

The Gloves Will Have To Come Off: A Reappraisal of the Legitimacy of the RAF Bomber Offensive Against Germany

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The debates surrounding the RAF strategic air offensive against Germany continue to attract considerable attention at academic and popular levels of debate. This article examines what is arguably one of the most contentious aspects of all - the legality and legitimacy of the campaign. It argues that the debate within the Air Ministry and with Bomber Command was actually more nuanced than is normally admitted and that thinking on the laws of air warfare was very mature in the inter war years. The bottom line, however, was that the Second World War was total war and had to be won; the strategic air offensive played a vital part.

Introduction

One of the great misconceptions, and then the font of many subsequent injustices, arising from the Second World War was that the airmen merely saw this conflict as the ideal proving ground for the application of the principles of unrestricted air war against civilians and their cities as had been laid down by the various inter-war 'prophets'.¹ The myth has continued that the 'Bomber Barons' then pursued those aims without constraint once the nature of the conflict confirmed that the gloves had indeed come off. The expression itself is derived from the short hand used by senior officers in the RAF in the lead up to the War in which Britain should not be the first to unleash unrestricted warfare, but that it was ultimately inevitable. But this image of callous, blood thirsty, potential war criminals sits at considerable odds with the more traditional concepts of military chivalry and the underlying requirements for the conflict to be legal and for there to be a just cause for the military actions undertaken.²

The underlying military ethos was built on the work of early Christian writers who, acknowledging the sanctity of human life, tried to impose a degree of rationalism and discipline on the inevitable exercise of violence and taking of life. In 418, St Augustine wrote a short treatise on military morality to a senior Roman official charged with keeping tribesmen from the Sahara out of Roman (Christian) Africa. Augustine advised that war should only be conducted when necessary and then with the minimum force; he added that mercy should be shown to the

enemy.³ These tenets gave rise to the concepts of *ius ad bellum* and *ius in bello* which are central to the Just War Theory and are also key in the International Law of War; in turn, they reflect the rules of going to war and the conduct of combatants in war itself.⁴ More recently, and arguably reflecting his own age as well as that of his subject, General Viscount Wolseley in his *Life of John Churchill*, writing in 1894, stated that

*history proves that it [the army] has seldom fought well in what it believed to be an unrighteous cause. Unless the Rank and File are interested in their work, there will be no enthusiasm, and from an army without enthusiasm little can be expected.*⁵

The essence of this was, written as it was by a distinguished soldier, that the need for a just cause was paramount for military forces to be expected to function (presumably in the absence of prevailing laws of armed conflict which were then newly under development).⁶ Despite more modern rhetoric, these concepts were equally valid for the bomber crews and their commanders.

The standard refrain, however, has been that cynical national interests prevented the ratification of the 1923 Hague Rules on Aerial Bombardment and any meaningful progress to be made at the Geneva Disarmament Conference, thus preventing the use of the bomber from being outlawed or restraint placed on its use. Recent discussion has therefore tended to have been conducted on moral grounds thus allowing the philosophers and more emotive voices to come to the fore. This exercise has often been completed using modern vocabulary,

standards and invariably without the international and technological context. Recent examples include A. C. Grayling, *Among the Dead Cities* and Donald Bloxham's chapter, 'Dresden as a War Crime' in Addison and Crang's *Firestorm: The Bombing of Dresden*.⁷ For some authors, the bombing offensive has become the epitome of all that is brutal in war with, in an extreme form, the air offensive approximating in its manifestation of evil to the Holocaust.⁸ Although it is possible to use theories such as Michael Walzer's work on *Just and Unjust Wars* it has to be acknowledged that, notwithstanding its ancient precedents, this concept was not in widespread use at the time that the Offensive was planned and conducted.⁹ It is therefore suggested that it is not appropriate to use modern constructions out of the context of the times and that a serious analysis should be seen from a historical backdrop. This paper will examine the development of thinking on the restraint of warfare prior to the advent of air power and subsequently in order to show that thinking at the senior levels in the Royal Air Force and in the Air Ministry was considerably more complex and sophisticated than the standard caricature.

The second serious misconception has been that the Strategic Air Offensive against Germany, to use the title of the Official History, and area bombing in particular started with Harris and his advent to power as Commander-in-Chief Bomber Command in February 1942.¹⁰ As this paper will show, the road to area bombing was all the more incremental with all of the

implications involved in a progressive approach. The third misconception, will be explored is that once the 'gloves' had come off, the debate was over. The reality was that there were serious concerns over the perceptions of the campaign and its portrayal. Finally, the paper will show how these concerns became evident even while the offensive was being waged.

The Development of Thinking on the Morality and Legality of Warfare

The standing military view on ethics in conflict, pertaining to the period in which air power was conceived and developed, can best be summarised as conservative and, to the military mind, appealingly pragmatic. In a lecture to the Royal United Services Institute in February 1898, W. V. Herbert queried whether it was possible to have an ethical side to warfare. He went on to discount the arguments germane to the professional philosopher who 'will argue a soul into a stone, and beauty into the earthworm', preferring to align the discussion with 'the ordinary fight-your-daily-battle individual like you and me.'¹¹ Herbert dealt with *ius ad bellum* as concomitant with nationhood and therefore inevitable.¹² But he saw *ius in bello* as having changed, or developed, with 'women and children not molested – at least, not officially;' open towns are not shelled and poison gas is held in abhorrence.¹³ Herbert, arguably showing more foresight than many others investigating the moral and legal issues, concluded with the suggestion that as warfare had developed, there was need to develop, a 'firmly-established and universally-accepted code' to regulate its conduct.¹⁴ But he

then went on to stress the primacy of actually winning:

*All said and done, 'Win your war' is the most important, and it is the most primitive, maxim of the science of strategy – that is drive your opponent into such a corner that he is content to have the terms of peace dictated to him. The rest comes a long way after.*¹⁵

In an answer to a question from the floor, Herbert explained that a code of ethics could only be relevant between nations of an equal state of civilisation and that it could not reasonably be expected to apply between the English and the Zulus.¹⁶

This presentation was only 20 years before the end of the First World War and it is unlikely that attitudes would have changed markedly from the date of its delivery through to the years of colonial air policing and the formation of Fighter and Bomber Commands in 1936. The need for parity between the levels of civilisation of the warring states would later have chilling overtones in the justification for a range of activities in Europe and the Far East. The Germans, for example, considered the Slavs to be approaching subhuman and the Japanese had a similar approach to the Chinese. The Americans in putting together their fire-bombing offensive of mainland Japan had a similar mindset.¹⁷ At a more pragmatic level, the language used by Herbert should not be viewed with modern mindsets of equality and tolerance; his was very much the language and attitude of the time. And this was reflected in the official publications (acknowledging the Journal of the Royal United Services Institute as only quasi-official) such as *C.D 22 Operations Manual, Royal Air*

Force issued in 1922 in which chapter XI deals with 'Aircraft in Warfare against an Uncivilised Enemy.'¹⁸ The enemy are uncompromisingly referred to as 'savages'.¹⁹

The natural progression from a broadly accepted code of conduct, arguably an extension of the chivalric code, is for the required behaviours to be set out in formal language and agreed between nations; ideally this should take the form of a binding treaty. In short, to transpose them into an international law of armed combat. Adam Roberts has insisted that the study of [international] law must be integrated with the study of history.²⁰ A logical extension of this is that the development of air law, and indeed strategy and doctrine, must be examined in the context of the wider international and domestic political situation. In turn, the developments in thinking must take heed of the pace of technological progress (including limitations), and in particular the weapons on which restraint was sought.

The literature on the laws of war, and their development, is extensive.²¹ Michael Howard makes the point that the role of the military is to use violence with deliberation, with purpose and in a legitimate manner; he characterises this as force and that force between states constitutes war.²² This can be taken slightly further with the legal aspect expanded to include the use of force for legitimate reasons and applied in a legitimate manner thereby specifically encompassing *ius ad bellum* and *ius in bello*. Within Howard's use of 'deliberation', he embraces the elements of choice, decision and the issue of orders.²³ The latter, although Howard does not

pursue the issue, is important in the context of subordinates being protected from charges of war crimes by the orders of their superiors; the understanding of international law in the inter-war years allowed such protection.²⁴ But Howard does make the point that if control does break down, the result is likely to be one that contravenes the ethical and legal dimensions.²⁵

The development, and application, of international law has long been problematic in that states have consistently sought to avoid the incorporation of laws that they consider likely to impinge upon their national interests; this is compounded by the absence of any real enforcement mechanism beyond the utterances of the International Court of Justice.²⁶ In his detailed review of *Air War and the Law of War*, the distinguished American military lawyer Hays Parks cites one of the most pre-eminent international lawyers of the 20th Century, Sir Hersch Lauterpacht, as stating that 'If international law is the weakest point of all law, then the law of war is its vanishing point'.²⁷ Notwithstanding this apparently cynical viewpoint from the legal profession, the advisers to the Air Ministry, and their predecessors in the War Office, took these issues seriously as will become evident below. The issue is further complicated by the benefit of hindsight in that the prospect of international conventions being used to curb the likes of Hitler seems improbable at best. From a jurisprudential point of view, however, the possibility of contravention of these rules, and the unlikelihood of retribution, has not prevented nations, their politicians

and their officials from seeking to impose some degree of order. This may have been for a variety of motives some of which may have been genuinely altruistic; others aspects may have been self-serving, but there is no doubt that at least they tried.

Attempts to prohibit specific (usually nasty) types of weapon had a much longer provenance with Greek, Roman and Hindu codes banning the use poisons; later, the Lateran Council of 1132 declared that the arbalest and crossbow were 'unchristian weapons'.²⁸ Beyond the broad appreciation of the need for there to be an underlying moral sense of rightness about the cause discussed above, the first significant attempt at the codification of the rules of warfare was completed by Dr. Francis Lieber of the University of Columbia for issue to the Union Army on 24th April 1863.²⁹ The 'Lieber Code' became the model for many national manuals and for the Hague Peace Conferences of 1899 and 1907.³⁰ More recently the 1868 St. Petersburg Declaration sought to ban 'explosive projectiles under 400 Grammes weight' (sic).³¹ This Declaration is also particularly significant in its attempt 'to alleviate the calamities of war; That the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy'.³²

This was followed by the 1899 Hague Conference which was originally called under a Russian initiative designed to slow down the potential impact of Western technology and, ideally, to avoid war completely.³³ For obvious reasons,

air power was not high on the agenda, but Commission I of the conference agreed a 5-year moratorium on the discharge of explosives or projectiles from balloons.³⁴

The prohibition on the utilisation of balloons had expired by the time of the 1907 Hague Convention which duly renewed the ban.³⁵ And although manned flight had occurred by this time, its military utility was not uppermost in the minds of the delegates. Technological advances in artillery and ballistics, however, were such that the dangers of long range bombardment resulted in Convention IV laying down the following Articles which would later influence the 1923 Convention on Aerial Warfare and the thinking of officials in the interim:

Article 25. *The attack or bombardment, by whatever means, of towns, villages or buildings which are undefended is prohibited.*

Article 26. *The officer in Command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.*

Article 27. *In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art science, or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not being used for military purposes.³⁶*

The advent of the First World War saw rapid developments in the aircraft and associated weapons. As the range, and payload, of the aircraft increased so did the capability to carry the war deeper into the homelands of the belligerents. Technology had, however, only progressed so far and

there were no real navigations aids, resulting in inaccuracies in bombing. For example, a German raid, by aircraft as opposed to Zeppelins, on 13 June 1917 against the 'docks, wharves, railways, Government Stores, and warehouses situated in the centre of the town on the banks of the Thames' actually hit a council school in the East End of London killing or injuring 120 children.³⁷ But as Parks points out, aerial bombing (or bombardment) was not the worst offender when it came to lack of discrimination. The German 'Paris Gun', which was used in conjunction with their offensive in March 1918, had a range of 75 miles and could only be aimed at the centre of Paris.³⁸ Naval bombardment of shore positions, especially as the calibre of the guns increased was no more discrete. There is an interesting contemporary issue in these latter points in that artillery remains at least as guilty as air power in causing collateral damage, but the latter invariable gets the blame.³⁹

During the First World War, the War Cabinet was clearly concerned about the legality of aerial bombardment of undefended (or open) towns and cities and the possibility of 'tit for tat' reprisals. The War Office accordingly produced two memoranda clarifying the situation.⁴⁰ The General Staff summarised the use of aerial bombardment and outlined the history of the development of the law. In the second paper, the Staff pointed out that the renewal (in 1907) of the Hague Declaration of 1899 outlawing the launching of projectiles had not been fully ratified, and not at all by the four Central Powers, thereby leaving it without binding force. The paper

went on to confirm that although bombardment of undefended towns was forbidden, there remained doubt on both sides as to what constituted defence, openness and the removal of legal protection when the town contained targets of military utility.⁴¹ The interplay between technological capability, the needs of discrimination and the desirability of tapping the potential of offensive air power would continue to challenge the exponents of the new air arm throughout the period covered in this paper.

The development of the legal thinking in how to limit, contain or prohibit the use of aircraft continued almost seamlessly. There was, however, a new impetus as the various powers tried to recover from the shock of four years of brutal warfare. The Paris Aerial Navigation Convention of 1919 did nothing to constrain potential belligerents.⁴² The Washington Naval Conference (more correctly titled the Washington Conference on the Limitation of Armament) made a brief attempt to ban novel forms of warfare, including aircraft, but concluded that this would not be practical.⁴³ Instead the baton was taken up by the Hague Commission of Jurists which commenced on 11 December 1922 under the chairmanship of John Bassett Moore of the United States.⁴⁴ The delegation consisted of representatives of the United States, Great Britain, France, Italy, Japan and the Netherlands; each delegation consisted of legal and technical experts.⁴⁵ The delegation from the Britain included J. M. Spaight, a senior official from the newly formed Air Ministry.⁴⁶ The Hague Conference finished on 19 February 1923 with the unanimous adoption

of a two-part report; the first part covered *Rules for the Control of Radio in Time of War* and the second *Rules of Aerial Warfare*.⁴⁷ One of the crucial steps forward, in theory at least, was Article 22 which stated that:

*Aerial bombardment for the purpose of terrorizing the civilian population, of destroying or damaging private property not of military character, or of injuring non-combatants is prohibited.*⁴⁸

Article 24 went on to state that:

- (1) *Aerial bombardment is legitimate only when directed at a military objective, that is to say, an object of which destruction or injury would constitute a distinct military advantage to the belligerent.*
- (2) *Such bombardment is legitimate only when directed exclusively at the following objectives: military forces; military works; military establishments or depots; factories constituting important and well-known centres engaged in the manufacture of arms, ammunition or distinctively military supplies; lines of communication or transportation used for military forces.*
- (3) *The bombardment of cities, towns, villages, dwellings or buildings not in the immediate neighbourhood of the operations of land forces is prohibited. In cases where the objectives specified in paragraph 2 are so situated, that they cannot be bombarded without the indiscriminate bombardment of the civilian population, the aircraft must abstain from bombardment.*
- (4) *In the immediate neighbourhood of the operations of land forces, the bombardment of cities, towns, villages, dwellings or buildings is*

*legitimate provided there exists a reasonable presumption that the military concentration is sufficiently important to justify such bombardment having regard to the danger thus caused to the civilian population.*⁴⁹

These Rules made a brave attempt to impose some degree of humanitarian control on the development of air power. But the 1923 Hague Rules were not ratified by any of the nations, with France, the Netherlands and Great Britain particularly opposed to their adoption.⁵⁰ The conventional view, therefore, was (and remains) that they were a political and legal failure.⁵¹ The reality was that the states involved were not prepared to fetter what was still a largely untested weapon of war that clearly had considerable potential.

That said, the Hague Rules provided a foundation level of understanding of what possible future laws of aerial warfare might look like, or be based upon.⁵² The Rules also provided a useful vehicle for the evolution of those that had been specifically drafted for Land or Naval warfare. Furthermore, rules for the third dimension acknowledged that air operations could operate over either environment without discrimination; by implications, crews could not be expected to follow one set or the other depending on their geographical location.⁵³ Probably most importantly, in absolute terms in Britain and more specifically for the development of thinking in the Air Ministry, the sessions in the Hague kept the issues close to the forefront of intellectual endeavour. This was due in no small part to the efforts of J. M. Spaight, who was a delegation

member in 1923. In addition to being a senior official in the Air Ministry (having transferred from the War Office on the formation of the new organisation), Spaight was a prolific author writing on issues such as the legalities of Land Warfare.⁵⁴ He was also a keen advocate of air power publishing numerous volumes including one on the likely future role of air power in a potential major war which was published in Liddell Hart's series.⁵⁵ Spaight's work has three facets that are both distinct, and complementary. He was an air power advocate; an academic lawyer (a jurist in his own right); and a senior official. What then is the evidence for his influence on the existing and future members of the Air Ministry?

The difficulties of establishing influence are considerable, particularly when those who should be susceptible are idealists wedded to the invincibility of their ideas or weapons.⁵⁶ Nevertheless, Higham considers Spaight to be an air power theorist without whom no survey would be complete; he describes him as being 'Trenchard's good friend'.⁵⁷ Some degree of influence may be assumed from such an association. Spaight's academic pedigree (including an LLD), along with his status in the, then small, Air Ministry also implies a degree of influence – especially over legal issues.⁵⁸ This is seen quite specifically in 1921 when he proffered text and advice – which is taken in full – for the draft of CD22 the RAF's first Operations Manual.⁵⁹ Spaight then took his academic knowledge, and experience of attending the Hague Conference, and articulated his thinking in *Air Power and War Rights* first published in 1924.⁶⁰ In his preface to the second

edition, he wrote of the great honour to have had his book officially recommended to candidates for the RAF Staff College, implying that there was a captive audience of potential students to be influenced.⁶¹ Spaight saw his intermediate work, *Air Power and the Cities*, as being part of a continuum.⁶² Beyond the rather high-flown prose of his published work, Spaight also produced two legal briefs for internal Air Ministry consumption; these are undated, but the AHB archivist's assumption is that they were written in 1927.⁶³ Higham suggests that Spaight's influence comes through in a memorandum published by Trenchard in 1928 which points up the likeness between naval and air bombardment.⁶⁴

There are, however, a number of more explicit references to Spaight's work which confirm his influence. In the Chief of the Air Staff's submission to a Chiefs of Staff Meeting in 1928, the equivalence of naval and air bombardment was reintroduced with a specific reference to the *British Year Book of International Law* article written in 1923 by Spaight.⁶⁵ A similar, but even more explicit, reference occurs four years later in the context of Air Ministry proposals for amendments to the Hague Rules in which a minute to the Chief of the Air Staff confirms that:

*Some help has also been given by Mr. Spaight whose book on 'Air Power and War Rights' has been considerably drawn on in framing the paper.*⁶⁶

The minute sheet is subsequently initialled with 'I agree J.M.S.' presumably indicating Spaight's concurrence with the paper. It is clear from (then) Group Captain C F A Portal's signature to a number of

minutes on the file (as Director of Operations and Intelligence) that the future Chief of the Air Staff was fully conversant with the debate.⁶⁷ The fact that Spaight was employed at the time as Director of Accounts clearly did not limit his influence on international legal matters.⁶⁸ A similar minute to the Chief of the Air Staff on Disarmament links potential use of bombing with reprisals and specifically cites Spaight as the source of legal advice (again still as Director of Accounts).⁶⁹

Although Spaight saw his *Air Power and War Rights* and *Air Power and the Cities* as being a series with the first edition of *War Rights* in 1924; *Cities* in 1930 and the second edition of *War Rights* in 1933, it was clear that any amendments that Spaight sought to make to the second edition were limited by the printing requirements of not being able to change the pagination.⁷⁰ The most significant difference between the two editions is the introduction of discussion on disarmament.⁷¹ Parks makes the point that Spaight's works were 'far more comprehensive than any law of war manual used by any military service at the time.'⁷² Spaight's work was therefore a readily available source of legal advice for his colleagues in the Air Ministry, and those who were likely to become staff officers having attended the Staff College at Andover. At the most basic level he provided a straightforward iteration of the Draft Rules and a guide to their interpretation. More importantly, Spaight also provided detailed examples of where the British, French and German air forces had used air power in the First World War. This was not just of historic interest, but presented clear

evidence of the custom and practice of states – *opinion juris* and therefore an actual source of international law.⁷³ He took the analytical process a stage further by highlighting areas where the Draft Rules would be likely to be impractical guidelines for future commanders. Spaight was prophetic in his identification of the difficulty in discriminating between military targets and neighbouring civilian populations.⁷⁴ He went on to highlight the potential difficulties for airmen in operating at considerable height and in bad weather.⁷⁵

As a keen author on wider air power issues, as well as having the insight from his position in the Air Ministry, Spaight was well aware of the contemporary thinking on the morale-damaging potential of air attack. He therefore commence his chapter on 'Bombing: (III) Civilian Property' with a discussion on bombing 'for a political or psychological end'.⁷⁶

*The object of their attack will be moral, psychological and political rather than military: the aim will be to so to disorganise and disturb the life and business of the enemy community as to make it impossible for the enemy State to continue to resist, and at the same time to create in the enemy population as a whole a feeling of depression and hopelessness, to make a whole nation war-weary.*⁷⁷

Spaight then introduced a degree of realism into the jurisprudential arena by acknowledging that States would accept the prohibition on attacking civilian property, but that they would qualify it with the proviso that 'common sense and practicability' would not prevent attacks from taking place.⁷⁸ He suggested that jurists

and statesmen should acknowledge this pragmatism and, instead of seeking outright prohibitions, they should attempt to impose some degree of control. This conditional use of language is important in that it allowed Spaight to introduce his next theme in which 'there is a right to bombard certain categories of purely civilian property [which] should be recognised and regulated'.⁷⁹ Characteristically, he then went on to describe custom and practice in land and naval engagements.

Spaight pragmatically summed up his thinking on the subject – as a jurist seeking to influence his peers in the legal arena on whom would fall the responsibility of formulating revised rules – by bluntly stating that:

*Let there be no mistake about it: the cities will be bombed, whatever rule is laid down. In no other way will belligerents be able to seek to obtain the moral effect which they will certainly seek.*⁸⁰

This set the tone for the thinking in the Air Ministry and subsequently Bomber Command. There was a complete acceptance that air warfare should be waged in as humane a way as possible consistent with the exigencies of the conflict. This was underpinned by the conflicting wishes to see as fair a code of rules as could be achieved. Furthermore, it shows that official Air Ministry thinking had developed in pace with international developments, with acknowledgement to the technological developments and with a marked degree of common sense. Finally, it is evident that senior military officers, and in particular those destined to run the strategic air offensive had direct access to the thinking and were influenced by it.

The Geneva Disarmament Conference and the Potential for limitations on Bombing

The Geneva Conference enjoyed cross-party support in the United Kingdom with Lloyd George, MacDonald and Baldwin firmly behind the main issues.⁸¹ They considered the country to be bound by Article 8 of the Covenant of the League of Nations in which:

*The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.*⁸²

Furthermore, the preamble to Part V of the Treaty of Versailles required Germany 'strictly to observe the military, naval and air clauses' in 'order to render possible the initiation of a general limitation of the armaments of all nations'.⁸³ Baldwin saw this also as a matter of honour.⁸⁴ Unfortunately, the vast majority of States represented, and especially the more powerful, 'did not care what came out of the Conference, for good or ill, provided their own interests were safeguarded'.⁸⁵ Furthermore, 'the whole Conference was impractical in its approach to realities, and tendentious suggestions increasingly flowed from the various delegations'.⁸⁶ Londonderry (Secretary of State for Air) concluded that '[the Conference] never had a chance of success from the very beginning owing to the fact that, with exception of ourselves, no Power, small or great, had any intention of reducing its armed forces'.⁸⁷ Nevertheless, the task had to be tackled. The inherent contradictions did little to make the

task easier for those entrusted with giving effect to government policy, or to building a bomber force that could potentially reach the desired deterrent features.

Given that the rationale for the Conference was based (at least in part) on alleviation of suffering inflicted on the huge scale in evidence during the First World War, it may have been reasonable to assume that each of the military environments was equally at risk of forced reduction, or abolition. Fleets had arguably been responsible for the blockade of Germany and the deaths of three-quarters of a million civilians.⁸⁸ Similarly, Terraine offers 'a grim commentary' in his tables of casualties during the First World War challenging the myth that the defensive was less costly than the offensive.⁸⁹ The irony therefore was that it was the **potential** of air power, rather than its proven destructive capacity and ability to inflict suffering, that brought it to centre-stage in Geneva.

After some seven years of preliminary discussions, the Conference opened formally in Geneva on 2 February 1932.⁹⁰ Fifty nine nations sent delegations and this rose to sixty one before the end of the proceedings; each nation carried an equal vote leading countries that did not have a particular capability to vote for the abolition of weapon systems that they did not possess (such as air power or submarines).⁹¹ Inevitably continental nations saw the offensive, or defensive, nature of weapons from their own geo-strategic viewpoint; for example, the Japanese saw large surface fleets as aggressive, whereas the United States viewed them as

first lines of defence.⁹² The British approach was to encourage an all round reduction in armaments and was prepared to set the example even though British air strength was lagging behind that of Italy, France, the Soviet Union and America.⁹³ The Chiefs of Staff Annual Review for 1932 made grim reading in its description of the effects of the ten-year rule and dire economic situation.⁹⁴ But the Foreign Office saw this as what today would be described as 'best practice' with Britain demonstrating real commitment to treaty obligations. The official Foreign Office policy submission to the Cabinet was based on the so-called 'Leeper memorandum', named after its author in the department.⁹⁵ The proposals in this document included the submission that German claims for parity of treatment should be acknowledged; that the British policy should be based on qualitative disarmament; and that HMG should consider proposing 'the complete prohibition and outlawry in all circumstances of the dropping of bombs from any aircraft on the territory or shipping of another Sovereign State'.⁹⁶ It was axiomatic to the Foreign Office that Britain should play a leading role at the Conference.⁹⁷

In Cabinet on 4 May 1932, the Prime Minister (Ramsay MacDonald) pointed out to his colleagues that 'nearly every nation had made proposals' on the subject of air warfare and the absence of a statement on the United Kingdom position was very likely to be remarked upon.⁹⁸ Various suggestions, including the introduction of a new law of war prohibiting 'bomb-dropping on the

territory and shipping of another Sovereign Signatory State', and the abolition of heavy bombers, had been raised, but subject to much criticism.⁹⁹ Baldwin took matters considerably further with the radical, but heartfelt, suggestion that if nations were really serious, they

'ought to agree to scrap all military and naval aviation. Civil aviation also would have to be dealt with, possibly by abolishing the costly subsidies devoted to this purpose'.¹⁰⁰

He went on to acknowledge that his views were unlikely to find favour, either with colleagues, or internationally. But Baldwin stressed that if his ideas were feasible the abolition would 'remove one of the main elements of that **fear** that was the disturbing feature in the international situation' (emphasis in the original).¹⁰¹ The Cabinet were reported to be 'impressed' by the proposal and no objection of principle was raised.¹⁰² A more pragmatic note crept in with the acknowledgement of likely rejection and the concomitant requirement to have policy at hand to cope with the many other proposals tabled.¹⁰³

Baldwin's realisation that a total abolition of military aviation was unlikely to find favour was quickly realised. The Prime Minister raised the issue informally with the French who 'would have none of it'.¹⁰⁴ The Air Ministry response was inevitably hostile, both to the impracticality of abolishing all air forces and imposing control over civil aviation.¹⁰⁵ The former point was eventually acknowledged by the Cabinet which agreed that other methods would be required.¹⁰⁶ Nor was the Air Ministry convinced that

a prohibition of bombing would result in a meaningful reduction in the threat to world peace. The CAS stated in a letter to Londonderry that, in the event of war, reliance on a written pact would have little chance of observance, not least because war was supposed already to have been renounced by just such a pact.¹⁰⁷

Furthermore any country at risk of aggression would use 'every weapon it could lay its hands on'.¹⁰⁸ Finally, Salmond pointed out that reliance on a 'paper pact' would be dangerous for the protection of 'military objectives in this country, including those in London' and that this point had been accepted by the Cabinet sub-committee chaired by Baldwin.¹⁰⁹ A complete abolition of bombing also required qualification to allow its limited use in air policing in India, Aden and Iraq as had been tentatively acknowledged by Leeper and featured in most Air Ministry submissions.¹¹⁰

The Air Ministry preference was for there to be a strict convention on the circumstances under which bombing from the air could be considered acceptable. They were totally content to see an 'entire prohibition of all air attack upon the civilian population' and restrictions in numbers and weights.¹¹¹ The Air Staff files show the depth of the debate on these issues with advice coming from J.M. Spaight on what had already been covered during the discussions on the Hague Rules in 1923.¹¹² These suggestions varied from a requirement for all potential military targets to be situated a specified distance from civilian populations through to an acknowledgement that a general prohibition of bombing was not considered legally workable. The essence of the Air Ministry

thinking was that a complete abolition would render rules nugatory meaning that once conflict commenced, bombing would be unrestricted; it would be better to acknowledge the probability of bombing being used, but to circumscribe its use by clear rules.¹¹³ This is echoed in the Second Edition of *Air Power and War Rights*, where J.M. Spaight wrote:

*It seems to be unsafe to disregard the verdict which history has pronounced from the Second Lateran Council onwards, upon such attempts to ban completely the use of new and more scientific weapons of war. Such attempts are foredoomed. Rules regulating and restricting bombing, but not prohibiting it absolutely, are likely in the writer's opinion, to be honourably observed by civilised states.*¹¹⁴

These debates continued throughout the life of the Conference in a manner that was described by a Foreign Office official, who quoted the French delegation as saying that 'the Disarmament Conference was like merry-go-around – the same old wooden horse kept coming round and round again', but that he was afraid 'that it is the French themselves who supply the motive gyratory power'.¹¹⁵ Germany withdrew from the Conference in mid-September 1932, not to return until January 1933.¹¹⁶ Hitler's accession to the Chancellorship on 30 January 1933 ensured that the demands for parity of treatment would grow along with French concerns over security.¹¹⁷ Germany finally walked out of the Conference chamber on 14 October 1933 and subsequently resigned from the League of Nations, effectively bringing matters to an end.¹¹⁸ From the spectre of disarmament

and the abolition of air power, the task facing Londonderry and his senior colleagues changed radically to become one of matching German growth in aircraft. Nevertheless, the evidence from the files does not suggest the degree of cynicism over which airmen have been so frequently accused. There was certainly realism at all levels that air warfare could not be banned, but there seems to have been a genuine acceptance of the political desirability of outlining rules under which it could be used.

The Road to War

The use of air power in Spain (and in particular in Barcelona in March 1938 where bombardment had been used with the threat that it would be repeated every three hours until the city surrendered) and by the Japanese in China was cited as evidence that 'the only way to humanise war is to abolish it.'¹¹⁹ The Prime Minister admitted that the advent of air warfare had introduced 'new methods, new scope and new horrors which have, in fact materially changed its character.'¹²⁰ He went on to admit that there was 'no international code of law with respect to aerial warfare which is the subject of international agreement,' but that the underlying principles of the law as it applied to sea and land warfare were applicable to the air 'and are not only admitted but insisted upon by this Government.'¹²¹ These principles included that it was

against international law to bomb civilians as such, and to make deliberate attacks upon civilian populations.

In the second place, targets which are aimed at from the air must be legitimate

military objectives and must be capable of identification.

*In the third place, reasonable care must be taken in attacking those military objectives so that by carelessness a civilian population in the neighbourhood is not bombed.*¹²²

This expression of formal Government policy was reiterated to Bomber Command in response to a query from the C-in-C on 30 August 1938 that in attacking German aircraft factories, a proportion of bombs would fall outside the immediate designated target area causing serious casualties among the civilian population.¹²³ The Air Council replied on 15 September 1938 having taken advice from Malkin.¹²⁴ The Air Council admitted that 'there are certain objectives, particularly among aircraft factories, which it would be impossible to attack, even by day, without causing loss of life to the civilian population in the neighbourhood.' The operational limitations were again acknowledged, but 'for reasons of policy, however, which the Council feel sure you will readily understand, it is essential that in the opening stages of a war your action should be rigorously restricted to attack on objectives which are manifestly and unmistakably military on the narrowest interpretation of the term; and that even such objectives should not be attacked initially unless they can be clearly identified and attacked with a reasonable expectation of damage being confined to them.' The policy was based on the need not alienate neutral opinion (not stated, but presumably America as Roosevelt had appealed for such restraint) and to avoid giving any 'genuine pretext

for retaliatory action.' Attacks would therefore have to be concentrated on targets such as railways (but not trains unless positively identified as military), formed bodies of troops and concentrations of transport. Newall, in submitting this directive to Swinton for approval concluded that these restrictions were unlikely to last long stating: 'but we obviously cannot be the first 'to take the gloves off.'¹²⁵

Chamberlain's acknowledgement of the parallel nature of some of the laws of war came into focus in 1939 when the Admiralty raised the question of bombardment of targets on the shore including coastal defence works and docks.¹²⁶ The CAS wrote to his naval counterpart (Admiral Sir John Pound) suggesting that Malkin chair a meeting with representation from each of the Services to discuss setting rules to prevent loss of civilian life.¹²⁷ The meeting went into considerable detail and outlined a two-stage approach with first restricting bombardment to a very narrow interpretation of military objectives and the second allowing a broader approach consistent with the lines agreed with French in Staff Conversations.¹²⁸ The instructions, which Army commanders were to be required to obey in spirit, reiterated the key principles of bombardment of civilians being illegal.¹²⁹ In the event, foreign policy issues intervened with Lord Halifax of the opinion that the original 'Stage One was too restrictive and would alarm our allies.'¹³⁰ These were duly issued by the Air Council to Air Officers Commanding at home and overseas on 22 August 1939, followed by a further letter enclosing 'Air Ministry Instructions and Notes on the Rules to be observed by the Royal Air Force

in War.'¹³¹ In setting the foundations for the future direction of war, the Air ministry letter included the following general statement:

*The policy governing the selection of targets for air attack is a matter for decision by the government. This policy will be made known, through the Air Ministry, to Commanders-in-Chief and will be reflected in operation orders.'*¹³²

The practicalities of who would be allowed to do what and when were discussed by the Chiefs of Staff and subsequently in the CID on 1 September 1939. The essence of the discussion was that if Germany initiated unrestricted air attacks at the outset of hostilities, Bomber Command would be used to attack the German oil resources. If, however, Germany was to restrict attacks to military objectives, the RAF would attack the German Fleet at Wilhelmshaven; attack warships at sea when found within range; undertake widespread propaganda (leaflet) drops at night; and 'conserve resources until our hands are freed.'¹³³

Bomber Command therefore went to war with bombing policy predicated on the foreign policy requirements consistent with President Roosevelt's message to all potential belligerents that their 'armed forces shall in no event and under no circumstances undertake bombardment from the air of civilian populations or unfortified cities, upon the understanding that the same rules of warfare shall be scrupulously observed by all their opponents.'¹³⁴ The other constraint (imposed by Halifax) was that the rules should not appear overly restrictive lest allies (France in particular) thought that

Britain was being overly cautious in the interests of its own defence. But throughout the process, it is clear that the serving officers, at least from Group Captain and above were prepared to follow a restrictive approach. It could be argued that this was a merely mechanical reaction based on the, admittedly high, likelihood that the gloves would indeed have to come off at some stage. But the evidence suggests that if those in the Air Ministry were cynical about the whole issue, they had the sense not confide their doubts to the files destined for the archives! But as Hays Parks has pointed out, even the international lawyers of the day doubted the applicability of the international law of war to the modern means at the disposal of nations on an unprecedented scale.¹³⁵ Interestingly, Parks acknowledges the failures in diplomacy, but has hard words for the failure of international lawyers and moral philosophers of the time 'who failed to adjust international law and moral thinking to major technological changes in society and warfare.'¹³⁶ Nor could the scholars claim that the issues had not been raised.¹³⁷ That said, neither government, nor private citizens, had much faith in international agreements providing them with protection.¹³⁸ The reality of the international experience of the 1930s where Britain had attempted to set the example by unilaterally disarming had been shown to be false logic. International agreements appeared to mean little to the new breed of dictators as events were proving. And the ready examples of the use of air power in Abyssinia, Spain and China suggested that the

analogy of 'removing gloves' was mild in the extreme.

The Strategic Air Offensive

The raw reality of the first months of the war was the RAF was not technologically capable of carrying heavy bombing raids into German territory irrespective of the rights or wrongs; in the words of the official historians 'Bomber Command was small, ill equipped and ineffective.'¹³⁹ This was recognised within the COS as was the need to build up strength in what became known as the 'phoney war'.¹⁴⁰ Within the Air Ministry, the Director of Plans (Slessor), as early as 7 September 1939, carried out a detailed review of German actions in Poland working on the basis that Germany had set the precedent for unrestricted attack.¹⁴¹ The official historians point out that it was 'Air Commodore Slessor's duty to examine this question from every side, and his memorandum should not be taken as an indication that he or the Air Staff were at this time definitely opposed to the policy of restricted bombing.'¹⁴² Nevertheless, they added that the policy was as much a matter of expediency as of morality.¹⁴³ This view was directly reflected in the words used by Newall in a telegram to Barratt in France some weeks later in which he said:

Owing to German action in Poland, we are no longer bound by restrictions under the instructions governing naval and air bombardment S.46239/S.6 of 22/8 nor by our acceptance of Roosevelt's appeal. Our action is now governed entirely by expediency i.e. what it suits us to do having regard to (a) the need to conserve our resources; (b) probable enemy retaliatory action, and (c) our need still to take into account to some extent

*influential neutral opinion.*¹⁴⁴

At face value, this would appear as if Slessor's appreciation of the situation had been accepted by the CAS and policy had changed formally. The reality, however, is that the strategic air offensive was held in check for many months and prohibition on indiscriminate bombing remained in place until 1942 and explicitly reinforced on a number of occasions as will be covered below. From the wording used by the Air Staff, including in formal Directives, it is clear that while Newall would have liked to change RAF policy, Government policy had not moved at all.¹⁴⁵ Chamberlain clearly believed that the war would 'fizzle out with the collapse of the Nazi regime' and an escalation in the use of air power may have exacerbated the situation.¹⁴⁶ He had also seen the bombing force primarily as a deterrent from the beginning of the rearmament phase.¹⁴⁷ Chamberlain also fundamentally believed that Britain should have the 'moral right' on her side as it would be a 'tremendous force on our side' and that if bombing started it would be 'worth a lot for us to be able to blame them for it'.¹⁴⁸ It is possible that Chamberlain's mindset over countries far away prevented him from agreeing with Slessor's establishment of the precedent.

The question of expediency and morality had to be reviewed, first in the light of the invasion of Denmark and Norway on 9 April 1940 and then the low-countries in May 1940. Following consideration by the COS, fresh instructions were issued on 4 June 1940 in which the term 'military' was to be interpreted in the broadest

sense; lines of communication which were useable for military purposes were included.¹⁴⁹ From this point, there was a gradual escalation in what Bomber Command was being asked to carry out, and what it sought permission to attempt.¹⁵⁰ For example, in part in retaliation for the bombing attacks on London, the C-in-C sought permission to attack the 'middle of Berlin' citing the German War Office and Air Ministry as appropriate aiming points.¹⁵¹ Newall's response was to substitute 'Railway Communications' and not mention the former targets!¹⁵² Nevertheless it is clear from a minute sent by SASO Bomber Command (AVM Bottomley) to the Groups which reminded them that the behaviour of aircrews from 'another Command' in jettisoning their bombs through cloud without being able to identify the target was not acceptable; the minute concluded unequivocally that 'Bombs are not to be dropped indiscriminately'.¹⁵³

The retaliatory nature of the escalation is apparent from the Directive issued to the Command at the end of October 1940. This included the need to attack the morale of the German people 'when they can no longer expect an early victory'.¹⁵⁴ In addition to attacks on oil, and aluminium and component factories, there should be raids to cause 'heavy material destruction in large towns and centres of industry' as a demonstration 'to the enemy of the power and severity of air bombardment and the hardships and dislocation that will result'.¹⁵⁵ These attacks were to include high explosives, incendiaries, delayed action bombs and 'the occasional mine'.¹⁵⁶ Part of the rationale was to

impose pressure on the fire services.¹⁵⁷ These instructions clearly mirror the experiences of London over the period and again echo the place of retaliatory action in the culture of the times (which had been present since the German Zeppelin raids of 1916). After an interlude, which was planned to be about four months, where the Directives focused on anti-submarine activities a 'comprehensive review of the enemy's present political, economic and military situation', disclosed that the weakest points in his armour lie in the morale of the civilian population and in his inland transportation system.¹⁵⁸ Although barely mentioned in the directive, the aim of the review was to see what could be done to assist Russia.¹⁵⁹ The other important milestone in this directive was the inclusion of '*Targets on water suitable for concentrated and continuous area attacks on moonless nights*' [emphasis in the original]; these targets were 'congested industrial towns where the psychological effect will be the greatest' and included Cologne, Dusseldorf, Duisburg and Duisburg-Ruhrort.¹⁶⁰ The section on Duisburg, almost certainly inadvertent considering the emotive tones it would later carry, included the word 'area.'¹⁶¹

This period saw the Chiefs of Staff conclude that, after 'meeting the needs of our own security,' the heavy bomber would receive top priority in production in order to destroy the 'foundations upon which the [German] war machine rests – the economy which sustains it, the morale which sustains it, the supplies which nourish it and the hopes of victory which inspire it.'¹⁶² The Directorate of Bomber Operations worked up this

plan and the CAS (Sir Charles Portal) submitted it to Churchill who was doubtful, to say the least.¹⁶³ The Prime Minister was clearly concerned that the required resources, based on the extant woeful lack of accuracy, would not produce the effects that the Air Ministry predicted.¹⁶⁴ The situation was compounded by depressingly high casualty figures among the aircrews that, if sustained, would prevent the force ever generating sufficient crews to man the expanded force.¹⁶⁵ Accordingly, directives were issued emphasising the conservation of forces 'in order to build a strong force to be available by the spring of next year' [1942].¹⁶⁶ This recuperative lull, and the impending introduction of navigation aids such as *Gee*, enabled the Air Ministry to issue the Directive of 14 February 1942 (notably to Air Marshal Baldwin who was Acting C-in-C prior to the arrival of Harris) in which he was 'accordingly authorised to employ your effort **without restriction**' [emphasis added].¹⁶⁷ The directive acknowledged that this renewal of the offensive 'on a heavy scale' would 'enhearten [sic] and support the Russians.'¹⁶⁸ Furthermore, the directive of 9 July 1941 was modified because it had been decided that the 'primary object' of Bomber Command operations 'should now be focused on the morale of the enemy civil population and in particular, of the industrial workers.'¹⁶⁹ It would be all too easy to take the critical words 'without restriction' out of context and imply that this meant the formal institution of terror bombing. Throughout the first three years of the war, the legality and morality of the strategic air offensive were inextricably interlinked with what

was technically possible. It is clear from Churchill's frustration over the lack of urgency in carrying out reprisals included an element of moral argument.¹⁷⁰ For much of the period, Britain fought without effective allies with whom a coalition strategy could have offered an alternative to bombing. In efforts to have some real effect on the German war machine, the march towards unrestricted area bombing was inevitable. The unthinkable option of coming to terms with Germany passed and the focus of those charged with the conduct of the war had to come up with strategy that offered a credible way in which to win. W.V. Herbert's 1898 RUSI lecture had stressed the importance of winning 'with all of the rest coming a long way after' was arguably increasingly relevant as the war became 'more total'.¹⁷¹ In many ways, it was easier for those charged with decision making if the movement (one would hardly call it progress) towards totality in warfare was gradual and the decisions could be taken incrementally rather than in a single step.¹⁷² This incremental process, and the central role played by Portal as C-in-C and then CAS, must be acknowledged. The Directive of 1942 was in place before Harris arrived as C-in-C. Although he had been involved in policy formulation when he was DCAS, this was earlier in the war and although he was subsequently an advocate of the Offensive, he was not its sole author or architect.

The Debate over Perceptions of the Campaign

As C-in-C, Harris was acutely aware of the dangers faced by his crews, and

was not shy to admit that to their faces.¹⁷³ But at the same time, Harris was aware of the serious potential of damage to morale if their sacrifice was ignored, or worse, that a public debate should challenge the morality of their actions. Any war machine runs the risk of being depicted as causing wanton death and destruction; this is an enduring fact of warfare. The problem for Bomber Command, and the Air Ministry, was all the more complex because the crews, who risked their lives daily, still lived in the local community and had to return there every morning. Accusations against them would have been hugely detrimental to their morale and that of their families. But Harris was keen for the importance of his Command's work to reach a wider public.¹⁷⁴ His post-war complaint was that the Air Ministry was 'extraordinarily cautious' in the way in which it dealt with even the more intelligent and reputable journalists.¹⁷⁵ On the other hand, Churchill, Portal and the Air Staff were concerned that offensive could be portrayed as indiscriminate.¹⁷⁶ Although Harris would almost certainly not have been bothered by the comparison, it is probable that his more strategically minded colleagues would have preferred not to have any comparisons between British and American professed operational techniques aired in public, particularly in the United States.

The problem was exacerbated by the repeated government statements confirming that 'the policy of limiting objectives of Bomber Command to targets of military importance... and not been changed to the bombing of towns and wide areas in which military targets are situated.'¹⁷⁷ In

Parliament, in December 1943, Sinclair confirmed that the policy had not changed since he had previously answered a similar question in March 1943. When tackled over Berlin, Sinclair confirmed the military and economic significance of the capital, but again avoided the issue of the government having now 'resorted to indiscriminate bombing, including residential areas.'¹⁷⁸ As Hastings has pointed out, a similar exchange took place between Sinclair and Lord Salisbury when again the Secretary of State failed to defend the C-in-C whose rhetoric over the heart of Berlin 'ceasing to beat' had provoked the correspondence.¹⁷⁹

Predictably, Harris took up the cudgels formally against the 'dead hand of the Civil Service' in attempting to ensure that the public understood what was being achieved by his people.¹⁸⁰ The Permanent Under Secretary (PUS), Sir Arthur Street assured Harris that 'no attempt has been made to conceal from the public the immense devastation that is being brought to the German industrial cities', but he went on to point out that 'in all official pronouncements' the emphasis was on the 'obvious truth, i.e., that the widespread devastation is not an end in itself but the inevitable accompaniment of an all-out attack on the enemy's means and capacity to wage war.'¹⁸¹ Street then went on to state that:

It is, in any event, desirable to present the bomber offensive in such a light as to provoke the minimum of public controversy and so far as possible to avoid conflict with religious and humanitarian opinion. Any public protest, whether reasonable or unreasonable,

*against the bomber offensive could not but hamper the Government in the execution of this policy and might affect the morale of the aircrews themselves.*¹⁸²

Biddle has described this as 'semantic hair-splitting' which 'enraged Harris'; presumably the lengthy delay before Street replied would have done little to help.¹⁸³ Harris was not prepared to accept what was arguably a more reasoned and strategic outlook. His response provided both a blunt statement of the reality of the offensive and a clear insight into his own view of the total nature of the war.

*It is surely obvious that children, invalids and old people who are economically unproductive but must nevertheless consume food and other necessities are a handicap to the German war effort and it would therefore be sheer waste of effort to attack them....The German economic system, which I am instructed by my directive to destroy, **includes** workers, houses, and public utilities, and it is therefore meaningless to claim that the wiping out of German cities is 'not an end in itself....'*¹⁸⁴

Harris then went on to explain the reality, that in the war as it was then being fought, 'everything and everybody' in the cities 'which is a help to the German war effort' came within the objectives which Bomber Command was seeking to destroy. Furthermore, he asked that anyone in the authorities who did not understand this should 'at once be disabused of the illusion, which is not merely unfair to our crews now but will inevitably lead to deplorable controversies when the facts are fully and generally known.' Harris further emphasised that

It is not enough to admit that devastation

*is caused by our attacks, or to suggest that it is an incidental and rather regrettable concomitant of night bombing. It is in fact produced deliberately.*¹⁸⁵

He went on to recommend that the Air Ministry request the Joint Intelligence Committee (JIC) to produce a report on German morale.¹⁸⁶ The findings of this, and the more detailed report produced by the Air Ministry intelligence staff will be covered in the next section; meanwhile, it is interesting to note that with the exception of a JIC Report in October 1943, very little intelligence work had been done on the subject since at least before America entered the war.¹⁸⁷

It is clear from the correspondence that Harris understood that the Air Ministry was trying to 'provoke the minimum of public controversy and so far as possible avoid conflict with religious and humanitarian opinion', but did not accept the primacy of such an approach over the protection of the morale of his crews who may not have been expected to grasp the subtleties of the real strategic level. Probert, citing Longmate presumably with approval, has suggested that only Harris emerged from this debate with any real credit.¹⁸⁸ But it could be argued that Harris was not able to grasp, or accept, the complexities and ambiguity that characterises leadership at the highest levels. Furthermore, although he professed that he understood the potential consequences of too open an admission of the totality of the war Bomber Command was fighting, Harris was clearly not willing to moderate his anger or exasperation. In his memoirs, he remained uncompromising and

almost dismissive with language such as 'the fact that our aircraft occasionally killed women and children is cast in my teeth I always produce this example of the blockade.'¹⁸⁹ To Harris, it was evident that the war with Germany was total war, and he was unshakeable in this view and in the consequences that stemmed from it.¹⁹⁰ In the context of Sinclair's 'hedging', Probert has suggested that Harris 'was being left, in effect, to carry the can at home and abroad.'¹⁹¹ It could therefore be argued that allowing Harris to remain in post was a politically shrewd decision by Sinclair and Portal, even though they may not have said as much.

The Sting in the Tail

On 26 January 1945, Churchill minuted his close friend Sir Archibald Sinclair (Secretary of State for Air):

*I did not ask you last night about plans for harrying the German retreat from Breslau. On the contrary, I asked whether Berlin, and no doubt other large cities in East Germany, should not now be considered especially attractive targets. I am glad that this is 'under consideration'. Pray report to me tomorrow what is going to be done.*¹⁹²

Sinclair dutifully replied the next day that, after attacks on oil production and other approved systems, the Air Staff had now arranged for effort to be directed against 'Berlin, Dresden, Chemnitz and Leipzig or against other cities where severe bombing would not only destroy communication vital to the evacuation from the East but would also hamper the movement of troops from the West.'¹⁹³

Despite reservations from Harris as

to the utility of attacking Dresden, Bomber Command attacked on 13 February 1945 with the USAAF Eighth Air Force following up the next day.¹⁹⁴ Even by the improved standards of 1945, the raids were extremely successful causing considerable damage and many casualties. What made Dresden different was the press release and interview given by Air Commodore C. M. Grierson at the Supreme Headquarters Allied Expeditionary Force in Paris.¹⁹⁵ The ensuing Associated Press (AP) despatch stated that Allied Air Chiefs had made the 'long awaited decision to adopt deliberate terror bombing of German population centres as a ruthless expedient to hastening Hitler's doom.'¹⁹⁶ This was widely published in America and was broadcast in Paris. Public opinion in the US had hitherto been fed a diet that emphasised the precision of the American bombing campaign. Concern was only partly alleviated by Marshall's statement that it had been carried out at Russian request.¹⁹⁷

The despatch gained a brief exposure in London prior to heavy censorship. The matter was subsequently raised in parliament on 6 March 1945 by Mr Richard Stokes MP.¹⁹⁸ As he rose to speak in the House, Sinclair rose from his seat and pointedly left the Chamber. Stokes read out the AP despatch in full and then accused the government of hiding the true nature of the bombing campaign from the British public. Sinclair replied some hours later that the government was not wasting its time on purely terror tactics. Although criticism was relatively muted, the seeds had been sown for later outbursts of conscience.

At a more elevated level, the Prime Minister put pen to paper in what has been described variously as among the 'least felicitous... of the long series of war-time minutes' and 'an astonishing minute.'¹⁹⁹ He wrote:

*It seems to me that the moment has come when the question of bombing German cities simply for the sake of increasing terror, though under other pretexts, should be reviewed. Otherwise we shall come into control of an utterly ruined land...The destruction of Dresden remains a serious query against the conduct of Allied bombing. I am of the opinion that military objectives must henceforth be strictly studied in our own interests rather than that of the enemy.'*²⁰⁰

Portal immediately instructed Bottomley to ask for Harris's comments. His personal letter to the C-in-C is reproduced in full in Seward's 'Bomber' Harris.²⁰¹ Bottomley summarised the Prime Minister's note, reiterated extant policy and invited the C-in-C to comment. Harris's reply was prompt and predictably pungent. He pointed out in characteristically blunt terms that the suggestion that the Bomber offensive had been conducted for the 'sake of increasing terror, though under other pretexts' was an insult both to the Air Ministry policy and to the crews that had carried it out. Harris went on to highlight the misperceptions over Dresden that would be obvious to any psychiatrist – 'it is connected to German bands and Dresden shepherdesses'. Rather, 'Dresden was a mass of munition works, an intact government centre and a key transportation point to the East. It is now none of those things.' He went on to discuss the policy underlying the Bomber offensive,

concluding with the warning that such scruples as the Prime Minister was considering would lengthen the war and increase the task facing the army both in Germany and against Japan.

Portal strongly backed the stance taken by his C-in-C and Churchill withdrew his minute. The revised version made no mention of Dresden. The attack, however, was something of a turning point in that the genie was now out of the bottle and the role and purpose of the offensive was subject to rather more debate – on both sides of the Atlantic. In the UK, this increased as it became increasingly obvious that the war was going to be won and that such destruction would require to be more rigorously justified. Arguably this saga was the starting point of what many saw as the belittlement of Bomber Command's achievements leading to bitterness and acrimony among crews, groundcrews and commanders as the politicians were seen as belatedly scrabbling for the moral high ground.²⁰²

Concluding Comments

This paper has sought to place the 'savage debate' over legality and morality of the Strategic Air Offensive in some form of historical context rather than adopt the now popular emotive tone adopted by some modern philosophers. The track record of the lawyers, officials and military officers over the half century before area bombing shows that a number of attempts were made, even before air power was recognised as having the potential that it eventually achieved, to limit or regulate the bombardment of cities and civilians. There is clear evidence that this both

reached the highest levels of the Air Ministry in the inter-war years and was acknowledged in the Geneva Disarmament process. As the Second World War approached, there was considerable American pressure on the belligerents not to remove the gloves. It was clearly understood within the Air Ministry that, although Germany had attacked cities in Poland and subsequently Rotterdam in an indiscriminate manner, the RAF would not be allowed to do so as it was contrary to Government policy. This did not change until Chamberlain was replaced by Churchill who favoured offensive actions in all its guises and was adamantly opposed to any political settlement with Germany. For many months thereafter, Bomber Command was the only means by which Britain could strike at Germany. Even when America entered the war after Pearl Harbor, it was many months before sufficient means were available to adopt a different strategy. Even then, any possible method could be considered reasonable to shorten the conflict and save lives (of whatever nation) as a result. The memories of flying over the devastation of the battle fields of the First World War remained clear in the minds of the Commanders and senior politicians and the carnage of bitterly fought land warfare was to be avoided.

The reality was that the road to area bombing was complex involving a range of factors, including technology, poor weather, aircrew loss rates, German defences and the need to demonstrate a second front to the Russians all contributing to the development of the policy. It is clear that German bombing of European cities and eventually British added

to the 'justification' for widening the scope of the attacks on Germany. Although the Directive of February 1942 was a watershed in terms of targeting policy it has to be noted that this was in place before Harris took Command. Admittedly, he was a staunch advocate of the Offensive, and had been part of the staffing process when DCAS; but he was not its sole architect. It is also clear that the senior figures in Whitehall at political, official and military levels, understood that there was an underlying debate to be had on the morality of the offensive they were extremely keen that it should be downplayed for much of the War. The unedifying scramble for the moral high ground after Dresden, and the subsequent snub of the Command, all suggest that these senior folk were well aware of the action for which they bore as much, if not more, responsibility than Harris.

By the end of the Second World War it appeared that little had changed from Herbert's presentation at RUSI; even in the realms of *ius in bello*, the racial sub texts of rules only applying to civilised peers were evident in the German attitudes to Slavs and by (and against) the Japanese in the far-east and Pacific. And Herbert's stress on the importance of winning 'with all of the rest coming a long way after' was arguably increasingly relevant as the war became 'more total'. In many ways, it was easier for those charged with decision making if the movement (one would hardly call it progress) towards totality in warfare was gradual and the decisions could be taken incrementally rather than in a single step. The logic of the transition at the time was all the more reasonable

because of the lack of alternatives, especially in 1942; by the unanimity of purpose within the senior leadership in the UK; by the agreement with the American allies from 1943 onwards; and by the evident results as the offensive continued.

In retrospect, there is a seeming inevitability about the move towards area bombing as part of the totality of the war against Germany. In the context of the scale of losses in the bombing of Japan (both conventionally, by fire bombing and the two nuclear detonations); in the holocaust; and on the eastern front between Russia and Germany the damage inflicted on Germany was an integral part of what it took to win. It also meshed with the culture of thinking on bombing that had grown from popular literature, through the experiences of 1916-18, by which London had to be defended – preferably by offensive action and that the British public (and its press) demanded retribution in kind. But this culture in Britain also allowed the politicians, officials and senior military officers to go through the motions of seeking either to abolish, or to regulate, warfare (and aerial bombardment in particular) in a way that seemed to have been futile in 1942 and arguably ever since. The reality was that there were no extant Laws of war that would make the bombing offensive legal or otherwise. To many, however, the honest endeavour of the inter-war years and the patient attention to detail, for whatever underlying reason, did more than enough to ensure that cause was seen as just and legitimate. The practicalities of having a war to win, by any available means and without restriction, was hardly a

policy that was going to withstand post-war scrutiny, especially when the erstwhile aggressors were likely to be tried for war crimes. But the scramble for the moral high ground did little to dignify what, for the vast majority, for the greatest bulk of the time was a just and legitimate offensive. That it was seen as such is evident from the words of a letter from Marshal of the Royal Air Force, Sir John Salmond to the Archbishop of Canterbury (Dr William Temple) who had expressed his regret to the press over the bombing of Lubeck and Rostock:

*Surely the innate decency of the Briton and the principles of Freedom and Justice which all of the allies are united to maintain, are sufficient moral guarantee that they will be qualified to use 'Victory to God's Glory', when the time comes.*²⁰³

Notes

¹ For the most authoritative discussion on this topic see Tami Davis Biddle, *Rhetoric and Reality in Air Warfare: The Evolution of British and American Ideas About Strategic Bombing, 1914-1945* (Princeton NJ: Princeton University Press, 2002). On the injustices, the debates over memorials to 'Bomber' Harris and, indeed to Bomber Command continue to this day. Repercussions continue, not least in Canada where the remembrance of crews lost in the Command is marred by continuing accusations of war criminality: see David L. Bashow, *No Prouder Place: Canadians and the Bomber Command Experience, 1939-1945* (St Catherines, Ontario: Vanwell, 2005) and interview with author October 2006 following Bashow's Presentation to the Air Crew Association Metro Toronto Branch, 9 September 2006 (author's

collection). Carlo D'Este has described the debate as 'savage': see *Warlord: A Life of Churchill at War, 1874-1945* (London: Allen Lane, 2009), p.732.

² The concepts of military chivalry should not be overstated in this context, but it is especially noteworthy that specific rules had long existed about 'open towns' and siege warfare.

³ Gary Wills, *Saint Augustine* (London, Phoenix, 2000 [1999]), p. 121.

⁴ Among many secondary sources, see Michael Howard, George J. Andreopoulos and Mark R. Shulman (eds.), *The Laws of War: Constraints on Warfare in the Western World* (New Haven: Yale University Press, 1994), pp.2-3.

⁵ General Viscount Wolseley, *The Life of John Churchill, Duke of Marlborough to the Accession of Queen Anne* (London: Richard Bentley and Son, 1894), Vol. 2, p.84.

⁶ Wolseley was commander-in-chief of the British Army from 1895-1901; see Hew Strachan, *Politics of the British Army* (Oxford: Clarendon Press, 1997) pp.65-66.

⁷ A. C. Grayling, *Among the Dead Cities: Was the Allied Bombing of Civilians in WWII a Necessity or a Crime* (London: Bloomsbury, 2006) and Paul Addison and Jeremy A. Crang (eds), *Firestorm: The Bombing of Dresden 1945* (London: Pimlico, 2006). The literature on Dresden in particular is extensive, but these references provide a flavour of the debate.

⁸ See, for example, Jorg Friedrich, *The Fire: The Bombing of Germany 1940-1945* (New York: Columbia University Press, 2008).

⁹ Michael Walzer, *Just and Unjust Wars; A Moral Argument with Historical Illustrations* (New York: Basic Books, 4th edn. 2006). Walzer does debate

the bombing of German cities. See also Charles Guthrie and Michael Quinlan, *Just War: The Just War Tradition, Ethics in Modern Warfare* (London: Bloomsbury, 2007), p.7.

The resurgence in Just War Theory was largely due to American philosophers' frustration with the lack of logical explanations for their country's involvement in Vietnam.

¹⁰ Sir C. Webster and N. Frankland, *The Strategic Air Offensive against Germany 1939-1945* (London: HMSO, 1961, four volumes.

¹¹ W.V. Herbert Esq., (late Captain, Turkish Army), 'The Ethics of Warfare', *JRUSI*, 42 (2) (1898 July/December), p.1022.

¹² *Ibid.*, p. 1024.

¹³ *Ibid.*, p. 1025.

¹⁴ *Ibid.*, p. 1028.

¹⁵ *Ibid.*, p. 1029.

¹⁶ *Ibid.*, p. 1032.

¹⁷ See, for example, Michael Howard, 'Constraints on Warfare', in Howard, Andreopoulos and Shulman (eds.), *The Laws of War*, op cit., p. 8.

¹⁸ *C.D.22 Operations Manual, Royal Air Force*, Air Ministry, 1922; AIR 10/1197.

¹⁹ *Ibid.*, p.126.

²⁰ Adam Roberts, 'Land Warfare: From Hague to Nuremberg', in Howard, Andreopoulos and Shulman (eds.), *The Laws of War*, op cit., p.117.

²¹ In addition to Howard, Andreopoulos and Shulman (eds.), *The Laws of War*, see also Michael Howard (ed.) *Restraints on War: Studies in the Limitation of Armed Conflict*, (Oxford: Oxford University Press, 1979), A. P.V. Rogers, *Law on the Battlefield*, (Manchester: Manchester University Press, third edition, 2004 [1996]) and Christine Gray, *International Law and the Use of Force*, (Oxford: Oxford University Press, 2000).

²² Howard, *Restraints on War*, p.3.

²³ *Ibid.*

²⁴ This was obviously pre-Nuremberg Trials. See J. M. Spaight, *Air Power and War Rights*, (London: Longmans, 1924), p. 47. Spaight's role within the Air Ministry and as an author, will be described below; it is useful to note his citation, with approval, of the British Manual, *Land Warfare* as agreeing this point.

²⁵ Howard, op cit., p.3, he cites the American atrocities at My Lai in 1969 as an example.

²⁶ Rosalyn Higgins, *Problems and Processes: International Law and How We Use It*, (Oxford: Oxford University Press, 1994), Chapters 1 and 2 generally and p. 13 in particular.

²⁷ W. Hays Parks, 'Air War and the Law of War', *Air Force Law Review*, 32 (2) (1990), pp. 1-225, fn.5. The use of this quotation by an eminent military lawyer is interesting in itself. The original, which is not cited by Parks, was from H. Lauterpacht, 'The Problem of the Revision of the Law of War', *British Yearbook of International Law*, 1952, p.382.

²⁸ Roberts and Guelff, *Documents on the Laws of War*, p.53.

²⁹ Adam Roberts and Richard Guelff, *Documents on the Laws of War*, (Oxford: Oxford University Press, third edition, 2000 [1982]), p.12-13.

³⁰ *Ibid.*, p.13.

³¹ *Ibid.*

³² *Ibid.*, pp.54-55 for the full document.

³³ Adam Roberts, 'Land Warfare', in Howard, Andreopoulos and Shulman (eds.), *The Laws of War*, pp. 120-122.

³⁴ Roberts and Guelff, *Documents on the Laws of War*, pp. 35 and 59. For detailed commentary see Parks, 'Air War and the Law of War', pp.9-12.

³⁵ Roberts and Guelff, *Documents on the Laws of War*, p. 67.

³⁶ Roberts and Guelff, *Documents on*

the Laws of War, p.78.

³⁷ J. M. Spaight, *Air Power and War Rights*, p.220.

³⁸ Parks, 'Air War and the Law of War', p.22.

³⁹ The author is grateful to Dr Christina Goulter for highlighting this issue, in addition to her other invaluable comments.

⁴⁰ TNA PRO CAB 24/44 'Air Raids on Open Towns; Memorandum prepared in the Historical Section of the Committee of Imperial Defence in accordance with War Cabinet 358, Minute 9', 7 March 1918. Followed by CAB 24/48 'The Legal Aspects of Bombardment from the Air', 12 April 1918.

⁴¹ CAB 24/48, op cit.

⁴² Roberts and Guelff, *Documents on the Laws of War*, p.140

⁴³ Parks, 'Air War and the Law of War', p.24.

⁴⁴ Roberts and Guelff, op cit., p.140

⁴⁵ Ibid.

⁴⁶ See M. W. Royse, *Aerial Bombardment and the International Regulation of Warfare*, (New York: Harold Vinal, 1928), pp.215-216.

⁴⁷ Roberts and Guelff, op cit., p.140.

⁴⁸ Ibid., p.144.

⁴⁹ Ibid., pp.144-145.

⁵⁰ Ibid. p.140.

⁵¹ Tami Davis Biddle, 'Air Power', in Howard, Andreopoulos and Shulman (eds.), *The Laws of War*, p.148.

⁵² For example, we see repeated attempts by the Air Ministry, and the Admiralty to change those Rules though to 1939. See ADM 116/4155 Note form Air Plans to the Admiralty dated 17 August 1939.

⁵³ J. M. Spaight, *Air Power and War Rights*, p.35.

⁵⁴ J. M. Spaight, *War Rights on Land* (London: Macmillan, 1911).

⁵⁵ J. M. Spaight, *Air Power in the Next*

War (London: Geoffrey Bles, 1938).

⁵⁶ Robin Higham, *The Military Intellectuals in Britain: 1918-1939* (New Brunswick NJ: Rutgers University Press, 1966), p.242.

⁵⁷ Higham, *ibid.*, p.230.

⁵⁸ In 1927 when Spaight produced two legal briefs on the use of air power, he was an Assistant Secretary of which there only eight in the Ministry. This was a 2* level equivalent. *The Air Force List April, 1927.*

⁵⁹ Neville Parton, 'The development of Early RAF Doctrine', *Journal of Military History*, 72 (4) 2008, p.1166. See AIR 5/299, 'Printing and Publication of RAF Operations Manual CD22' for the full saga.

⁶⁰ J. M. Spaight, *Air Power and War Rights*, op cit..

⁶¹ J. M. Spaight, *Air Power and War Rights* (London: Longmans, second edition, 1933) 'Preface'.

⁶² J. M. Spaight, *Air Power and the Cities* (London: Longmans, 1930), page v.

⁶³ AIR 8/86 and AIR 8/87 'The Doctrine of Air-Force Necessity' by J.M. Spaight OBE, LLD (?1927) (sic).

⁶⁴ Higham, *Military Intellectuals*, p.179. The Trenchard memorandum is reproduced in Sir Charles Webster and Noble Frankland, *The Strategic Air Offensive against Germany 1939-1945* (London: HMSO, 1961), vol. IV, p.73. Much of the language in the section on international law sounds as if drafted by Spaight.

⁶⁵ 'The War Object of an Air Force' produced for COS 147 (69th Chiefs of Staff Meeting). AIR 9/8 Folio 1 Air Staff 17 May 1928.

⁶⁶ AIR 8/141 'Rules of War, Hague Rules: Air Ministry Proposals', 3 November 1932.

⁶⁷ AIR 8/141 and *The Air Force List*, October 1932.

⁶⁸ *The Air Force List*, October 1932, p14.

⁶⁹ AIR 8/139, Minute to CAS dated 5 May 1932.

⁷⁰ An examination of the first two volumes side by side shows the mirror imaging of the page numbering with changes to the text confined in scope to the number and size of the paragraphs removed.

⁷¹ J. M. Spaight, *Air Power and War Rights* (London: Longmans, second edition, 1933), 'Preface'; and *Air Power and the Cities*, (London: Longmans, 1930), page v. Spaight, *Air Power and War Rights* (third edition, 1947) in which he admits to there being little difference between the two volumes, p.vii. For disarmament and international law see the second edition p. 256-259.

⁷² Parks, 'Air War', p.39, fn.150. He also points out that *Manual of Air Force Law* in both 1933 and 1939 had not included chapters relating to air warfare; p.39.

⁷³ Spaight, *Air Power and War Rights*, ch. IX provides details over pp. 233-238 of targets, and dates that they were attacked, which would be forbidden should the new rules be adopted.

⁷⁴ *Ibid.*, p.217.

⁷⁵ *Ibid.*, pp.220-226.

⁷⁶ *Ibid.*, p.239.

⁷⁷ *Ibid.*, p.239.

⁷⁸ *Ibid.*, p.239.

⁷⁹ *Ibid.*, p.240.

⁸⁰ *Ibid.*, p.259.

⁸¹ Middlemas and Barnes, *Baldwin*, p.723. It should be noted (as it is by the authors, p.725) that this work was published before Cabinet Papers became available.

⁸² *The Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles, June 28th 1919*, Part I (London: HMSO, 1919). Cited by Sir John Simon in D.C. (P) 4 as pre-ambule to the UK policy line in AIR 8/128.

⁸³ *Ibid.*, Part V, pre-ambule.

⁸⁴ Middlemas and Barnes, *Baldwin*, p.723.

⁸⁵ Londonderry, *Wings of Destiny*, p.62.

⁸⁶ *Ibid.* Ironically, MacDonald's attempt to set out figures at the Conference in relation to limitations in numbers set the Conference aghast, *Ibid.*, p.63.

⁸⁷ Emphasis in the original, *ibid.*, p.50.

⁸⁸ Figures quoted in Meilinger, 'Clipping the Bomber's Wings', p.309. AIR 8/151, in the Disarmament series, contains an extract from Hansard dated 11 July 1923 in which Lord Linlithgow made this point in debate.

⁸⁹ John Terraine, *The Smoke and the Fire; Myths and Anti-Myths of War 1861-1945* (London: Leo Cooper, 1992 [1980]), pp.35-47 and p. 43 in particular.

⁹⁰ For a broader discussion on the early days in Geneva see Maj. Gen A. C. Temperley, *The Whispering Gallery of Europe* (London: Collins, 1938) where the author was the British Chief Military Adviser; see ch.VI for the work of the Preparatory Commission.

⁹¹ Montgomery Hyde, *British Air Policy Between the Wars*, p.276. For an example of the role of the smaller states in supporting the Benes Resolution see CAB 24/232, C.P. 270 (32) Foreign Office Memorandum on the Resolution dated 28 July 1932. See *The Practicability of Drawing a Distinction between Offensive and Defensive Weapons*, Note by CAS dated 8 September 1931 in AIR 8/124.

⁹² Meilinger, 'Clipping the Bomber's Wings', p.313. This offensive/defensive divide also featured among the Chiefs with the Navy seeing bombers as offensive: see CAB24/230 C.P. 182(32) dated 31 May 1932. Both the Army and the Navy took every

opportunity to encourage the demise of the upstart Service.

⁹³ CAB 24/227, C.P. 10(32),

Disarmament Conference: Memorandum by the Secretary of State for Air on Policy in regard to the Limitation of Air Armaments (With Memorandum by the Chief of the Air Staff), 5 January 1932. See also, Montgomery Hyde, *British Air Policy Between the Wars*, p.277.

⁹⁴ CAB 24/229, CID 1082-B, *Annual Review for 1932 by the Chiefs of Staff Sub-Committee*, 17 March 1932.

⁹⁵ PRO 30/69/496, *Suggested Lines of Policy at the Disarmament Conference*, circulated by Simon on 19 March 1932.

⁹⁶ *Ibid.*, paras. 3, 4 and 5 respectively.

⁹⁷ *Ibid.*, para.5.

⁹⁸ CAB 23/71, Cabinet Conclusions 26(32), 4 May 1932, p.3.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*, p.4.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*, p.5.

¹⁰³ *Ibid.*

¹⁰⁴ This was reported by Cadogan (a Counsellor in the Foreign Office, and subsequently Permanent Secretary) to his counterparts in Geneva; a copy of the letter was then slipped 'confidentially' to CAS by Wg. Cdr Hodsoll (Deputy Secretary to the CID) on 18 June 1932; AIR 8/151. For a broader discussion see, Montgomery Hyde, *British Air Policy Between the Wars*, p.281 with the implication that MacDonald was lukewarm at best to the proposal.

¹⁰⁵ CAB 24/230, C.P. 181(32) dated 31 May and C.P. 183(32) dated 3 June 1932. See also AIR 8/151 for the staff papers.

¹⁰⁶ See CAB 21/379, Ministerial Policy Committee Conclusions dated 7 March 1933 for a very clear acknowledgment.

¹⁰⁷ AIR 8/140, CAS to SofS (in Geneva) dated 8 July 1932.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.* See also AIR 8/140 Minute from Gp. Capt. Portal to CAS dated 1 September 1932 emphasising this point. The Sub-Committee reported at C.P. 152(32) and the Cabinet endorsed the Conclusions at CAB 23/71, Cabinet Conclusions 27 (32) dated 11 May 1932.

¹¹⁰ PRO 30/69/496, *Suggested Lines of Policy at the Disarmament Conference*, para.5. See also CAB 24/228, C.P. 82 (32), *Air Disarmament and the Abolition of Bombing Aircraft, Part II*, Memorandum date 17 February 1932.

¹¹¹ See CAB 24/232, C.P. 272(32), Note by the SofS for Air on *Air Disarmament Policy*, dated 30 July 1932.

¹¹² AIR 8/151 with minutes to CAS and DCAS forwarding notes by Spaight (who was the Director of Accounts for the Ministry but still an authority on International Law) dated 18 April and 12 May 1932.

¹¹³ AIR 8/151: Letter from CAS to Sir John Simon dated 16 February 1932.

¹¹⁴ J. M. Spaight, *Air Power and War Rights* (London: Longmans, 2nd edition, 1933), p.250.

¹¹⁵ AIR 8/151, Cadogan to Howard Smith letter dated 15 June 1932.

¹¹⁶ Montgomery Hyde, *British Air Policy Between the Wars*, pp.283-287 and Temperley, *The Whispering Gallery of Europe*, pp.215 and 233

¹¹⁷ See Temperley, *op.cit.*, pp.277 and 279.

¹¹⁸ Montgomery Hyde, *British Air Policy Between the Wars*, p.295. Temperley, *The Whispering Gallery of Europe*, p.258.

¹¹⁹ HC Deb, 21 June 1938, Vol.337, cc919-1045. Mr Noel-Baker, c920.

¹²⁰ The Prime Minister, *ibid.*, c936

¹²¹ *Ibid.*

¹²² Ibid. These were based on the Draft Hague Rules.

¹²³ AIR 20/22, Minute J. B. Abraham to C-in-C Bomber Command dated 15 September 1938. See also AIR 41/5, Section D, 'Air Ministry Instructions of 15 September 1938'.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ AIR 41/5, Section D, 'Admiralty Proposals 1939'.

¹²⁷ Ibid. Group Captain J. C. Slessor forwarded a copy of *Bomber Command Operation Instruction No.2* to Malkin to inform the meeting. ADM 116/4155, Minute dated 9 August 1939.

¹²⁸ AIR 41/5, Section D, 'Interdepartmental Committee. August 1939'.

¹²⁹ AIR 41/5, Section D, 'Proposed Permissible Objectives'.

¹³⁰ AIR 41/5, Section D, 'Air Council Instructions of 22 August 1939'.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Parks, 'Air War and the Law of War', p.50.

¹³⁶ Ibid.

¹³⁷ Beyond the works of Spaight, see Philip Landon, 'Aerial Bombardment & International Law', *JRUSI*, 77, 1932, p.44.

¹³⁸ Parks, 'Air War and the Law of War', p.49.

¹³⁹ Webster and Frankland, *Strategic Air Offensive against Germany*, Vol. I, p.129. They quote this for the first two years of the war.

¹⁴⁰ AIR 41/5, Section D, 'Our Long-term Policy'.

¹⁴¹ AIR 14/194, Ppaer by D of Plans dated 7 September 1939, 'Note on the Question of Relaxing the Bombardment Instructions and Initiating Extended Air Attack'.

¹⁴² Webster and Frankland, *Strategic Air Offensive against Germany*, Vol.I, p.135

¹⁴³ Ibid.

¹⁴⁴ AIR 2/4474, Telegram CAS to Barratt dated 16 October 1939, encl 14A. Dean, who was in the civil directorate S6 at the time agreed that bombing in the west was not carried out because it suited Britain, France and Germany; Dean, *Royal Air Force in Two World Wars*, p.264.

¹⁴⁵ Directive (DCAS – Douglas) to Portal dated 4 June 1940; Webster and Frankland, *Strategic Air Offensive against Germany*, Vol.IV, App.8 (xi). AIR 14/77 in which 'in no circumstances should night bombing degenerate into mere indiscriminate action, which is contrary to the policy of His Majesty's Government'.

¹⁴⁶ Self, *Chamberlain*, p.393. See also Robert Self (ed.), *The Neville Chamberlain Diary Letters, Vol IV; The Downing Street Years, 1934 -1940* (Aldershot: Ashgate, 2005): Letter to Ida dated 10 September 1939.

¹⁴⁷ Self, *Chamberlain*, p.237.

¹⁴⁸ Self, *The Diary Letters*, Letter to Ida dated 10 September 1939.

¹⁴⁹ AIR 41/5, Section D, 'Bombing Instructions of 4 June 1940.

¹⁵⁰ Parks, 'Air War and the Law of War', p.47.

¹⁵¹ AIR 41/5, Section D, 'Berlin'.

¹⁵² Ibid.

¹⁵³ AIR 14/194, Minute SASO to Groups dated 14 June 1940.

¹⁵⁴ AIR 41/5, Section D, 'Directive of 30th October 1940'. See also Webster and Frankland, *Strategic Air Offensive against Germany*, Vol. IV, p.128, para.3.

¹⁵⁵ Ibid. p.129, para, 3(b).

¹⁵⁶ Ibid. p.129, para.4 (ii).

¹⁵⁷ Ibid.

¹⁵⁸ Webster and Frankland, *Strategic Air Offensive against Germany*, Vol. IV,

p.133 for the former Directive dated 9 March 1941 and p.135 for the latter dated 9 July 1941. See also Vol. II, p.167 et seq for the discussion on the move to area bombing.

¹⁵⁹ AIR 41/5, Section D, 'Help for Russia'.

¹⁶⁰ Webster and Frankland, *Strategic Air Offensive against Germany*, Vol. IV, p.138, Directive dated 9 July, Appendix A, para.3.

¹⁶¹ Ibid.

¹⁶² COS Memo 31 July 1941 in Webster and Frankland, *Strategic Air Offensive against Germany*, Vol. II, pp.180-181.

¹⁶³ Ibid., p.182.

¹⁶⁴ Ibid., pp.183-5.

¹⁶⁵ Ibid., pp.185-7.

¹⁶⁶ Webster and Frankland, *Strategic Air Offensive against Germany*, Vol. IV, p.142, Directive dated 13 November 1941.

¹⁶⁷ Ibid., p. 143, Directive dated 14 February 1942, para.1.

¹⁶⁸ Ibid., p.144, para.4(ii).

¹⁶⁹ Ibid., p.144, para.5.

¹⁷⁰ Churchill, op. cit.

¹⁷¹ W.V. Herbert, 'The Ethics of Warfare', p.1029.

¹⁷² The world of experimental psychology emphasises this with the work of Stanley Milgram in particular. In his now infamous experiment (and now considered highly unethical) Milgram demonstrated that under the guidance and authority of a scientist, the subject would eventually apply lethal electric shocks to the victim (a stooge) but the incremental nature made the whole possible. The same is said to apply to the persecution of the Jews in Nazi Germany. See Stanley Milgram, *Obedience to Authority: An Experimental View* (London: Tavistock, 1974)

¹⁷³ Henry Probert, *Bomber Harris: His Life and Times* (London: Greenhill,

2001), p. 199.

¹⁷⁴ Harris, *Bomber Offensive*, p.156.

¹⁷⁵ Ibid.

¹⁷⁶ See Biddle, 'Bombing by the Square Yard', p.641.

¹⁷⁷ HC Deb 1 December 1943, vol.395, cc. 337-9; Question put to Sinclair by Mr Richard Stokes (Labour, Ipswich).

¹⁷⁸ Ibid.

¹⁷⁹ Hastings, *Bomber Command*, pp.172-3.

¹⁸⁰ Harris, *Bomber Offensive*, p.164.

Harris was less than charitable about many of his civilian 'colleagues' one of whom he described as being 'worth at least a division to the enemy on every day of the war'.

Harris's original complaint is at AIR 14/843, Letter Harris to Street dated 25 October 1943.

¹⁸¹ AIR 14/843, Letter Street to Harris dated 15 December 1943.

¹⁸² Ibid.

¹⁸³ Biddle, 'Bombing by the Square Yard', p.642.

¹⁸⁴ AIR 14/843, Letter Harris to Sweet dated 23 December 1943.

¹⁸⁵ Ibid

¹⁸⁶ Ibid., para.6.

¹⁸⁷ See AIR 20/8143 for the absence of reporting. But see below for the JC Report.

¹⁸⁸ Probert, *Bomber Harris*, p.194. See also Norman Longmate, *The Bombers* (London: Hutchinson, 1983), ch.26. Longmate described Harris as having none of Street's 'Jesuitical niceties'; op.cit., p.369

¹⁸⁹ Harris, *Bomber Offensive*, p.177.

¹⁹⁰ For a wider debate of the role of air power in total war see Buckley, *Air Power in the Age of Total War*.

¹⁹¹ Probert, *Bomber Harris*, p.193.

¹⁹² Minute 26 January 1945. Ian Hunter (ed), *Winston & Archie: The Collected Correspondence of Winston Churchill and Archibald Sinclair 1915-*

1960 (London: Politico, 2005), p.411. See also Part 1 of this Collection for their correspondence during the First World War including the time when Sinclair was second in command to Churchill in the 6th Battalion, Royal Scots Fusiliers.

¹⁹³ Ibid. Reply dated 27 January 1945.

¹⁹⁴ The literature on Dresden is huge, but see Peter W. Gray 'Dresden 1945 – Just Another Raid?', *Royal Air Force Air Power Review* 4(1), Spring 2001, pp.1-17. See also Sebastian Cox, 'The Dresden Raids: Why and How' in Addison and Crang (Eds), *Firestorm* and Tami Davis Biddle, 'Dresden 1945: Reality, History and Memory', *Journal of Military History*, 72(2), April 2008, pp.413-451.

¹⁹⁵ Mark A. Clodfelter, 'Culmination Dresden 1945', *Aerospace Historian*, September 1979, p135.

¹⁹⁶ Webster and Frankland, *Strategic Air Offensive against Germany*, Vol. III, p.113. See also Biddle, *op cit*, p.438.

¹⁹⁷ Webster and Frankland, *Strategic Air Offensive against Germany*, Vol. III, p.113.

¹⁹⁸ Stephen A Garrett, *Ethics and Airpower in World War II – The British Bombing of German Cities*, St Martin's Press, New York, 1993, page 118. It should be noted that this book does not command universal approval as a balanced survey on the ethical debate of the era.

¹⁹⁹ Webster and Frankland *Strategic Air Offensive against Germany*, Vol. III, p.112 and Dudley Saward, 'Bomber' Harris (London: Sphere Books, 1985), p.382.

²⁰⁰ Prime Minister to General Ismay (for Chiefs of Staff Committee) and the Chief of the Air Staff; 28 March 1945.

²⁰¹ Saward, *op cit*, p.383.

²⁰² Churchill returned to the charge over the bombing of Potsdam on 14 April 1945. Minute to Sinclair dated 19 April 1945, Ian Hunter (ed), *Winston & Archie*, p.414. Sinclair's biographer has described this as a 'cowardly attempt to distance himself from a morally reprehensible action'; see Gerard J. De Groot, *Liberal Crusader: The Life of Sir Archibald Sinclair* (London: Hurst, 1993), p.204.

²⁰³ RAF Museum Hendon: Salmond Papers, B2639, Letter from Salmond to the Archbishop of Canterbury dated 20 May 1942.

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