The Allied Bombing of German Cities during the Second World War from a Canadian Perspective

Robert Nelson\textsuperscript{a)} and Christopher Waters\textsuperscript{b)*}

\textsuperscript{a)} Associate Professor, Department of History, University of Windsor, Ontario, Canada
\textsuperscript{b)} Professor and Associate Dean, Faculty of Law, University of Windsor, Ontario, Canada

Introduction

“We support the troops” became a trope in Canada, the United States and elsewhere for “support the war” and has resulted in some self-censorship and chilled speech.\textsuperscript{1} At the same time, the moral ambiguities of the armed actions of Canada and its allies in a post-Cold War world are clear to many and have received public, media and even legal scrutiny.\textsuperscript{2} This is in marked contrast to Canada’s collective memory of “the good war”, the Second World War. In some countries, including Germany, a “new wave” of professional

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\textsuperscript{1)} For a dissection of calls to “support the troops” see, Roger Stahl, “Why we ‘support the troops’: Rhetorical Evolutions”, (2009) 12 \textit{Rhetoric and Public Affairs} 553.

\textsuperscript{2)} On legal scrutiny of the armed forces today, see Christopher Waters, “Beyond Lawfare: Juridical Oversight of Western Militaries” (2009) 46 \textit{Alberta Law Review} 885. The Somalia Affair in 1993 (involving the beating to death of a teenaged detainee by Canadian Forces personnel) or the transfer to potential torture of Afghan detainees by Canadian Forces in more recent years have brought criticism.
historians is reconsidering moral ambiguities of the Second World War (to be clear, not attempting to draw moral equivalencies between Axis and Allies). Yet criticism of Canadian soldiers, sailors and airmen’s roles in the Second World War remains largely taboo in Canada itself. Nowhere is this taboo stronger than with respect to the legality of Canadian participation in British Bomber Command’s specific targeting, or “de-housing”, of German civilians.

When a documentary questioning the bombing (The Valour and the Horror) was aired on the Canadian Broadcasting Corporation (CBC) in 1992, and again when the Canadian War Museum featured a panel entitled “An Enduring Controversy”, in 2007, the well-organized veterans’ lobby, with the help of many outraged politicians, forced these major public institutions to back down and fall silent. In each kerfuffle, both the usefulness and the morality of bombing civilians was argued at length. Yet in both instances, just as has been the case since area bombardment began in 1942, there was virtually no discussion of the legality of bombing German civilians. It is almost as if the mention of international humanitarian law in the context of Canadian actions smears the reputation of Canada’s “greatest generation”, and indeed such discussions threaten to undermine Canadians’ identity as reluctant but always honourable warriors.

Even in Britain and the United States the controversy surrounding the targeting of civilians in World War II is almost always framed within an ethical, or moral discussion, with no sustained attempt to publicly address the legality of the issue at the time. Thus, in this paper, we first directly address the history of the legality of the aerial bombardment of civilians, from the earliest attempts at legalization, through the inter-war period and into the actual bombing campaigns of the Second World War. We then chart the paucity of discussion of the legality of said bombing both during the war and throughout the Cold War, and finish with the occasional interruptions to the legal silence since 1992 in Canada and elsewhere.

I. Law, History, and the Targeting of Civilians, from the 1880s to 1945

While there were some halting pre-Great War attempts to exclude aviation from the battlefield altogether, first in the form of balloons and later

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