commando trained them in "basic soldier

skills” (Amaral and Vernon 2000, 29–30). While not without its disciplinary problems, 3 Commando did not have soldiers involved in either the hazing video or the violence against detainees in Somalia. Soldiers’ descriptions of 3 Commando convey a sense that they were the professional unit—attempting to uphold institutional norms, even in superficial ways, such as dress and personal appearance (Winslow 1997). These descriptions, along with the superior officer’s demonstrations of confidence, suggest that 3 Commando subculture reinforced organizational norms.

In Somalia, soldiers in 3 Commando appeared better prepared for the mission and focused on helping the Somali people. On one of their patrols, Cpl. Robert Prouse recalled meeting a family suffering from malnutrition and tuberculosis. Unfortunately, their conditions were quite advanced and there was little the unit could do except keep them comfortable: “It was really frustrating. These were the people we couldn’t help because we were too late. They were too close to death. We made them as comfortable as possible, gave them all the medical help we could. But we were too late.” While Prouse and his unit could not save that family, he did note that “we helped an awful lot of people in the same situation. As many as we could” (Flynn 1993). Lieutenant Sean Webb, reflecting on the immense destruction he saw on patrols, also saw improvements from the unit’s efforts: “It was a shock that a country could go from being relatively wealthy and prosperous and collapse into nothing ... It was down to the lowest common denominator. Everybody for himself ... But after a while some sort of community spirit emerged ... On one of the last days up at Belet Huen, I saw a group of about 40 kids gathering ... It surprised the hell out of me to see they were playing soccer” (Flynn 1993). While these accounts do not provide a comprehensive accounting of 3 Commando’s actions in Somalia, in the absence of other documentary evidence it provides a sense of the different approaches and attitudes each of the Commandos brought to their missions in Somalia.

Unit Leadership in CAR: The Difficulty of Penetrating a Counterculture

The three Commandos of the CAR, separated by distance and identity, appear to have enabled both countercultural and enhancing subcultures in Somalia. Although the foundations of these subcultures were laid in Canada, there remains some question about how they manifested once deployed. 3 Commando appears to have behaved consistently with the

expectations of their subculture; while embracing the Airborne's elite identity, the unit remained professional and disciplined. However, both 1 Commando and 2 Commando had subcultures that raised concern. Why did 2 Commando escalate more quickly to the use of violence against civilians while 1 Commando remained restrained? Does the difference in the unit leadership of these units explain the difference?

CAR and Its Leadership Struggles

During the 1960s, the Canadian military acknowledged a greater need to prepare unit leaders with technical, professional, and personnel management skills. *The Professional Officer*, a Department of National Defense publication, noted: "leadership involves a relationship with followers that is intellectual, emotional, technical and ethical" (Quoted in Metz 1997, 13). Leadership, however, had long been a problem in the CAR. While members of the CAR rotated in from other regiments, CAR leadership selected unit officers (master corporals) from within. Not only did this narrow their leadership experience, but it also meant that these unit officers had close personal relationships with the soldiers under their command. Some military leaders also alleged that CAR commanders rigged selection procedures and evaluations of unit leaders to ensure strong report scores for other officers.

During the 1980s, disciplinary problems led the Canadian Forces to appoint Major General Hewson to investigate. He noted problems with unit-level leadership: "Unless the matter of taskings, turbulence, and absentee junior leadership is addressed now, there is a very real danger that present cases of antisocial behavior will escalate both in frequency and severity" (Brodeur 1997, 78). The DeFaye Board of Inquiry report that investigated the CAR nearly a decade later contains strikingly similar language. Unit leaders, especially those that sought to impose discipline, often faced hostility from CAR units. Soldiers argued that promotions and politics primarily motivated officers in the CAR, rather than concern for their troops (Winslow 1997, 36). The standards of unit leadership, and respect for unit leaders and NCOs, were low.

2 Commando and Leadership Failure

Weakness in unit leadership posed particular problems in 2 Commando; the Commission of Inquiry report noted: "the senior NCOs in 2 Commando, while keen and fit, lacked the experience and maturity of

their counterparts in 3 Commando. Several witnesses intimated that some NCOs in 2 Commando were afraid of their soldiers” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, II:439). This lack of strong leadership, especially in 2 Commando, made it difficult for unit officers to control unit behavior.

This lack of respect created a climate in which soldiers acted without concern for their leaders’ orders or regulations. In 1990, a platoon commander in 2 Commando had his car set on fire. Although leaders viewed this incident as significant, CAR officers made no real effort to investigate or punish those responsible. The CAR in particular, because of its “elite” and aggressive identity, often got a pass from officers who should have been overseeing operations. Investigations into disciplinary problems stalled when they encountered a “wall of silence” that allowed the unit to evade punishment.

In summer 1992, Major Seward took command of the unit and aggressively sought to improve overall discipline. The platoon strongly resisted his efforts to clean up them up: resistance grew as he sought to increase his control. After the Commando’s poor performance in the joint exercises and continued disciplinary problems with loud parties and unauthorized use of fireworks, Seward criticized the unit on the base parade grounds and threatened to pull them from the Somalia deployment. Amaral described the unit’s anger: “Our feeling was that if the commanding officer did not want to take us to Somalia, then to hell with him. It was not a voiced conspiracy to protect the culprits, but just a common feeling of Us against Them, initiated by Them” (2000, 26). 2 Commando’s subculture of rebellion turned into a counterculture that rejected all efforts of their leaders to control their behavior.

Lack of discipline continued as the deployment to Somalia approached. Lieutenant Colonel Morneault, even in retrospect, showed little willingness to enforce discipline within the commandos. When other officers brought disciplinary problems to his attention, he maintained distance from the behavior of the units: he “didn’t want to interfere with the commandos, his OC’s [commanding officers in each commando] training activities,” and “he was not interested in getting involved to sort out that issues at that point” (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, IV:1031). In fact, problems with discipline led Brigadier General Beno to dismiss Lieutenant Colonel Morneault and replace him with Lieutenant Colonel Mathieu. However, Beno made few efforts to ensure that Mathieu addressed these issues (Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, IV:1001).

Despite these breakdowns, few officers recognized that discipline in 2 Commando was a major problem. Many of the unit officers downplayed concerns, noting that the soldiers were highly motivated and eager to fight. Major Seward, despite his aggressive efforts, downplayed the unit's record; he saw issues of discipline as "problems of young men with lots of enthusiasm" (Quoted in Commission of Inquiry into the Deployment of Canadian Forces to Somalia 1997, IV:1034). Discipline did occasionally garner attention at higher levels of command, and officers drew up lists of problem soldiers to hold back from Somalia. However, as Brodeur found, there was no consistent process of making these lists, and no enforcement of them. Many of the soldiers featured on one or another list still deployed with the unit to Somalia.

2 Commando's countercultural subculture also created a 'wall of silence' that thwarted efforts to hold offending soldiers accountable for their actions. Soldiers, out of loyalty or fear, would not report offenses. One soldier noted: "Guys'll stick together. They won't rat on anybody. What goes on inside, stays inside. You have to belong. If you don't, well it's just too bad. It's your family. You have to live with them. These are the guys you're going to war with them. They're the ones who'll be covering you." Another soldier remarked: "The pressure is so strong that beyond the group, right and wrong lose their meaning. Only the group matters, until it's just too much, and things start to come out on the outside. Like with Somalia, if it hadn't come out from the outside, it probably never would have come out. I tried to talk with some guys at that time. They wouldn't talk. Silence. If they talk, they're screwed. Somebody'll find out about it sooner or later" (Winslow 1997, 73-75). Once the subculture took hold there was no room for soldiers to object to the actions of their colleagues or attempt to challenge the subculture themselves.

Leadership Challenges Throughout the CAR

While 2 Commando received most of the attention in the Inquiry and in media coverage of the Arone killing, leadership problems existed at multiple levels. Beyond the leadership concerns raised in the years prior to the mission in Somalia, the rushed preparations and confusion surrounding the mission created doubts about senior leaders. Reflecting on his experience, one CAR soldier noted:

Leadership at all levels was weak and non-directed. And what I mean by that is when you're in an environment such as Somalia where everything is so out of your everyday experience, no matter how much training you have there has to be an expert somewhere, someone you can refer back to. We didn't get it right from the very, very top from what I understand. From NDHQ level down/What are we doing, what direction are we going? And then I believe that Lcol Mathieu did the best with what he had. I think he's a bit of a cowboy, that's I guess his style. And then as it sort of filtered down. Yes we did need firm guidelines for direction. 'No you can not do that,' instead of letting things get pushed under the carpet. I think it resulted in conduct not being consistent. As a unit we weren't performing consistently. Does that make sense? The guidelines were not there, and the leadership wasn't strong enough. The leadership was weak because it didn't set guidelines; it didn't control from the top. Nor were rules applied consistently. I see that now we're home. At the time, rules were applied consistently within a section and that was it (Winslow 1997, 214).

The poor planning of the mission, the inconsistent rules of engagement, and the scattered camp layout were among the factors that led soldiers to question their leadership. While the problems related to poor unit leadership seem most pronounced in 2 Commando, all units struggled to understand and support an already difficult and complex operation.

The insular nature of the CAR led units within it to develop an elite identity that resisted interference from other military officials. Perceptions regarding the declining quality of the unit, either through weak recruiting or budget cuts, led each Commando to compensate by developing their own subcultures. While 1 and 3 Commandos developed benign, even enhancing, subcultures that were consistent with organizational norms, 2 Commando developed a countercultural subculture that privileged strength, violence, and absolute loyalty. This subculture rejected external notions of discipline and efforts to control its behavior. Unfortunately, leaders at the top of the CAR downplayed the discipline concerns and the subculture became impenetrable; unit members believed they could act how they thought best to protect the unit with impunity. Unit leaders, and even senior leaders, that might have intervened to prevent violence against civilians lacked either credibility or the political will to control their soldiers. The combination of a violent and aggressive subculture in 2 Commando and the absence of strong leaders to control them may explain why they used greater violence toward civilians than the other parts of the CAR.

CONCLUSION

Although many Canadians served honorably in Somalia and provided needed humanitarian assistance and security, the deaths of Shidane Arone and other Somali civilians looms over that legacy. While the Canadian government and DND officials initially presented his death as the responsibility of a few “bad apples,” numerous investigations brought to light organizational problems and identified responsibility at several points in the chain of command.

Given Canada’s long peacekeeping history, it is surprising that the military did not have a more extensive law of war or peacekeeping training curriculum. This case illustrates the gaps in current instruction in the laws of war and lack of application exercises to reinforce this instruction. While soldiers may have understood their Geneva Convention obligations during basic training, these principles faded over time as a result of the military’s neglect. The testimony of the American trainer also suggests that specific ROE training is critical to ensure that soldiers understand and can apply appropriate limits on the use of force. Many of the CAR officers assumed that soldiers received law of war training, but changes in the military justice system and increased specialization of officers left many soldiers with no understanding of the laws of war and peacekeeping norms. While the lack of training cannot explain variation in the CAR Commandos’ behavior, superior training might have given soldiers in these Commandos more tools to address the challenges they faced in Somalia and protect civilians.

In addition to the underdeveloped training curriculum regarding the laws of war, military leaders failed to establish credible discipline within the units of the CAR. Credible discipline requires that leaders enforce rules in a way that soldiers believe is fair and necessary. Senior officers, while critical of the CAR, took only surface-level actions to address the problem. This lack of accountability, along with senior officers’ cavalier views on the laws of war, sent signals to soldiers that the organization did not take these restrictions seriously; the “elite” CAR did not have to comply with ordinary military limitations.

Although the CAR itself attempted to develop a broad “elite” culture, budget cuts and low-quality recruits weakened its efforts. In response, each Commando developed its own subculture. 2 Commando created a countercultural subculture that rejected external impositions of authority and sought out violence. Senior officers’ inability, or unwillingness, to address the obvious disciplinary problems in 2 Commando allowed the subculture to take hold until it was virtually impenetrable. Due to a dysfunctional assignment system, unit officers who tried to take control

lacked necessary skills and experience. The regiment reacted to efforts to impose discipline by punishing these officers and isolating unit members that disclosed problems. Senior military leaders should have recognized these warning signs before deploying the CAR to Somalia and placing the units in an environment where discipline had military, political, and humanitarian importance. Disbanding the regiment, which in the short term eliminated the problematic subculture of 2 Commando, did not address the factors that led the unit to develop those norms and values.

The revelations of abuse in Somalia and chronic disciplinary problems in the CAR surprised many Canadians. The government, initially willing to investigate the incident, tired of the scrutiny and cut short the Inquiry that might have exposed the military's failures in preparing soldiers for conflict and cultivating credible leadership. National efforts and top-down reforms must credibly reach down to the unit level that represents Canada in military, peacekeeping, and humanitarian environments.

NOTES

1. 1 Commando draws its soldiers from the French Canadian Royal 22e Regiment. 2 Commando's soldiers come from Princess Patricia's Canadian Light Infantry. 3 Commando's soldiers are from the Royal Canadian Regiment.
2. Some soldiers also blamed the drug mefloquine for their violent behavior. The Canadian government required all soldiers to take the anti-malarial drug; the drug can have dangerous side effects, including hallucinations, migraines, and extreme agitation. However, over the course of the inquiry, there was little evidence of a direct connection or correlation between the violence toward civilians and soldiers taking the drug. (*Dishonoured Legacy*, vol. 5, 1387–1395).
3. The Commission of Inquiry asked Prof. Brodeur to study the CAR as a part of their investigation.
4. Reports surfaced of mistreatment of detainees in the Royal Canadian Dragoons camp in May 1993. *Dishonoured Legacy*, vol. 5, 1430.

REFERENCES

- Amaral, Rui, and Mike Vernon. 2000. *Eat Your Weakest Man: Inside the Canadian Airborne Regiment*. Calgary, AB: Bunker to Bunker Publishing.
- Bercuson, David. 1996. *Significant Incident: Canada's Army, the Airborne, and the Murder in Somalia*. Toronto, ON: McClelland and Stewart.

- Brodeur, Jean-Paul. 1997. *Violence and Racial Prejudice in the Context of Peacekeeping (A Study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia)*. Ottawa, ON: Minister of Public Works and Government Services.
- Cheney, Peter. 2004. Our Abu Ghraib. *The Globe and Mail*, 15 May. Accessed 11 June 2009.
- Commission of Inquiry into the Deployment of Canadian Forces to Somalia. 1997. *Dishonoured Legacy: The Lessons of the Somalia Affair*. Ottawa, ON: Minister of Public Works and Government Services.
- Dawson, Grant. 2007. *'Here Is Hell': Canada's Engagement in Somalia*. Vancouver, BC: UBC Press.
- Fenrick, W.J. 1991. International Legal Aspects of Canadian Forces Experience in the Recent Gulf Conflict 1991. Canadian Council on International Law.
- Flynn, Mike. 1993. Troops in Somalia: Mission Haunts Soldiers Still. *The Ottawa Citizen*, 4 September.
- Friedland, Martin L. 1996. *Controlling Misconduct in the Military (A Study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia)*. Ottawa, ON: Minister of Public Works and Government Services.
- Harrison, Deborah, and Lucie Laliberte. 1994. *No Life Like It: Military Wives in Canada*. Toronto, ON: James Lorimer & Company.
- Madsen, Chris. 1999. *Another Kind of Justice: Canadian Military Law from Confederation to Somalia*. Vancouver, BC: UBC Press.
- McDougall, Barbara. 1992. Canada and the New Internationalism. *Canadian Foreign Policy* 1 (1): 1–6.
- Metz, Troy Kenneth. 1997. The Training of the Canadian Military and the Somalia Affair. MA diss., University of Regina.
- Razack, Sherene. 2000. From the 'Clean Snows of Petawawa': The Violence of Canadian Peacekeepers in Somalia. *Cultural Anthropology* 15 (1): 127–163.
- . 2004. *Dark Threats and White Knights: The Somalia Affair, Peacekeeping and the New Imperialism*. Toronto, ON: University of Toronto Press.
- The Hamilton Spectator. 1994. Rules of War Joked About, Inquiry Told. *The Hamilton Spectator*, 4 June. Accessed 11 June 2009. <http://www.global.factiva.com>.
- Thompson, Allan. 1995. Airborne Regiment Axed in Disgrace. *The Toronto Star*, 24 January.
- . 1996a. Airborne Told to 'Kill' Somalis, Office Says. Six Days Later, Two People Were Shot, Military Report Reveals. *The Toronto Star*, 13 July. Accessed 11 June 2009.
- . 1996b. Major Tried to Soften Orders in Somalia. *The Toronto Star*, 25 September.
- . 1996c. Okay to Give Contract to Firm with Liberal Links. *The Toronto Star*, 26 September.

- . 1996d. Somalia Inquiry Abruptly Stopped, New Files Surface That Shed Light on Coverup Charges. *The Toronto Star*, 16 April.
- Watson, Paul. 1993. Tense Vigil in Somalia. *The Toronto Star*, 21 March. Accessed 11 June 2009.
- Winslow, Donna. 1997. The Canadian Airborne Regiment in Somalia: A Socio-Cultural Inquiry (A Study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia). Ottawa, ON: Minister of Public Works and Government Services.
- Worthington, Peter, and Kyle Brown. 1997. *Scapegoat: How the Army Betrayed Kyle Brown*. Toronto, ON: Seal Books.



Conclusion

Abstract Fulfilling international treaty obligations in the midst of conflict, such those demanded in the Geneva Conventions, are difficult under the best of circumstances. Although states agreed, after the horrors of World War II, to formally commit themselves to reduce some of the most extreme brutality in war, those commitments can seem less important in the heat of battle. Organizational theory provides an especially fruitful theoretical lens through which to understand why some military units commit war crimes but others do not. Based on the author's findings regarding the ability of socialization and subculture to explain unit commission of war crimes in the case studies of Korea, Malaya, and Somalia, some initial policy suggestions that could increase compliance with the laws of war are discussed. Challenges remain, and in that light, the chapter concludes with a discussion of the limitations of this project and outlines additional research needed and questions that remain.

Keywords Organizational theory • Socialization • Subculture
• Compliance • International law

The mention of war crimes elicits horror for its victims and shame for both the perpetrators and the bystanders. The normative power of the concept is demonstrated by the responses of the accused; states, militaries, and leaders divert responsibility for war crimes and blame “bad apples,” individual

soldiers at the bottom of the chain of command. Authorities may belatedly launch investigations, but rarely does such effort focus on identifying the root causes of these horrific actions. Indeed, so long as investigations of war crimes react only to bad publicity and focus on individual responsibility, they overlook how organizational forces may enable, or prevent, unit commission of war crimes.

Fulfilling international treaty obligations, such as those demanded in the Geneva Conventions, are difficult under the best of circumstances. Although states agreed, after the horrors of World War II, to formally commit themselves to reduce some of the most extreme brutality in war, those commitments can seem less important in the heat of battle. Theaters of war, as the case studies of Korea, Malaya, and Somalia attest, are not hospitable environments for providing soldiers the tools they need to understand their obligations and act accordingly. Organizational theory provides an especially fruitful theoretical lens through which to understand why some military units commit war crimes but others do not. Based on my findings regarding the ability of socialization and subculture to explain unit commission of war crimes, I offer some initial policy suggestions that could increase compliance with the laws of war. I conclude with a discussion of the limitations of this project and outline additional research needed and remaining questions.

IMPLEMENTING INTERNATIONAL COMMITMENTS

Although states take on international commitments by signing treaties and agreeing to norms, agents within the state have the responsibility to internalize those commitments down to the units on the battlefield. In major power democracies, militaries bear the primary responsibility for compliance with the laws of war, including protection of civilians. As an organization, the military must train individuals to use force with restraint, act within a unit, and endure risks to achieve objectives. These requirements mean that the military must foster an organizational culture that balances violence, obedience, and ethical judgment. If the military fails to achieve these goals, both soldiers and civilians suffer.

In Korea, Malaya, and Somalia, violence toward civilians was explained away either as an unfortunate consequence of war, the result of engaging with a brutal enemy, or the fault of incompetent soldiers. Had these broader narratives explained unit participation in war crimes, their incidence should have been much more widespread. Instead, the empirical

record suggests that while some units did engage in war crimes, particularly violence toward civilians, other units demonstrated restraint and protected civilians. Why would units facing the same difficult situations differ in their participation in war crimes?

To better understand this variation, I examined unit socialization and subculture. In the following sections I discuss the findings for each of these possible explanations in my three cases. My aim is not to compare across cases, but draw inferences from each case to strengthen understanding of the causal mechanisms that explain unit participation in war crimes.

SOCIALIZATION

Militaries socialize soldiers and units to achieve their objectives using force. However, the military also must socialize units to promote discipline and compliance with the laws of war. Through training, the military educates soldiers about the laws of war and provides opportunities to test their application of those laws in real world scenarios. Failure to socialize units leaves them without important knowledge and understanding of their obligations.

In each of my cases, the militaries failed to adequately socialize soldiers in the law of war. In both Korea and Somalia, American and Canadian soldiers may have learned about the laws of war briefly in their basic training, but received no additional training prior to their deployment. In Malaya, despite the fact that British troops were going to the country “to aid the civil power,” soldiers received no formal training regarding the protection of civilians. In Somalia, Canadian officials assumed that soldiers had received additional training, but there was no record of training and soldiers could not recall being briefed on their legal obligations during the mission.

Only in Malaya did British troops, despite the lack of formal education regarding laws of war, implement the principle of civilian protection through the practice of distinguishing between enemies and friendlies. Many of the soldiers that served during the Emergency remembered this aspect of their jungle training. Although this evidence demonstrates only a minimal effort, it does suggest that training can generate knowledge, and perhaps compliance, with the laws of war.

However, for socialization to be effective, knowledge must be paired with commitment. Training can provide knowledge, but if leaders of the organization do not also comply with and enforce the law, soldiers will not develop their own sense of commitment. Leadership must “walk the

talk” and ensure compliance with the laws of war through their words and actions. Failure to do so may lead soldiers to see their training as efforts to pacify certain constituencies without imposing any real limits on their behavior.

As the record shows, leaders in all three of these conflicts sent mixed messages to their units. Despite the fact that high-level military and civilian authorities committed their forces to comply with the principles contained within the laws of war, including civilian protection, they also issued orders that were inconsistent with that commitment. In Korea, General MacArthur, despite the fact that the Geneva Convention negotiations were not yet complete, pledged to adhere to their values. At the same time, leaders within the 8th Army and 1st Cavalry Division were ordering their units to shoot on civilian refugees to impede their movement and stop alleged North Korean infiltrators. MacArthur also created a War Crimes Division to investigate North Korean crimes against U.S. and South Korean soldiers and civilians, but did not authorize investigations of U.S. or South Korean crimes. The War Crimes Division also lacked resources to do much beyond collect reports of atrocities, and their requests for additional clarification of their jurisdiction went unanswered.

In Malaya and Somalia, the crimes of British and Canadian soldiers were initially covered up by rushed and incomplete investigations. In Malaya, military authorities intervened and threatened to withdraw their forces to stop independent inquiries into civilian deaths. The High Commissioner even suggested that he did not think the conflict could be won if forces complied with the laws of war. The true nature of what happened at Batang Kali was not revealed until soldiers confessed to journalists decades later. In Somalia, the gravity of the abuse of Shidane Arone forced Canadian authorities to directly address 2 Commando’s violent behavior toward civilians. Despite repeated warning signs about the unit’s violent nature and reluctance to use restraint, the unit was assigned to patrol the city, a responsibility that would put them in direct contact with civilians. In both cases leaders had given conflicting orders that, although retracted, likely signaled to their units that any violence towards civilians would be “taken care of.” These units had little reason to believe that leadership would hold them accountable for violations of the laws of war.

Given the lack of knowledge and commitment demonstrated by the American, British, and Canadian militaries, it is surprising that there were not more cases of violence towards civilians during these conflicts. Only in Malaya did soldiers in certain units receive and commit to the protection

of “friendly” peasants. Although this evidence is very limited, it does give some credence to the argument that socialization, including knowledge, skill, and commitment, could prevent unit participation in war crimes.

SUBCULTURE

In large and widespread organizations like the military, smaller units develop cultures of their own that may compete with the broader organizational culture. Some units may develop identities and subcultures that support or are at least consistent with organizational goals. However, other units may fail to develop identities at all or develop countercultural identities that reject the broader organization’s norms. While unit leadership can, in some cases, steer a unit towards a supportive subculture, it can also fail to penetrate a well-developed countercultural subculture. Units that fail to embrace the organizations norms, or outright reject them, may be more likely to violate those norms and commit war crimes.

In the cases I examined, I found that meaningful subcultures are difficult to develop and maintain. Even creating the idea of the unit can be difficult. One measure of unit identity, discipline, demonstrated that many members of the units deployed to Korea never really made the transition from civilians to soldiers. They lacked adequate understanding of their role and mission, believing that rather than fighting a war they would be enjoying the sun during light occupation duty in Japan. Despite efforts by units like the 7th Cavalry Regiments to preserve their frontier history, there is little evidence that this subculture had any influence on the unit’s behavior.

In Malaya, there is more evidence to suggest that unit identity, once tied to region, was cultivated and a point of pride for unit members. Some units, notably the Scots Guards, showed little regard for discipline or the unique nature of their mission, which was a cross between peacekeeping and counter-insurgency. At the same time, the Suffolks, willing to adapt to the changing situation, demonstrated restraint and proved successful in identifying insurgents and protecting civilians. Testimonies from the different unit members suggest that a countercultural subculture took hold in the Scots Guards that led to the violent massacre and collusion to cover up the incident at the time. It was only decades later, in the aftermath of the media coverage of the My Lai massacre, that a small number of Scots Guards soldiers came forward to admit their part in the killings.

In Somalia, the distinct subcultures of the Commandos that made up the Canadian Airborne Regiment (CAR) likely also explain why 2 Commando was responsible for a disproportionate amount of violence toward civilians. Overall, members of the CAR valued being part of an “elite” unit, despite the fact that the quality of members had decreased as selection criteria changed. To respond to the perceived decline in the overall regiment identity, each Commando sought to cultivate their own subculture. 3 Commando, for the most part, prided itself on being the most professional and consistent with organizational goals. 1 Commando, while engaging in shocking hazing rituals and skeptical of their leaders, behaved generally in accordance with organization norms. 2 Commando, which engaged in a disproportionate amount of the violence toward civilians in Somalia, cultivated a countercultural subculture that celebrated violence and rejected external authority. Although evidence of this subculture was known by leadership prior to their deployment to Somalia, the unit was sent anyway. 2 Commando consistently demonstrated a tendency to escalate situations to violence quickly. While the other Commandos of the CAR deployed to Somalia encountered hostile encounters with civilians during their operations, they did not engage in the level of violence that 2 Commando did.

The importance of subculture still begs the question: how did these subcultures form? While units may have histories and identities, this information can only be passed on by people. Unit leaders appear to have an important role in influencing unit subculture. In Korea, units that managed to hang together and treat refugees humanely often did so because they had experienced leaders that could give the nervous soldiers greater confidence. While the unit subcultures in Korea were generally quite weak, testimonies from unit members suggest that an experienced leader could bring a unit through a difficult situation without breaking up or engaging in mass violence. Leaders can, in this case, play an important role in backfilling organizational socialization efforts, both to turn civilians into soldiers and to create understanding and commitment to principles of the laws of war.

In Malaya, the evidence suggests that unit leaders could sway their units toward violence or restraint. While certainly the Scots Guards and Suffolks were defined by their history and reputation, their leaders also shaped members’ views of the units. Members of the Suffolks had strong confidence in their leaders and respected them. In the Scots Guards, unit members voiced concern about their leaders’ lack of initiative and unwillingness to go on patrols with the units. One of the participants in the Batang Kali massacre noted that there was not a unit commander with the group on

that mission, which he found very “unusual.” Scots Guards leaders also seemed frustrated with their mission and by the restrictions on their use of force. This frustration seems to have diffused throughout the unit. Many of the elements of the Scots Guard’s and Suffolk’s subculture that explain their participation in war crimes (or lack thereof) appear to be related to unit leadership.

In the Canadian Airborne Regiment, efforts to install new unit leaders in 2 Commando were rejected by the already well-developed counterculture. The unique officer selection system in the CAR, which drew from within the unit, reinforced this culture. Unit leaders brought from outside the unit to clean it up were personally attacked; one had his vehicle burned. Discipline problems continued despite efforts to change the unit leadership. At the same time, the other Commandos in the Regiment, while certainly not perfect in terms of discipline, never exhibited similar problems. Failure in leadership over a period of time created and sustained a subculture that was difficult, if not impossible, to penetrate.

Overall, the evidence on socialization proved to be so weak that it is difficult to draw even preliminary conclusions on its ability to explain unit participation in the laws of war. While evidence from the Malayan case may support rudimentary socialization in underlying principles of civilian protection, it is difficult to know whether greater knowledge and skill would have influenced unit behavior. This finding is surprising given the amount of effort and resources devoted in general to these efforts within militaries.

However, in the case of subculture, there is evidence in all three cases that sheds light on why some units committed war crimes while others did not. In the Korean case, although unit identity in general was quite weak, experienced unit leaders cultivated discipline and held inexperienced units together under difficult circumstances. Although the evidence in this case is limited, likely due to poor record keeping, it does appear that while in the 7th Cavalry Regiment leadership was inexperienced and the unit lacked cohesion, in the 5th Cavalry Regiment the unit leader was able to command the respect and obedience of the unit. When facing an onslaught of civilian refugees, the unit leader of the 5th Cavalry restrained his soldiers from firing, while in a similar situation the leader of the 7th Cavalry could not.

In Malaya, unit subcultures once based on identity took on a life of their own and became related more to the unit leaders’ views of war. While the Suffolks were willing to try new tactics to face the insurgent enemy, the Scots Guards resented being sent to fight in something less than a conventional war. The unit’s disinterest in small unit patrols and restraint

may explain their poor record in identifying insurgents and frustration leading up to the Batang Kali massacre. In this case, the unit's countercultural subculture, supported by unit leadership, may explain the variation in unit commission of war crimes.

In Somalia, the three Canadian Commandos, while sharing an "elite" identity, did not share subcultures or leadership. In fact, due to perceived erosion of the reputation of the overall Regiment, each Commando sought to develop a subculture that would justify its continued respect. While 1 Commando focused on sports and 3 Commando on professionalism, 2 Commando cultivated an identity based on violence. The structure of officer selection and inattention from leaders up the chain of command allowed this countercultural subculture to fester and strengthen. Despite warning signs about 2 Commando, it was deployed alongside the other Commandos to the difficult mission in Somalia. Repeated violence was not punished until the death of a young boy created an international embarrassment. Given that all three Commandos faced difficult missions with limited training, the violent subculture of 2 Commando likely explains why the unit was responsible for a disproportionate amount of the violence towards civilians during the mission, including the killing of Shidane Arone.

STRENGTHENING WAR CRIME PREVENTION

The generally weak state of law of war training in these cases was surprising given the stated commitments of these countries. While the Korean and Malayan cases were very close in proximity to the negotiation of the Geneva Conventions, one might still expect greater awareness in the military of the importance of compliance with newly formalized norms. Principles included in Geneva, particularly civilian protection, were not new and should have been included in training prior to the completion of negotiations. The particular way that information about laws of war was included, focusing on lectures with only limited application, further limited the amount of knowledge that would be retained by units that did receive the training. Finally, the elimination of the training due to time constraints and deployment pressures suggests that it was not well integrated into the overall training curriculum. While my cases provide only limited evidence that training could create some knowledge of the importance of civilian protection, it still seems that it would be worthwhile for states and their militaries to invest greater attention to integra-

tion of the concepts at basic training with periodic and mission-specific reinforcement. Additional research should also be done to assess whether more contemporary training efforts have improved unit compliance with the laws of war.

Leadership could also do a much better job of demonstrating commitment to civilian protection. While high-level civilian and military leaders may rhetorically embrace the principles underlying the laws of war, it is less clear that they endorse them in practice. Similar to the finding regarding training, messages from leaders were mixed at best and often encouraged soldiers to directly target civilians. It is surprising that more units did not engage in war crimes and violence towards civilians given the tacit permission their leaders provided. Leadership must go beyond pronouncements at press conferences and congressional testimony to showing commitment down the chain of command. Additional research should look for efforts to boost enforcement of the laws of war, including improved reporting infrastructure, resources and training for investigation, and accountability for those found violating the laws of war.

Although socialization efforts did not appear to explain the variation in unit behavior, unit subculture appears significant. While the values and importance of subcultures are difficult to measure and change over time, the three cases suggest that civilian and military leaders would be well served to pay greater attention to them. Recognizing that units have subcultures, and developing means to identify them within the military, would be extremely valuable. Another way to manage these subcultures appears to be through unit leaders. Experienced and knowledgeable unit leaders can be ambassadors for organizational values even when the situation on the ground demands that socialization be cut short. Poor leaders, however, can either fail to control their unit or lead the unit astray based on their own beliefs and goals. It may be valuable to also rotate leaders through different units to avoid reinforcement of nascent countercultures. These cases suggest that unit leaders have the opportunity to experience and influence unit subculture that might otherwise be difficult for leaders up the chain of command to understand.

REMAINING QUESTIONS

Although this project offers important insight into the motivations behind unit behavior related to organizational culture, there are many questions that remain. Looking back at the concept of internalization, it would be

interesting to investigate how states think about compliance with international obligations. Do they simply hand them off to domestic institutions and then never check to ensure that they are being met? Given the sometimes tense relationship between civilians and the military, and the difficulty of externally imposing reforms, the oversight process (or lack thereof) could provide important guidance for pursuing internalization of future international commitments.

Within militaries, it is also vital to examine the creation of training programs and curriculums. Who decides what content should be included and what content excluded? How is the order of training organized? What assessment tools are used to determine if the training is effective? Do training programs differ across militaries, or are the programs similar? How much influence does the United States have given the U.S. military's extensive international military professionalization programs? Although U.S. and British training during the post-World War II period were relatively similar, Canadian training developed as a narrower and exclusively professional field. Did the end of the Cold War lead to any changes in training? Increase in U.N. peacekeeping missions? Counter-insurgency and anti-terrorism efforts in Afghanistan and Iraq? Given the increasing number of conflicts fought against guerilla-style forces with many civilians caught in the crosshairs, it would be surprising if the laws of war and concepts of civilian protection did not have a higher profile in modern training.

Examining only major power democracies limits the generalizations that can be drawn from this study; these militaries all had ample resources, access to experts, and largely helped craft the agreements that their militaries then had to comply with. While it would not necessarily be useful to examine authoritarian militaries and their unit behavior (although there is some very interesting work about compliance from the pre-World War I and World II eras), it could be useful to examine how these principles are internalized by smaller militaries with fewer resources. Does being less powerful lead the military to be more or less interested in compliance? What training techniques do they use? Do they rely on assistance from other states? What do these unit subcultures look like?

Finally, communication throughout the chain of command and whether it varies across militaries should be investigated. In the United States, the general presumption is that information travels down the chain of command from leaders to units to soldiers. This one-way direction of communication could mean that leaders lack important information from the field that could change their decisions. Training also travels in one direc-

tion, which means that important adaptations made in one unit would not necessarily be integrated into broader training and benefit others. In the British military, the sense is that there is greater dialogue throughout the chain of command. While this may create some confusion, it also means that leaders are able to get information from the field and those lower on the chain of command feel some ownership of decisions because their voices were heard. Particularly as conflicts become more complex in terms of political goals, stakeholders, and bystanders, it would be interesting to investigate organizational efforts to cope with these changes.

Understanding why units commit war crimes is crucial to prevention; while efforts at accountability are important and laudable, it is difficult to imagine how a person or a community ever recovers from such a needless, violent act. Beyond the human toll, war crimes also imperil the very mission that militaries are deployed to accomplish. In each of my cases, the acts of a few damaged the overall effort to provide peace and stability for the country and led to fear and cynicism among the local population.

The challenge posed by war crimes has not gone unnoticed by the international community. After the horrors of World War I and World War II, the world agreed to formalize principles of the laws of war in the Geneva Conventions. Perhaps one of the most important principles included was the need to distinguish between civilians and combatants and the importance of civilian protection.

While states agreed to these principles at a global level, their realization demands that they be internalized in the state's primary means of force, the military. Through socialization, militaries bring civilians from their communities into the organization and create soldiers acculturated to the organization's norms. Internalization of the laws of war requires militaries to train soldiers in these laws and demonstrate the organization's commitment. Unfortunately, these cases demonstrate the consequences when efforts fall short.

Hope, however, can be found in unit subcultures. In Korea, Malaya, and Somalia, despite the difficult conditions units faced, some demonstrated restraint and endured risks to protect civilians. Units, held together by experienced leaders, identity, pride, or some combination of these attributes complied with the laws of war. Unfortunately, some units, lacking experience or leadership, faltered. Units with countercultural subcultures, defined by elite identity or rejection of authority, quickly resorted to violence. Acknowledging the importance of unit subcultures, and the role unit leaders play, provides an important avenue for increasing compliance from the bottom up.

INDEX¹

A

Arone, Shidane, 21, 23n4, 91, 92,
95–98, 101, 102, 108, 111,
113, 117, 119, 126, 130

B

Batang Kali, 57, 58, 62–66, 68, 69,
72, 74, 75, 79, 81–83, 85n32,
87n54, 126, 128, 130

British military

Cameron Highlanders, 60
Coldstream Guards, 60, 66,
78, 85n24
Green Howards, 67, 77, 79, 83n3,
85n30, 85n31
Grenadier Guards, 60, 70, 83n3
Kings Own Yorkshire Light
Infantry (KOYLI), 60, 66,
67, 78, 83n3, 85n19,
85n25, 85n28
Queens Own Hussars, 60, 66, 83n3

Scots Guards, 57, 60–63, 65, 66,
68–70, 72, 75, 78–79, 81–83,
88n77, 127–129

Seaforth Highlanders, 60

Suffolk Regiment, 60, 67–70,
72, 77, 82, 84n3, 85n29,
86n44, 87n58

C

CAR Battle Group (CARBG)

Canadian Airborne Regiment
(CAR); 1 Commando, 94, 96,
99, 111–113, 115, 118, 120n1,
128, 130; 2 Commando,
91–97, 99, 101, 108, 111–113,
115–120, 126, 128–130; 3
Commando, 5, 94, 96, 97,
111, 113–114, 116, 118,
128, 130

Royal Canadian Dragoons, 100,
111–112, 120n4

¹Note: Page numbers followed by ‘n’ refer to notes.

Civilian protection, 2–5, 8, 9, 14, 16,
17, 21, 50, 58, 69, 75, 76, 92,
108, 125, 126, 129–133
Compliance, 3, 4, 8–11, 15–18, 28,
44, 50, 69, 101, 102, 105,
124–126, 130–133
Counterinsurgency, 70, 71, 75,
77, 82, 83, 127

G

Geneva Conventions, 2, 8–10, 13, 20,
28, 29, 39–43, 49, 61, 66, 69,
71–73, 84n5, 94, 102, 104,
119, 124, 126, 130, 133

I

Insurgent/insurgency, 4, 5, 20, 21,
58–62, 65–67, 69, 72, 74, 75,
77, 79, 82, 83, 127, 129, 130
Internalization, 10–11, 131–133
International law, 6, 8–11, 18, 20,
28–30, 41, 70, 72, 76

J

Jungle Warfare School, 72

K

Korea
North Korea, 27, 29, 32, 34, 43
South Korea, 20, 27–29, 34, 40
Korean War, 3, 4, 20, 22, 27–51

L

Laws of war, 3, 4, 8–10, 13–18, 20,
21, 28, 39–44, 49–51, 58, 70,
71, 73, 76, 82, 86n40, 101–108,
119, 124–126, 128–133

M

Malayan Emergency, 3, 4, 20,
22, 57–83
Military discipline, 14, 76
My Lai massacre, 63, 127

N

“New internationalism,” 92–93
New Villages, 65, 83
No Gun Ri, 30–32, 34, 43, 50
Nuremberg Tribunal, 2, 8, 9

O

Obedience to orders, 2, 8–9
Objectives, 9, 12, 17, 19, 63,
124, 125
Organizational culture, 3–5, 12–14,
48, 124, 127, 131
Organizational theory, 3, 5, 11, 124

P

Peacekeeping, 91–120, 127, 132
Process-tracing methodology, 16, 17

R

Refugees, 20, 27–51, 126,
128, 129
Reprisals, 61, 73, 79
Rules of engagement (ROE),
103, 105–107, 118, 119

S

Somalia, 3–5, 21, 22, 91–120,
124–126, 128, 130, 133
South Korean Truth and
Reconciliation Commission,
31, 34

Subculture
 countercultural, 3–5, 15, 16, 18,
 22, 44, 76, 101, 108, 114,
 117–119, 127, 128, 130, 133
 enhancing, 3, 4, 15, 18, 76,
 108, 114, 118

T

Territorial conflicts, 20
 Training, 3, 4, 8, 10, 13–18, 22, 28,
 36, 37, 39–42, 44, 48, 49, 58,
 60, 68–73, 75–78, 80–83, 92, 94,
 101–106, 108, 109, 112, 116,
 118, 119, 125, 126, 130–133
 Truman Doctrine, 29

U

Unit identity, 18, 22, 48, 50,
 78, 108, 127, 129

Unit leadership, 4, 8, 16, 18, 19,
 48–51, 76, 81, 82, 114–115,
 118, 127, 129, 130

United Nations, 3, 9, 21, 29, 34,
 39, 40, 43, 70, 91, 93, 94

US Army, Eighth

1st Cavalry Division; 5th Cavalry
 Regiment, 33, 35, 38, 41, 46,
 48–50, 129; 7th Cavalry
 Regiment, 31, 32, 38, 41,
 45–50, 127, 129; 8th Cavalry
 Regiment, 33, 41, 46, 48, 49

24th Infantry Division, 30–32, 37,
 41, 48, 49

W

War crimes, 1–5, 7, 23n1, 36,
 38, 42, 43, 48, 50, 51, 79,
 83, 102, 123–125, 127,
 129–131, 133