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Aggression and Violent Behavior

"*You know what to do with them*": The formulation of orders and engagement in war crimes

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ABSTRACT

Based on a study of historical and social−psychological literature, this article examines the various strategies to which political, military, and police authorities have recourse to incite subordinates to engage in atrocities. Our hypothesis is that the formulation of orders plays an important role in processes aiming to get individuals to engage in war crimes. We studied three contexts (the Second World War, the Vietnam War, and the wars in Iraq and Afghanistan) allowing us to propose a categorization of military orders to massacre or torture into five types: orders that give a choice, or are partial, coded, ambiguous, or fragmented. We add another specific category to the analysis, orders in the act. The analysis shows that in a democratic context, those giving orders tend to privilege vague, ambiguous, or partial orders, preserving appearances by being attentive to what may be verbalized and legality. In dictatorial contexts, order-givers tend instead to privilege explicit orders while trying to soften the psychological impact on subordinates (orders that give a choice, are coded, or are fragmented). We then discuss the consequences in terms of responsibility between the hierarchy and the executants.

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1. Introduction

How are ordinary individuals transformed into mass killers? This question is at the heart of the debate between Christopher Browning and Daniel Goldhagen over the "motivations" of the members of the German 101st Reserve Police Battalion in the massacre of the Eastern European Jewish population, beginning in 1942. These authors inferred the reasons pushing battalion members into action from the way the order for the first massacre was given. We know that when the battalion arrived at the site, Commander Trapp announced to his men that they would have to shoot Jews, and offered them the chance to leave the

ranks if they didn't feel capable of doing so. Only 10–12 of the 486 men, according to witnesses, took advantage of the opportunity. Browning (1998) concluded that they didn't want to dodge the "dirty work" at the expense of their comrades, that they didn't want to lose face by appearing to be "cowards" and "weak," and that conformity played a more decisive role in their behavior than obedience did. Goldhagen (1997), on the other hand, saw in this small number of men the proof of German hatred of the Jews, and their complete support of the massacre.

But how do we interpret the fact that this order left subordinates the choice between executing and disregarding it? Why was it formulated that way? More generally speaking, how might an order offering the possibility of opting out affect the people receiving it? How can people act, and react, when confronted with an order formulated in a way

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that goes against standard military practice, usually leaving subordinates no latitude? Isn't it, as Canetti reminds us, even "in the nature of the order to not allow any contradiction, to tolerate neither discussion nor explanation nor doubt (1986, p. 322)?" The very form of orders to massacre is certainly not innocuous, and we believe it deserves to be analyzed in order to better understand the process that drives "ordinary" individuals to commit atrocities. We find this is revealing of the representations that the authorities make of the state of mind of those who must pass to the act, and the conditions they think would be most conducive for the effective execution of such acts. Namely, why did the German commander give a choice if he was, as one might assume, convinced that the orders would not be met with reticence, or even opposition?

There is little work directly addressing the formulation of deadly orders, but many studies have allowed the identification of different strategies authorities may call on to push individuals to violence. First, they may preferentially recruit people who are particularly malleable and share their ideology of war (Lankford, 2009).[1] They may then give them special training aiming to prepare them to commit atrocities and to make them aggressive, often consisting of desensitizing them to violence (by humiliating them or subjecting them to particularly stressful exercises), and/or making them lose their personal identity to a group identity (by giving them, for example, a uniform, a number or a *nom de guerre*, or subjecting them to hazing) (Huggins, Haritos-Fatouros, & Zimbardo, 2002). This trend in making individuals anonymous and interchangeable – de-individualizing them – facilitates their engagement in destructive behaviors, especially when they are given permission to act in an aggressive way (Zimbardo, 2007). Training also aims to make new recruits into individuals who are unconditionally obedient to their superiors' orders (Haritos-Fatouros, 1995), to make them think that they have no choice but to do what they are ordered to do. Under the influence of authority, the individual tends to no longer see him- or herself as personally responsible for the consequences of his or her actions (Kelman, 1973). This phenomenon is even stronger when the victim is physically distant from the executant and when the executant only plays a secondary role in the process that leads to making the victim suffer (Milgram, 2009). This is how the establishment of a "division of labor," breaking criminal operations down into a series of steps to be carried out by different individuals, facilitates the smooth progression of criminal operations. It is even more effective because the responsibility is diffused all along the atrocity "production chain," thus favoring their perpetration (Bauman, 2000).

This toolkit inciting ordinary individuals to become violent is usually put in place in a context of overall insecurity. Political and military leaders try to play on collective fears, to invite subordinates (and the entire population in general) to defend themselves and to engage in a battle often formulated in terms of "the war against [X]." They thus favor the development of a warlike ideology and a culture of hate and violence in relation to certain clearly identified groups, designating the "enemies" to fight by inciting their target audience to perceive them as "subhuman" (Waller, 2007). This dehumanization of "the enemy" brings actors to stop perceiving their victims as similar to them, to such an extent that it becomes incidental, even necessary, to eliminate them (Grossman, 2009; Kelman, 1973; Welzer, 2008).

The hierarchy may also try to create a climate authorizing violence that legitimates actions that would be considered as morally reprehensible in normal times (Kelman & Hamilton, 1989). It may give indirect orders susceptible to favor the use of violence. To incite American soldiers to resort to torture in Iraq, for example, superiors only had to describe an activity and suggest it would be suitable for reaching the pursued objectives (Danner, 2004, p. 20). In this configuration, "there

are no orders to torture, but the situation can be predicted to cause it" (Zimbardo, 2007, p. 256). Because orders are not formally made explicit, the authorities thus clear themselves of responsibility for what they put in place (Baumeister, 2001). The terms used to designate atrocities are often misleading: "final solution," "special treatment," "evacuation," "liquidated," "finished off," and "elimination" to designate the extermination of Jews; "tough interrogation," "enhanced interrogations," and "controlled acute episodes" to refer to torture in Iraq (Arendt, 1963; Baum, 2006; Blum, 2008; Huggins, 2011; Lankford, 2009; Mitchell, 1999). We know that linguistic manipulations contribute to subordinates' moral disengagement from the crimes they commit by making them lose sight of the real meaning of their actions (Bandura, 1999, 2002; McLister, Bandura, & Owen, 2006). This type of formulation also blurs the boundaries between moral and immoral, between ordinary and abnormal, so well that the frontiers between good and evil become much less solid. Baumeister (2001) identifies another way to bring individuals to transgress their usual moral inhibitions: leave them ignorant of what they will be doing for as long as possible. The individuals will have less opportunity to protest and refuse what is asked of them if they only truly realize the finality of the instructions at the last minute. Welzer (2007, 2008) has shown the effectiveness of this strategy, simultaneously allowing men to work away untroubled and gradually get used to the idea, as they are carrying out their mission, of what might be required of them in the end.

This article proposes a research-based categorization, as exhaustive as possible, for the various formulations to which authorities may rely on in ordering executants to engage in criminal conduct. We show that, to bring subordinates to commit atrocities, superiors may try to manipulate them more than exercising genuine coercion. The effectiveness they seek will be even greater if the executant keeps an impression of freedom that allows him or her to subscribe to the criminal undertaking. This is because the operation will be even more successful if the motivations to obey are not solely based on *submission* (the fear of reprisals or the hope of rewards) but also on *identification* (loyalty to the leader, group, or organization) or *internalization* (ideological agreement on what is being asked) (Kelman, 1958; Tyler, 2006; Waller, 2007). As we will see, these are so many strategies allowing subordinates to preserve the feeling of freedom. The strategy we saw earlier in the German battalion, consisting of telling individuals that they are free to accept or refuse what is asked of them in a situation where the probability of refusal is low, is the best possible way to engage people in the desired acts (Kiesler, 1971). This absence of pressure additionally allows a process of rationalization to begin in the person, that is, "a psychological process that brings people to recognize as legitimate behaviors that are extorted from them by the exercise of power" (Joule, 1987, p. 11). They will thus tend to *voluntarily* obey the orders of authority because they will be made the motivation for their conduct. Thus any free inscription feeds the subordinate's "sense of commitment", and he or she will feel a moral obligation to play his or her chosen role through to the end (Milgram, 2009). This feeling of obligation is even stronger when the subordinate attributes great legitimacy to his or her superior, considering him or her to be a credible actor in an undertaking that can be trusted (Tyler, 1997). He or she may even go so far as to consider that orders coming from such an authority, exercised in a seemingly legal framework, are by definition legal orders (Kelman & Hamilton, 1989).

2. Legality and the formulation of orders

We will analyze how orders were given during the Shoah and in two wars fought by the United States, in Vietnam and in Afghanistan and Iraq. Unlike Operation Barbarossa (the German invasion of the USSR), the last two conflicts are not "wars of annihilation," aiming to exterminate a portion of the civilian population. Nevertheless, during the Vietnam War American soldiers massacred the population of an entire village, My Lai, on March 16, 1968. They raped, and tortured, and murdered individuals and held mass executions where they slaughtered

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[1] It is important to point out, however, that the authorities steer away from sadistic recruits, susceptible to become uncontrollable and impede the satisfactory completion of missions. The selected people are thus generally "normal" people who are not psychopathic (Haritos-Fatouros, 2003).