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A Theory of Atrocity Propaganda

On August 26, 2014, the *Telegraph* published an article titled "The Children Killed in Gaza during 50 Days of Conflict."[1] Heading the article was a list of the names and ages of 504 children killed during summer fighting between Israeli forces and Hamas militants. Social media quickly spread the story, with the *Guardian* journalist Glenn Greenwald just one of many to tweet the headline.[2] Respondents to Greenwald's tweet expressed outrage at Israel, Hamas, and the international community. A second line of response challenged the integrity of the list and of its source, the Gaza-based Al Mezan Center for Human Rights. "These lists lack context and verification," said one respondent.[3] "You mean the propaganda pieces used by Hamas???" another exclaimed.[4]

One year earlier, on August 29, 2013, British prime minister David Cameron called a special session of the House of Commons to debate a motion authorizing the use of force in response to suspected chemical weapons use by Syrian president Bashar al Assad. In his opening remarks, Cameron claimed that "the question before the House today is how to respond to one of the most abhorrent uses of chemical weapons in a century, which has slaughtered innocent men, women and children in Syria."[5] Both supporters and opponents of the prime minister's motion agreed with his assertion that the attack "illustrates some of the most sickening human suffering imaginable."[6] But critics of Cameron's request for authorization for a forceful response cautioned that this gruesome attack on civilians "could have been done by the Syrian rebels with the direct aim of dragging the west into the war" and warned that "we do not want to be conned into a war, in effect, by actions designed to do just that."[7]

Challenges to the integrity of reports of atrocities extend far beyond these particular conflicts. In recent years, charges of atrocity propaganda have been lodged against reports of murder, mutilation, and torture in Ukraine, at the United States military prison at Guantanamo Bay, and elsewhere.[8] Not all such charges are credible. But the standards for assessing them are nebulous, the criteria for rebutting them unclear. They will remain so until the defining aims and features of atrocity propaganda have been adequately explained.

In this essay, I offer a novel theory of atrocity propaganda and provide a critical overview of strategies that can be used to defuse such propaganda before, during, and after armed conflicts. I begin by revisiting discussions of atrocity propaganda conducted after World War I, which offer insights into enduring features and functions of atrocity stories. I then develop and defend a working definition of atrocity propaganda. Next, I turn to existing and proposed international legal prohibitions on propaganda and argue that these measures are not sufficient to counter the typical

aims and effects of atrocity propaganda. I conclude by canvassing some additional strategies for institutions and individuals seeking to stanch the threat of atrocity propaganda.

One noteworthy feature of my theory is that it highlights the reflexive form of much atrocity propaganda, namely, the way in which state leaders can and do use complaints about enemy atrocity propaganda to deflect attention from ongoing abuses. By gaining a better understanding of this reflexive form of atrocity propaganda, we can improve our understanding of the legal and moral challenges posed by atrocity propaganda generally. While I doubt it is possible (though it would be desirable) to produce a direct test for determining whether any given image, text, or report constitutes atrocity propaganda, I am committed to clarifying the stakes of such determinations and to showing how their integrity can be defended by parties seeking to secure vulnerable populations against grave harms.

Approaching Atrocity Propaganda: World War I's Legacy

Although the intentional circulation of reports of enemy outrages dates from antiquity, scholarly and popular interest in this practice peaked in the decades following World War I. During that conflict, writers and artists loyal to each of the belligerent powers devoted strenuous efforts to recording and relaying tales and images of enemy depravity. After the war's end, academics and activists in both victorious and defeated nations sharply criticized these reports and the agencies that promoted them.[9]

Here I will briefly review some major writings on atrocity propaganda published after World War I. What is most valuable in these texts, I want to suggest, is the identification of the different functions atrocity propaganda can perform, the different purposes it can promote, before, during, and after armed conflict. What these writings fail to provide is an adequate definition of atrocity propaganda, or clear standards for distinguishing such propaganda from nonpropagandistic reports of atrocities.

In the Anglo-American context, two of the best-known books on atrocity propaganda in the interwar years are Arthur Ponsonby's *Falsehood in War-Time* (1928) and Harold Lasswell's *Propaganda Technique in the World War* (1927).[10] As his title suggests, Ponsonby treats atrocity propaganda as one of several different kinds of essentially deceptive practices employed during the war.[11] He first discusses the efficacy of atrocity stories in precipitating nations' entry into the war or predisposing native populations to support such entry. While he does not credit atrocity propaganda with causing Britain's 1914 entry into World War I, Ponsonby does ascribe important *ad bellum* effects to such propaganda—particularly in countries that began the conflict as neutrals. Discussing the United States, Ponsonby suggests that the wide circulation of sensational stories—for example, the story of a Belgian baby whose hands were lopped off by German invaders—stirred the passions of ordinary Americans well before the country's official entry into the war. As a result of these atrocity stories, "when neutrality was abandoned and 'Uncle Sam needs you' was substituted, it took very few days to bring the whole country round."[12]

While power of atrocity stories to promote entry into war is significant, it is not the focus of either Ponsonby's or Lasswell's studies. Both men devote considerably

more space to the functions of such propaganda while hostilities were ongoing, as well as after the war's end. Among the warring nations, the two most important effects of allegations of enemy "outrages"—such as German tales of treacherous attacks by Belgian civilians, or the infamous (and still debated) story of the "crucified Canadian"—were, first, to speed recruitment efforts, and second, to strengthen the resolve of soldiers and civilians as the fighting dragged on. As Ponsonby observes, "The *morale* of civilians, as well as of soldiers, must be kept up to the mark . . . The stimulus of indignation, horror, and hatred must be assiduously and continuously pumped into the public mind."[13]

One significant contribution of Lasswell's study is his account of the canonical character of atrocity stories, that is, their tendency to exhibit traditional narrative elements and arcs. Concerning the frequent recurrence of specific tropes in reports and rumors circulating on all sides during the War, Lasswell writes:

> Stress can always be laid upon the wounding of women, children, old people, priests and nuns, and upon sexual enormities, mutilated prisoners and mutilated non-combatants. These stories yield a crop of indignation against the fiendish perpetrators of these dark deeds, and satisfy certain powerful, hidden impulses. A young woman, ravished by the enemy, yields secret satisfaction to a host of vicarious ravishers on the other side of the border. Hence, perhaps, the popularity and ubiquity of such stories.[14]

Arguably, the most lasting consequences of the wide circulation of atrocity stories during World War I came after the war's end, in the drawing up of the Treaty of Versailles. Two sections of that treaty are salient. The first is the so-called War Guilt clause, found in Article 231, which charges "Germany and her allies" with having "imposed" the war on the Allied powers through "aggression."[15] Concerning this clause, the historian James Morgan Read wrote in 1941: "Propaganda of atrocities . . . might be said to have contributed more than any other single factor to the making of a severe peace."[16] The second is the provision calling for criminal proceedings against the kaiser.[17] Looking back from the perspective of 1928, Arthur Ponsonby insists that there was never any real intention to try the kaiser; the inclusion of such a proposal in the treaty could not be avoided, however, since "every crime in the calendar [had been] laid at [the kaiser's] door" during the war.[18]

The wide circulation of atrocity stories before, during, and after World War I had profound legal and moral consequences. During the war, Allied preoccupation with tales of German atrocities in Belgium helped divert attention from the genocide committed by Turkish forces against Armenians.[19] After the war, public disaffection with such stories caused reports of statutory repression of Jews and other minorities in Germany to be met with skepticism.[20] In order to better understand these consequences, it is necessary to develop a definition of atrocity propaganda.

Defining Atrocity Propaganda: The Problem of Persuasive Definition

In the catalogue for a 2013 British Library exhibition titled *Propaganda: Power and Persuasion*, thirty-four different definitions of propaganda appear in an appendix. Culled by the exhibition's curator, David Welch, from a century's worth of statements

by academics and activists, pundits and politicians, these definitions differ substantially in content and connotation. Many diverge from Welch's own definition of propaganda as "the dissemination of ideas intended to convince people to think and act in a particular way and for a particular persuasive purpose."[21]

Definitions of atrocity in contemporary legal and political discourse are similarly various in content, if not connotation. As the legal scholar Mark Osiel has observed, the concept of atrocity, though traceable to Roman military law, lacks "clear conceptual edges."[22] Over the past two decades, scholars and practitioners have struggled to ground distinctions among different types of mass atrocities, for example, genocide, crimes against humanity, and ethnic cleansing. The concept of "atrocity" itself, however, remains indeterminate—most often parsed in terms of "unnatural" or "shocking" transgression.

Early twentieth-century theorists of atrocity propaganda acknowledged the volatility of these terms. As James Morgan Read observed, during the war, "a thousand acts of war and peace were thrown up to world opinion as atrocities."[23] Though their texts are richly stocked with cases and examples, none of these theorists provides a clear and succinct definition of atrocity propaganda. Nor do they consider how exactly such a definition might help to distinguish atrocity propaganda from nonpropagandistic reports of atrocities.[24]

In order to make progress on this point, we must first consider the obstacles to achieving a clear definition of atrocity propaganda. The chief difficulty lies in the susceptibility of both the term "atrocity" and the term "propaganda" to *persuasive definition.* The phenomenon of persuasive definition was first described by the philosopher C. L. Stevenson.[25] Stevenson defines a persuasive definition as "[a definition] which gives a new conceptual meaning to a familiar word without substantially challenging its emotive meaning, which is used with the conscious or unconscious purpose of changing, by this means, the directions of people's interest."[26] Two basic features render terms vulnerable to persuasive definition, on this view. The first is that a term has a vague conceptual meaning.[27] The second feature is that a term has a "rich emotive meaning."[28]

Refining Stevenson's account, Keith Burgess-Jackson has suggested that every case of persuasive definition falls into one of four classes, depending (1) on whether the inherited emotive meaning of the word in question is positive or negative, and (2) on whether the intended effect of the persuasive definition is to increase or decrease the extension of that term.[29] This schema clarifies the ways in which "atrocity," and "propaganda," and "atrocity propaganda" can be (and have been) persuasively defined.

Historical usage has clearly embedded a deep (and deeply negative) emotive meaning in the term "atrocity." However, as we have seen, the extension of this term is not fixed but reached a local peak during World War I, when not only harms to persons but also infringements on property and perceived insults to religion were cried up as atrocities. The application of the label "atrocity" to comparatively minor acts, such as insulting an enemy officer, during this period exemplifies what Stevenson calls the "taci[t] employment" of a persuasive definition—the application of a term to an act so far outside the normal definition of that term that a significant alteration in

meaning is implied.[30] Although I know of no direct analogue of this usage in contemporary political discourse, the use of the term "cultural heritage atrocities" to describe iconoclastic acts by members of the so-called Islamic state at the World Heritage city of Palmyra and elsewhere seems to me to illustrate the enduring possibility of slippage between the moral and legal uses of this term.[31]

The term "propaganda" has also frequently been subjected to persuasive definition, despite the fact that the emotive meaning of this term is considerably more fluid than that of "atrocity." Here it will suffice to cite the quasi-definition by Noam Chomsky recorded in Welch's exhibition catalogue. Chomsky claims that "propaganda is to a democracy what the bludgeon is to a totalitarian state."[32] The implication is that, just as the bludgeon is pervasive as a tool of political persuasion under totalitarianism, so propaganda is pervasive in democratic societies. Chomsky's definition exemplifies Stevenson's claim that "persuasion is seldom effective unless the hearers are already on the point of changing their interests," and that "a persuasive definition may then be important as a final impetus to the change."[33]

The susceptibility of the terms "atrocity" and "propaganda" to persuasive definition carries over to the concept of atrocity propaganda itself. Attempts to persuasively define this concept underlie what I earlier called the reflexive form of atrocity propaganda—where officials or commanders seeking to divert attention from real and ongoing abuses denounce reports and rumors of such acts as "mere" atrocity propaganda. This reflexive form of persuasive definition is evident in many, though not all, complaints concerning atrocity propaganda aired before, during, and after conflicts.[34] Documented instances of this tactic can be found in the Second World War, when the National Socialists blamed atrocity propaganda spread by "World Jewry" for the outbreak of war and used the "threat" embodied in such propaganda as a pretext for policies of isolation, deportation, and extermination of the "Jewish enemy."[35] Other cases can be found in Alex Bellamy's analysis of efforts by politicians and intellectuals to evade the norm of civilian immunity following massacres in El Salvador, Cambodia, and elsewhere.[36]

The susceptibility of the terms "atrocity," "propaganda," and "atrocity propaganda" to persuasive definition has clear implications for my effort to develop a clear and succinct definition of this form of propaganda. Because the extension of the concept of "atrocity" is fluid, one cannot say that atrocity propaganda consists simply in casting actions in war or civil conflict that are not properly atrocities as atrocities. At the same time, because the extension of the concept of "propaganda" is fluid, one cannot say that atrocity propaganda consists exclusively in putting a biased construction on an enemy's actions—or in fabricating those actions outright.[37]

Without discounting these difficulties, I want to propose the following definition of atrocity propaganda. Atrocity propaganda consists in *reports of cruel or shocking acts, circulated widely, and intended to produce an inappropriate martial response.*

Several features of this definition demand comment. In ordinary usage, propaganda can refer both to certain sorts of materials and to a certain kind of activity. This definition puts the emphasis on the materials but retains reference to the manner in which those materials are distributed, and the purposes for which they are deployed.

In speaking simply of "reports," this definition seeks to remain neutral among

visual, verbal, and aural forms of atrocity propaganda. This is important, because each of these different media for propaganda presents certain distinct challenges to analysis, which I cannot consider in detail here. But the use of the term "reports" has another attractive feature: it leaves open the issue of the truth or falsity of the specific acts or deeds detailed in atrocity propaganda. A core contention of this essay is that genuine, as well as fabricated, stories of atrocities can be turned to propagandistic ends. The veracity of a particular allegation of atrocity, consequently, is less important for determining its status as propaganda than the purposes for which it is circulated. Identifying those purposes is no easy task. Use of the term "reports" calls attention to the blurred boundary between propagandistic and legitimate communications about atrocities.

The two qualitative terms contained in the first part of my proposed definition, "cruel" and "shocking," have varied considerably in their extension within particular historical and cultural contexts. They thus reflect the semantic fluidity of the term "atrocity" itself. These two qualitative terms also complement each other, in the following sense: during war, especially extended war, certain acts may cease to be shocking but remain manifestly cruel, and thus they may continue to be attractive material for atrocity propaganda.

My claim that atrocity propaganda must be circulated widely matches the mass quality of the other forms of propaganda.[38] One consequence of such wide circulation is that reports and rumors of atrocities take on lives of their own, undergoing substantial mutation or embellishment as they are transmitted from place to place. A second consequence is that atrocity stories can enjoy significantly different levels of credence within different epistemic communities—can be disbelieved or ridiculed by soldiers, for example, but accepted and condemned by civilians.

Finally, my definition holds that atrocity propaganda must be intended to produce an inappropriate martial response. The scope of possible martial responses to atrocity propaganda is broad and includes not only decisions to *enter* wars or intensify war efforts but also decisions to *break off* from hostilities, or to remain *neutral* despite pressing defensive or humanitarian reasons to fight. Already in 1927, Lasswell noted the special ability of atrocity propaganda to provoke responses on the pacifist side of this spectrum, writing, "If all else fails, re-enforce pacifism, by portraying the horrors of war, and the unwillingness of the enemy to make peace."[39] Though some may think it strange to call the refusal to go to war a type of martial response, it is no more odd than a sitting president or head of state deciding, in his or her capacity as commander in chief, not to carry out a projected military action or campaign.

The appropriateness of martial responses to reports of atrocities may be assessed in epistemic terms, moral terms, or both. In epistemic terms, a response may be inappropriate if it improperly weighs considerations for and against a particular course of action, or if it ignores (or is made in ignorance of) relevant considerations. Here we can consider the policy of the early British propagandists to transmit to the public, foreign leaders, or the enemy only true reports, but to omit additional relevant facts that might discourage the desired response.

In moral terms, a response may be inappropriate if it violates principles of necessity, proportionality, last resort, or other widely accepted moral constraints on

entering or waging war. Atrocity propaganda seems especially capable of overriding constraints of this kind, since it emphasizes the ghastly and "inhuman" character of a perceived enemy's conduct and so stirs up the feeling that anything is permitted to prevent such iniquities. This dynamic, which I take to be characteristic of most contemporary atrocity propaganda, reinforces my position that deception is not a necessary feature of atrocity propaganda. Atrocity propagandists need not deceive publics or policymakers in order to achieve their ends; they must only excite or inflame them to the point that other relevant considerations are ignored. Both real and fabricated accounts of atrocities can be used for such purposes.[40]

It is rarely easy to determine conclusively what a particular agent or group's purposes are, whether in war or peace. This problem was powerfully illustrated in the fall of 2014, with the beheadings of several Americans by members of the so-called Islamic State. In discussing the graphic and widely circulated videos of these executions, pundits and analysts expressed directly contradictory views concerning the intended effects of these videos: some argued that they were intended to prevent the United States from entering the fight against ISIS, while others argued that they were intended to draw the United States into this conflict.[41]

Despite this challenge, it seems important to include an intentional component in the definition of atrocity propaganda. Doing so marks a crucial normative distinction between reports that in fact have the effect of provoking inappropriate martial responses, and reports that are intended to have this effect. Long-standing research on the CNN effect, or the impact of 24-hour news coverage of international conflicts on domestic foreign policy decisions, suggests that the reports of the former sort are of real concern, but it would be a mistake to count the CNN effect, as it is traditionally understood, as a form of atrocity propaganda. In the first place, such news coverage is not generally intended to produce an inappropriate martial response, even if it does have this effect. In the second place, as some commentators argue, such news coverage may help to produce appropriate—rather than inappropriate—martial responses to the events reported on.[42]

My definition of atrocity propaganda highlights normatively significant features of this class of propaganda. It does not provide an immediately operationalizable standard for categorizing particular images or texts as atrocity propaganda. Nor does it directly suggest strategies for rebutting such propaganda in its reflexive form, that is, charges that one is oneself engaged in atrocity propagandizing. In the remainder of this essay, I will critically assess strategies by which institutions and individuals can mitigate, though not eliminate, the legal and moral challenge of atrocity propaganda.

Addressing Atrocity Propaganda: The Inadequacy of Existing Legal Instruments

As new techniques and venues for diffusing propaganda emerged over the course of the twentieth century, so too did laws designed to counteract this challenge to domestic and global peace. At the international level, the experience of World War II and the Holocaust spurred the creation of legal instruments intended to counter propaganda's contributions to such crimes.[43] Both international human rights law and international criminal law contain provisions designed to defuse propaganda generally,

and wartime propaganda particularly. Nevertheless, as this section argues, these provisions are not sufficient to counter the distinct legal and moral challenges posed by atrocity propaganda.

Within international human rights law, a legal basis for combating propaganda can be found in Article 20(1) of the International Covenant on Civil and Political Rights (ICCPR), which holds that "any propaganda for war shall be prohibited by law."[44] Directed principally at states, rather than individuals, the ICCPR is generally concerned with requiring states to uphold citizens' freedom of expression except in cases where curtailing speech "serves a legitimate aim," is "necessary in a democratic society," and is grounded in duly constituted "national law."[45] Importantly, however, Article 20(1) not only permits but obliges states to legally prohibit propaganda for war.[46]

As Michael Kearney has explained, Article 20(1) has its roots in the same debates after World War I over the nature and value of war propaganda discussed in the second section of this essay.[47] Exactly what constitutes "propaganda for war" is not explicitly stated in the Covenant, and indeed, states have used the absence of such a definition as justification for failing to endorse or act on it.[48] Kearney contends that the term should be restricted to propaganda aimed at building support for aggressive war between states, though he acknowledges that many individual states have passed legislation under the auspices of the Covenant that target instead internal dissent and protest.[49]

Turning to international criminal law, provisions for discouraging propaganda can be found in the prohibition on acts of incitement included in the UN Genocide Convention, and in comparable prohibitions proposed in recent scholarship on crimes against humanity and the crime of aggression.[50] Like other elements of international criminal law, these real and proposed prohibitions are directed at individuals as well as institutions. They can be traced specifically to the prosecution and conviction of Julius Streicher, publisher of the pro-Nazi newspaper *Der Stürmer,* at the International Military Tribunal at Nuremberg after World War II.[51] More recently, the International Criminal Tribunal for Rwanda (ICTR) has handed down convictions of individuals for incitement to genocide—though several of these convictions have been overturned on appeal.[52]

Richard Ashby Wilson draws a direct connection between propaganda and incitement to genocide, while also trying to clear up confusions about the alleged causal relationship between hateful expression and exterminatory actions.[53] Courts such as the ICTR have sometimes assumed that a direct causal nexus between inciting speech and genocidal act must be shown in order for individuals to be convicted of incitement to genocide. Wilson contends that this interpretation is mistaken. He argues that it is rather the intent behind the relevant speech, image, or text—that is, the intent that it contribute to the destruction, in whole or in part, of a racial, ethnic, national, or religious group—that is central to the crime of incitement.[54]

Both the prohibition on war propaganda in the ICCPR and the prohibition on incitement in the Genocide Convention are of some value in combating atrocity propaganda. In my view, however, neither of these instruments adequately addresses the legal and moral challenges posed by this form of propaganda. This is due to

distinct features of atrocity propaganda's characteristic content, audience, and intended effects.

In the first place, neither the ICCPR nor the Convention on Genocide is well attuned to the typical content of atrocity propaganda. The prohibition on war propaganda in the ICCPR is intended to help protect human rights, but it is precisely allegations of abuses of human rights that form the content of the reports most likely to be dismissed as atrocity propaganda. Similarly, the prohibition on incitement contained in the Genocide Convention is meant to help prevent the destruction of valued groups, but, as scholars of genocide explain, fearful reports of threats to the existence of in-groups form a major part of the propaganda campaigns that precede genocide.[55] Recognizing this feature of the contents of expressions before and during mass violence, Antoine Buyse distinguishes between hate speech, or "speech directed at stigmatizing another group," and fear speech, or "expressions aimed at instilling (existential) fear of another group."[56] Buyse argues that legal instruments designed to regulate hate speech may not be well suited for regulating fear speech. While hateful sentiments continue to furnish a major portion of the contents of contemporary atrocity propaganda, insofar as this form of propaganda deals in expressions of fear, rather than sentiments of hatred, existing international legal prohibitions will be of limited value in addressing it.

In the second place, the audience of atrocity propaganda often differs from the audience implicit in the ICCPR and the Genocide Convention. Both of these legal instruments are designed to regulate expression within particular political societies and to prohibit certain forms of communication among individuals who share a relevant identity. But the intended audience of atrocity propaganda (or of reports alleged to be atrocity propaganda) typically includes individuals and groups outside of the particular political society from which such propaganda originates. In the present age of social media, reports and images of alleged atrocities in Ukraine, the Central African Republic, Guantanamo Bay, and elsewhere can be shared in real-time among audiences all over the world. It is in no way clear what responsibilities, or indeed what rights, officials within particular states have to regulate communications of this kind.[57]

Finally, and perhaps most importantly, the intended effects of atrocity propaganda frequently diverge from those anticipated in these existing legal instruments. Consider the Genocide Convention. It is true that sensational reports and rumors of killings and other abuses by ethnic, religious, racial, or national rivals are sometimes exploited to provoke unjustified political violence; but just as often such reports and rumors appear to aim at compelling outside parties to intervene in ongoing conflicts in order to prevent such feared, but not yet directly threatened, escalations.[58] It would be wrong to suppose that reports of attacks or abuses on civilians ought to be censored beforehand, or sanctioned afterward, simply because they might aim at violent or warlike effects. After all, reporters of human rights abuses do not need, and typically do not intend, to bring about *inappropriate* martial responses. They may instead rightly believe that military responses are both necessary and justified in order to prevent such abuses.[59]

What is most insidious about atrocity propaganda, as I have argued throughout this essay, is that it apes the form and content of legitimate reports of atrocities and

by doing so both provokes inappropriate military actions in the present and devalues appropriate actions in the future. Existing legal prohibitions on propaganda are not well fitted to deal with this challenge. I want now to consider some additional strategies that can help fill this gap.

Defusing Atrocity Propaganda: Strategies for Leaders and Ordinary Individuals

Atrocity propaganda, as we have seen, poses serious legal and moral challenges to civilian and military leaders. On the one hand, atrocity propaganda may pressure these leaders to initiate or intensify conflicts that are not legally authorized or morally justified. On the other hand, reflexive charges of engaging in (or falling prey to) atrocity propaganda may tempt these leaders to embrace dubious policies of appeasement. Two principles that might help state actors to defuse these challenges are what I call Lemkin's principle and the principle of specificity.

Lemkin's principle bears the name of Raphael Lemkin, champion of the international legal prohibition against genocide. Lemkin understood the disruptive power that atrocity propaganda could have on political debates over the justification of war—as well as the moral challenge posed by what I have called reflexive forms of atrocity propaganda. In the chapter titled "Genocide" in *Axis Rule in Occupied Europe* (1944), Lemkin wrote: "Information and reports which slip out from behind the frontiers of occupied countries are very often labeled as untrustworthy atrocity stories because they are so gruesome that people simply refuse to believe them."[60] To remedy this problem, Lemkin proposed that state leaders collaborate in the creation of international agencies to monitor the treatment of combatants and noncombatants in combat zones.[61] Such agencies would be more credible as sources of information about atrocities, given (1) their nonpartisan character and (2) their ability to conduct direct investigations of atrocity allegations.

Both the value and the limitations of Lemkin's principle were demonstrated following the chemical weapons attack that killed over a thousand individuals in Syria in the fall of 2013. As noted at the start of this essay, leaders like President Barack Obama in the United States and Prime Minister David Cameron in the United Kingdom responded to this attack by asking legislators to authorize prospective military action against the presumed perpetrators in the Syrian armed forces. Prominent journalists and opposition figures questioned this response, either by pointing out that it was unclear which party to the long Syrian civil war was behind the attack, or by making the stronger claim that the attack had been launched covertly by the Syrian rebels, precisely in order to draw outside nations into the conflict.[62] Eventually, the UN-affiliated Organization for the Prohibition of Chemical Weapons (OPCW) was able to gain access to this site and provide key information about the attack—thus arguably satisfying Lemkin's proposal.[63] Importantly, however, the OPCW intentionally steered clear of assigning responsibility for the gas attack and sought only to confirm or disconfirm that it had taken place.[64] This limited mandate was explained at least in part by Russian resistance at the United Nations Security Council to an inquiry designed to establish responsibility for the attack—resistance that has only recently abated.[65]

This example indicates that the sort of neutral agencies envisioned by Lemkin can

counter some, but not all, of the challenges posed by atrocity propaganda. They can help build confidence that reported abuses of human rights are not fabricated or grossly embellished. But they may be restricted from assigning agency for documented atrocities and so lack the power to counter claims that real atrocities are being exploited for inappropriate martial purposes. Such concerns may be more fully addressed by a second principle for state leaders, which I call the principle of specificity.

The principle of specificity holds that in public debates and deliberations over the moral justification of war and tactics in war, state leaders should take care to focus their discussion on specific wrongs rather than rely on sweeping references to "atrocities." The chief reason for caution here is that the generic concept of "atrocity," as we have seen, is too indeterminate in its extension, and too charged in its emotive content, to play a nondistortive role in justificatory debates over war. Generic charges of atrocities, when not accompanied by more detailed indictments for specific crimes, flatten out the legal and moral landscape, obliterating complexity for the sake of conclusiveness. For this reason, such charges are themselves susceptible to being tarred as mere atrocity propaganda.

The principle of specificity runs contrary to recent calls for the use of the general term "atrocity crimes" in public debates over the justification of humanitarian war.[66] Such calls stem from the perceived difficulty of convincing democratic publics of the need for humanitarian interventions.[67] Proponents of this approach, such as David Scheffer and Michael Ignatieff, rightly point out that generic allegations of atrocities are effective in shifting public opinion and rousing public sentiment.[68] These authors are responding to real moral concerns, particularly the concern that more specific, or technical, legal terminology may muddy public discussions and debates, as seems to have occurred in the case of the Rwandan genocide.[69] My own view, however, is that there is an equally significant risk that arguments cast in the combustible language of atrocities will obscure other moral considerations relevant to the justification of war—such as considerations of necessity, proportionality, or reasonable chances of success. For this reason, more specific charges, effectively conveyed, should be preferred in contexts of public justification of humanitarian war or other actions, in order to secure more democratic legitimate consent.[70]

While the two principles for defusing atrocity propaganda I have outlined so far are directed at civilian and military leaders, it would be a mistake to overlook the challenges that such propaganda presents to ordinary individuals. Atrocity propaganda, as my account makes clear, threatens the ability of soldiers and civilians to discern just causes for going to war; to distinguish just from unjust actions during war; to detect considerations making it permissible or obligatory to cease waging war; and to identify conditions conducive to securing a just and lasting peace. In light of these challenges, I want to conclude by considering what strategies are open to individuals confronting real or alleged atrocity propaganda.

A number of strategies, or clues to strategies, have already been hinted at. Harold Lasswell's identification of recurring tropes of atrocity stories, for example, may help individuals to react in more measured terms to reports of extreme physical or sexual brutalization. At a time when allegations of crucifixion are once again emerging from

European conflicts, it is helpful to know about the contentious precedents for such claims.[71] Such knowledge of precedents only goes so far, however. It cannot furnish evidence against present-day allegations of atrocities but can only be used to predict likely responses to those allegations among peers and compatriots.

The principal strategy for ordinary individuals that I want to defend here amounts to a strategy of continual assessment. That is, I believe that ordinary citizens and soldiers should take care to assess atrocity reports in an ongoing manner, updating their evaluations of those reports continually as new facts come to light. This strategy reflects the fact that allegations of atrocities are rarely evanescent, arising at one moment and disappearing the next. Instead, such allegations usually continue to be debated long after the initial charges are laid. Due to the durable nature of atrocity claims, it is possible for reports that were initially entirely legitimate to be taken up subsequently for devious purposes, by actors intending to change the course or subvert the goals of a conflict. Alternatively, it can happen that reports initially circulated on the basis of insufficient evidence, for cynical reasons, come to be confirmed by independent investigators.

The importance of ongoing assessment is particularly pronounced in cases where details about military policy or operations only gradually become publicly available, through the efforts of investigative journalists or whistleblowers. The United States' drone operations in Yemen, Afghanistan, and the Horn of Africa provide a good example of such a slow leak of information. Already in 2012, Conor Friedersdorf of the *Atlantic Monthly* published an article critiquing U.S. leaders' use of the term "surgical" to describe its drone attacks, some of which were admittedly conducted without full knowledge of the identities of the targets.[72] More recently, widely publicized killings of civilian bystanders, as well as whistleblowing efforts by former participants in the drone program, have provided information that lends greater credence to charges that at least some drone attacks violate the laws of war and thereby constitute war crimes.[73]

I believe this case shows that both the epistemic and moral positions of individuals can shift substantially during the course of a conflict. Epistemically, individuals' ability to assess and respond appropriately to charges of atrocities can change significantly over time, as new information or reports become available, and as individuals move into new occupations, posts, or offices. Accordingly, individuals' moral responsibilities will likely also change over time. Increasing proof of human rights violations may increase the reasons ordinary individuals have to support protective or preventive military operations; alternatively, growing evidence of fabrication or manipulation by state officials or opposition groups may give individuals sufficient reason to withdraw support for current policies. As in the case of civilian and military leaders, the moral challenge that atrocity propaganda presents to individuals can never be conclusively overcome, but this only increases the reasons those individuals have to guard against it.

Conclusion

In concluding my discussion of atrocity propaganda, I would like to revisit an observation George Orwell made seventy-five years ago, based on his experiences in the Spanish Civil War:

> Atrocities are believed in or disbelieved in solely on grounds of political predilection. Everyone believes in the atrocities of the enemy and disbelieves in those of his own side, without ever bothering to examine the evidence . . . Stranger yet, at any moment the situation can suddenly reverse itself and yesterday's proved-to-the-hilt atrocity story can become a ridiculous lie, merely because the political landscape has changed.[74]

The theory of atrocity propaganda I have offered in this essay helps explain the dynamic Orwell describes. The absence of any widely accepted definition of atrocity propaganda, and the difficulty of identifying such propaganda in practice, leaves almost any report of atrocities vulnerable to being denounced as "mere" atrocity propaganda. The uncertainty that often surrounds reports of human rights abuses exacerbates existing legal and moral problems confronted by state actors and individuals, ranging from the permissibility of purchasing goods or services produced under inhumane conditions to the obligation to join humanitarian missions to protect minorities from state-sanctioned attacks.

The responses to atrocity propaganda that I have outlined can mitigate the threats that such propaganda poses to civilian and military leaders and to ordinary individuals. Establishing neutral agencies for investigating atrocity allegations, and demanding greater specificity in political debates about reactions to atrocities, can help leaders avoid illegal, immoral, or otherwise inappropriate military responses to real or fabricated crimes. These proposals will also help insulate leaders from reflexive accusations of engaging in atrocity propagandizing. Committing to ongoing assessment of reports of atrocities will cause ordinary individuals to maintain a more thoughtful posture toward official statements and media reports of gross human rights abuses. Ultimately, the aim of all of these proposals is to help well-meaning actors avoid both false positives and false negatives in their assessments of reports of large-scale crimes: to avoid accepting and acting on deliberately misleading reports, on the one hand, and to avoid reflexively discounting legitimate reports, on the other.

The theory I have developed here cannot fully counter the legal and moral problems posed by atrocity propaganda. Indeed, it is unlikely any theory could. As Orwell concludes, "The truth about atrocities is far worse than that they are lied about and made into propaganda. The truth is that they happen."[75] As long as mass killings, mass rape, forced relocation, and other grave human rights abuses continue to occur, the challenge of atrocity propaganda will continue to confront those who acknowledge an obligation to respond to such wrongs.

NOTES

This essay originated in conversations at the workshop on New Directions in Pacifism organized by Larry May and Andrew Forcehimes in the fall of 2013. Earlier drafts were presented at a PPL colloquium at the University of Virginia and at a Graduate Reading Retreat sponsored by the Stockholm Centre for the Ethics of War and Peace. A number of individuals provided helpful comments on the essay, including Larry May, Colin Bird, Brookes Brown, Laura Valentini, Andrew Gates, and Ann Smith.

1. Andrew Marszal, "The Children Killed in Gaza during 50 Days of Conflict," *Daily Telegraph*, August 26, 2014.

2. Glenn Greenwald, Twitter post, August 27, 2014, 6:38 AM, accessed September 23, 2017, https://twitter.com/ggreenwald/status/504623957036003329.

3. Eyal, Twitter post, August 27, 2014, 8:00 AM, accessed September 23, 2017, https://twitter.com/eyalbc/status/504644565526384640.

4. Beach Bum, Twitter post, August 27, 2014, 6:40 AM, accessed September 23, 2017, https://twitter.com/sunandbeachbum/status/504624553973121024. Social media users were not the only commentators to lay charges of propaganda during the Gaza fighting. The reporter Jodi Rudoren detailed disagreements among politicians and health officials, military leaders and outside groups concerning total casualty figures and the classification of victims as combatants or civilians. According to one Israel-based antiterrorism organization quoted in the article, Palestinian health officials manipulated these figures in order "to create an ostensibly factual infrastructure for a political, propaganda and legal campaign against Israel." Jodi Rudoren, "Civilian or Not? New Fight in Tallying the Dead from the Gaza Conflict," *New York Times*, August 5, 2014.

5. *Hansard*, House of Commons (hereafter HC), August 29, 2013, vol. 566, col. 1426.

6. Ibid., col. 1431.

7. Ibid., col. 1469. An equally weighty source of skepticism, acknowledged by MPs on both sides of the issue, was "the specter of the debate on Iraq in 2003," which prompted Dr. Alasdair McDonnell, member for South Belfast, to recall "the contrived situation, the misleading of this House, and the needless deaths of so many soldiers and countless civilians." Ibid., col. 1476.

8. Ben Hubbard and David Kirkpatrick, "Photo Archive Is Said to Show Widespread Torture in Syria," *New York Times*, January 21, 2014; Timothy Snyder, "Fascism, Russia, and Ukraine," *New York Review of Books*, March 20, 2014; Mike Levine, "Senate Torture Report Is Propaganda Bonanza for Islamic Militants, Feds Say," ABC News, December 9, 2014.

9. For recent overviews, see Jo Fox and David Welch, eds., *Justifying War: Propaganda, Politics, and the Modern Age* (New York: Palgrave Macmillan 2012), 71–176; David Welch, *Propaganda: Power and Persuasion* (London: British Library, 2013), 80–93; Peter Paret et al., *Persuasive Images* (Princeton, N.J.: Princeton University Press, 1992), 10–97; Daniel Francis, *Selling Canada: Three Propaganda Campaigns That Shaped the Nation* (Vancouver: Stanton, Atkins, and Dosil, 2011); John Horne and Alan Kramer, *German Atrocities, 1914: A History of Denial* (New Haven, Conn.: Yale University Press, 2001).

10. Arthur Ponsonby, *Falsehood in War-Time* (New York: E. P. Dutton, 1928); Harold Lasswell, *Propaganda Technique in World War I* [original title *Propaganda Technique in the World War*] (1927; Cambridge, Mass.: MIT Press, 1971).

11. Other types of "falsehood" Ponsonby catalogues include secret treaty agreements that may drive the proliferation of war; rumors planted abroad or on the home front concerning troop movements; and mischaracterization (both during war and in postwar peace settlements) of war aims. See Ponsonby, *Falsehood*, 50–62; 63–65; 162–66.

12. Ponsonby, *Falsehood*, 182. The American historian James Morgan Read, writing thirteen years later, agrees with Ponsonby that atrocity stories "exert[ed] . . . a powerful emotional influence on neutral nations." James Morgan Read, *Atrocity Propaganda, 1914–1919* (New Haven, Conn.: Yale University Press, published for the University of Louisville, 1941), 12.

13. Ponsonby, *Falsehood*, 14.

14. Lasswell, *Propaganda Technique,* 82.

15. Versailles Peace Treaty, June 28, 1919, 225; Parry 188; 2 Bevans 235; 13 AJIL Supp. 151, 385 (1919), Article 231.

16. Read, *Atrocity Propaganda*, viii.

17. Versailles Peace Treaty, arts. 227–30.

18. Ponsonby, *Falsehood*, 71.

19. Horne and Kramer, *German Atrocities*, 296–97.

20. Paul Fussell, *The Great War and Modern Memory* (New York: Oxford University Press, 2013), 343; Nicolleta Gullace, "Allied Propaganda and World War I," *History Compass* 9, no. 9 (September 2011): 691–93.

21. Welch, *Propaganda*, 2. Among alternative definitions listed, the psychologist Leonard Doob suggests that "if individuals are controlled through the use of suggestion . . . then the process may be called propaganda, whether or not the propagandist intends to exercise the control." The sociologist Jacques Ellul holds, meanwhile, that "the aim of modern propaganda is no longer to modify ideas but to provoke action." See Welch, *Propaganda*, 202, 204.

22. Mark Osiel, *Obeying Orders: Atrocity, Military Discipline and the Law of War* (Rutgers, N.J.: Transaction Publishers, 1999), 45, as cited in David Scheffer, "Genocide and Atrocity Crimes," *Genocide Studies and Prevention* 1, no. 3 (2006): 238.

23. Read, *Atrocity Propaganda*, 4–5. Some charges of atrocity that Read lists as dubious include bomb damage to cemeteries and gravestones; the destruction of the library of Louvain; and the interdiction by the British of supplies of fertilizer meant for Holland.

24. Read, while not offering a conceptual definition of atrocity propaganda, does propose what might be termed a forensic method for distinguishing atrocity propaganda—one that focuses on identifying the official and unofficial agencies occupied with the production of such propaganda and then traces particular reports or rumors back to them. Read, *Atrocity Propaganda,* viii.

25. C. L. Stevenson, "Persuasive Definition," *Mind* 47, no. 187 (July 1938): 331–50. It should be noted that Stevenson himself was concerned with demystifying propaganda, both historical and contemporary, and that he considers instances of each in his essay.

26. Ibid., 31. As Keith Burgess-Jackson and Douglas Walton point out, by "conceptual meaning" Stevenson had in mind what would today be called the "descriptive meaning" of a term—i.e., its extension and intension. Keith Burgess-Jackson, "Rape and Persuasive Definition," *Canadian Journal of Philosophy* 25, no. 3 (September 1995): 415–54; Douglas Walton, "Deceptive Arguments Containing Persuasive Language and Persuasive Definitions," *Argumentation* 19, no. 2 (June 2005): 159–86.

27. Vagueness comes in degrees; the specific indeterminacy of any given term may be pegged to the proportion of cases in which competent speakers might disagree as to whether the term in question applies.

28. Stevenson, "Persuasive Definition," 333. Stevenson elsewhere defines emotive meaning as the "tendency of a word, arising through the history of its usage, to produce (result from) *affective* responses in people." C. L. Stevenson, "The Emotive Meaning of Ethical Terms," *Mind* 46, no. 181 (January 1937): 23.

29. Burgess-Jackson, "Rape," 425–26.

30. Stevenson, "Persuasive Definition," 333.

31. Amr Al-Azm, "Why ISIS Wants to Destroy Syria's Cultural Heritage," *Time*, October 8, 2015. For a brief defense of descriptions of attacks on cultural heritage objects as atrocities, see Adil Ahmad Haque, "Cultural Property under the Law of Armed Conflict," *Ethical War Blog,* Stockholm Centre for the Ethics of War and Peace, June 1, 2015.

32. Welch, *Propaganda*, 205.

33. Stevenson, "Persuasive Definition," 338.

34. This echoes a concern Douglas Walton raises about attempts to define "propaganda" more generally. See Douglas Walton, "What Is Propaganda, and What Exactly Is Wrong with It?," *Public Affairs Quarterly* 11, no. 4 (October 2005): 385.

35. Cf. Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust* (Cambridge, Mass.: Belknap Press, 2006), 108.

36. Alex Bellamy, *Massacres and Morality: Mass Atrocities in an Age of Civilian Immunity* (New York: Oxford University Press, 2012), 216–17, 268.

37. The philosopher Jason Stanley, in his recent book *How Propaganda Works,* defines propaganda as "the employment of a political ideal against itself." Stanley is concerned principally with the dynamics of propaganda within liberal democracies, where he believes propaganda must usually function as a tool for concealing the gaps between worthy ideals and deficient realities. Although he discusses the kind of dehumanizing propaganda that frequently precedes atrocities (such as the description of political enemies as dangerous or disgusting animals), Stanley does not consider propaganda whose content concerns atrocities, or, reflexively, allegations of atrocities. See Jason Stanley, *How Propaganda Works* (Princeton, N.J.: Princeton University Press, 2015), xiii, 51, 149–50.

38. Welch, *Propaganda*, 15.

39. Lasswell, *Propaganda Technique*, 196. The fact that atrocity propaganda sometimes aims to prevent, rather than promote, war marks a key difference between this species of propaganda and the partially overlapping species of "war propaganda" or "propaganda for war." For discussion of definitional issues concerning these latter species, see Michael Kearney, *The Prohibition of Propaganda for War in International Law* (Oxford: Oxford University Press, 2008), 113–32.

40. It follows from this that, although state leaders and rebels often seek to conceal or hide human rights abuses from the world's view, one strategy available to atrocity propagandists is simply to commit atrocities. Here the connection between atrocity propaganda and terrorism is evident— though terrorists sometimes aim for changes in domestic, rather than martial, policy, and though, as some have argued, terrorist aims need not always be inappropriate. See Igor Primoratz, "The Morality of Terrorism," *Journal of Applied Philosophy* 14, no. 3 (November 1997): 221–33; also Virginia Held, "Terrorism, Rights, and Political Goals," in *How Terrorism Is Wrong: Morality and Political Violence* (New York: Oxford University Press, 2011), 72–90.

41. Matthew Hoh, "The Beheadings Are Bait," *Huffington Post*, September 4, 2014; "The Bloody Extremists of ISIS," On Point with Tom Ashbrook, August 21, 2014. What is important for our purposes is that, whatever these commentators claimed was the response that militants intended to provoke through these videos, they argued that such a response would be inappropriate.

42. For the myth, and reality, of the CNN effect, see Piers Robinson, *The CNN Effect* (London: Routledge, 2002). This is not to deny that 24-hour news channels can provide a conduit for atrocity propagandists. The 9/11 terrorist attacks remain, perhaps, the best example of a mass killing designed for maximum media exposure. See Brigitte L. Nacos, "Terrorism as Breaking News," in *Mass-Mediated Terrorism* (Lanham, Md.: Rowman and Littlefield, 2007), 41–72.

43. Kearney, *Prohibition*, 34–54.

44. International Covenant on Civil and Political Rights art. 20(1), December 16, 1966, S. Treaty Doc. No. 95–20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171.

45. Antoine Buyse, "Words of Violence: 'Fear Speech,' or How Violent Conflict Escalation

Relates to the Freedom of Expression," *Human Rights Quarterly* 36, no. 4 (November 2014): 791–92.

46. Ibid., 792.

47. Kearney, *Prohibition,* 21–54.

48. Ibid., 247.

49. Ibid., 147–54.

50. Convention on the Prevention and Punishment of the Crime of Genocide, December 9, 1948; Kearney *Prohibition*, 191–242.

51. Kearney, *Prohibition,* 40–41. For the significance, and sometimes misinterpretation, of the Streicher verdict in subsequent International Criminal Tribunals, see William Schabas, *Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals* (New York: Oxford University Press, 2012), 133–35.

52. Richard Ashby Wilson, "Inciting Genocide with Words," *Michigan Journal of International Law* 36, no. 2 (2015): 277–320.

53. Ibid.

54. Ibid., 311–16.

55. Deborah Mayersen, *On the Path to Genocide* (New York: Berghahn Books, 2014), 164–65; Kristen Renwick Monroe, *Ethics in an Age of Terror and Genocide* (Princeton, N.J.: Princeton University Press, 2011), 356 n.28.

56. Buyse, "Words of Violence," 795, 785.

57. For discussion of the relatively unknown territory opened up by social media in the field of propaganda studies, see Welch, "Propaganda," 198–200.

58. The August 29, 2013, debate in the British House of Commons on Syria and the use of chemical weapons provides clear evidence of the difficulty that state actors can encounter when trying to determine whether a particular report on atrocities is (1) factual, (2) complete, and (3) circulated with the aim of promoting legitimate or an inappropriate martial response. *Hansard*, House of Commons, August 29, 2013, vol. 566, col. 1453; col. 1468–69.

59. The emerging doctrine of the Responsibility to Protect provides what many regard as a legal or quasi-legal basis for such responses. It is notable that in the initial report of the committee that developed the concept of the Responsibility to Protect, just such a dilemma between inappropriate reactions and inappropriate nonreactions to reports of gross human rights abuses is used as a framing device. See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (2001). For critical assessments of the ability of Responsibility to Protect to legally or morally authorize military responses to gross human rights abuses, see Luke Glanville, "On the Meaning of 'Responsibility' in the Responsibility to Protect," *Griffith Law Review* 20, no. 2 (2011): 482–504; Hehir, "The Responsibility to Protect as the Apotheosis of Liberal Teleology," in *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention*, ed. Aidan Hehir and Robert Murray (New York: Palgrave Macmillan 2013), 34–57; Jonathon Graubart, "R2P and Pragmatic Liberal Interventionism," *Human Rights Quarterly* 35, no. 1 (February 2013): 69–90.

60. Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington, D.C.: Carnegie Endowment for International Peace, 1944), 94.

61. Ibid., 94.

62. For the transcript of the Commons debate, see note 5 above.

63. Report of the UN Mission to Investigate Allegations of the Use of Chemical Weapons in

the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on August 21, 2013. UN Doc. A/67/997-S/2013/553, September 16, 2013.

64. Somini Sengupta, "Report Detail Could Further Implicate Syria in Chemical Attack, Analysts Say," *New York Times*, December 18, 2013.

65. Louis Charbonneau, "After Russian Delay, U.N. Council Okays Probe of Syria Gas Attacks," *Reuters,* September 10, 2015.

66. So, for example, David Scheffer writes: "Humanitarian interventions and actions under the principle of responsibility to protect require the building of popular support, as well as international support, to sustain them in times of great crisis and to preserve for the states involved the right and ability to intervene for humanitarian purposes again. The public might better appreciate the need for military intervention if the term 'atrocity crimes' is used in association with responses to clearly horrific and unacceptable assaults on civilian populations, rather than legal terminology [that] to the public remains foggy at best." Scheffer, "Atrocity Crimes," 230.

67. Michael Ignatieff, "The Duty to Protect, Still Urgent," *New York Times*, September 13, 2013.

68. Ibid.

69. See International Commission on Intervention and State Sovereignty, "The Responsibility to Protect," 1.

70. Some commentators argue that consent is not necessary for the moral permissibility of humanitarian interventions or actions. It may nevertheless be instrumentally or legally necessary to obtain consent for humanitarian interventions or actions, even if it is not morally required. The arguments made in this section should be interpreted as applying to efforts to win consent, whether or not it is morally requisite. See Kok-Chor Tan, "The Duty to Protect," *NOMOS XLVII: Humanitarian Intervention* (New York: New York University Press, 2005), 84–116.

71. Oksana Grytsenko and Shaun Walker, "Ukrainian Protester Says He Was Kidnapped and Tortured," *Guardian*, January 31, 2014.

72. Conor Friedersdorf, "Calling U.S. Drone Strikes 'Surgical' is Orwellian Propaganda," *Atlantic,* September 27, 2012.

73. Christopher Kutz argues that U.S. drone policy not only violates but may fatally undermine the existing international legal prohibition on assassination. See Christopher Kutz, "How Norms Die: Torture and Assassination in American Security Policy," *Ethics and International Affairs* 28, no. 4 (January 2014): 425–49.

74. Orwell, "Looking Back on the Spanish War," in *The Collected Essays, Journalism, and Letters of George Orwell,* 2 vols., ed. Sonia Orwell and Ian Angus (New York: Godine, 1968), 2: 252.

75. Ibid., 253.