

Just or Unjust Attack? The Bombardment of Dresden in February 1945

Abstract:

This paper analyses and classifies the Allied bombardment of the German city Dresden in February 1945. The evaluation takes place on the basis of the Just-War theory and its principles (principle of proportionality, immunity and discrimination). The results reveal the bombing of the city as an unjust attack, although the bigger picture of winning the war should be taken into account as the biggest counter-argument. The use of exactly this case also demonstrates to us the major benefits of the theory. The distinctions (*ius in bellum, ius ad bellum*) make it possible for the research to produce a moral assessment, independent of the belligerents and the winning side.

Keywords: bombardment of Dresden, Just-War theory, post-war analysis

The Second World War was marked by many cruelties and injustices. The illegal invasion of Germany on the 1st of September 1939 on Westerplatte in Poland marked its beginning. There was no justification for this aggression towards the state of Poland. The German side only tried to create this justification by a feigned Polish raid on the radio station Gliwice. Apart from that, there were equal injustices within the Second World War. A wide range of examples can be mentioned like killed civilians or displacement, even extinction of whole population groups.

Likewise, area bombings were one of the used methods and were carried out in many cities due to the development of modern air warfare. The German city Dresden is one of them and one of the most known examples. The bombardment of the city, which is located in the eastern part of Germany, took place between the 13th and 15th of February 1945 and produced major collateral damage. Starting in the night between the 13th and 14th February, 773 bombers from the British Royal Air Force (RAF) dropped explosive bombs, followed by incendiary bombs on the city and produced



major collateral damage (Lebendiges Museum Online, 2022). This was followed the next day by area bombing from 311 bombers from the United States Army Air Forces (USAAF). Following Kellerhof (2015), a total of 1480 tons of explosive bombs and 1190 tons of incendiary bombs were dropped during the three air raids on the city. The result: Around 25,000 civilians died and most of the city, including its wealth of cultural assets, was heavily damaged (Von Plato, 2007, p. 127).

Deriving from the historical background, one can find a number of fundamental questions that also give rise to moral controversies and problems. The first question that can be asked is whether there was a need for this intervention since the war was almost over and decided in February 1945. Can same just be repaid with same since the German regime also resorted to these methods of war? Furthermore, the question can be raised whether the Allied bombings can be seen as terror against civilian population or was there a strategic meaning in these acts. Can these bombings be seen as a crime of war due to killed civilians, refugees and cultural assets or is there an existing coverage by the law of war through soldier barracks? These questions, drawn from different areas of the Just War Theory lead to an even more fascinating aspect that also needs to be clarified. What can Just War theory do for us as readers and researchers besides summarising the complexity of large military conflicts?

Bellum iustum

In Just War Theory, in Latin: *bellum iustum*, one can distinguish between *ius ad bellum* and *ius in bellum*. The first is about the right to start a war, the second about the rights in war. The examples mentioned in the introduction already show this distinction. The chosen case can be applied to both, although *ius in bellum* is clearly more applicable and controversial, at least for the bombing in Dresden.

Ius ad bellum

Germany's right to start a war (*ius ad bellum*) is not the topic of this essay at this point. However, it can be briefly dealt with whether, based on this, there was a right of intervention against German aggression in war.

Michael Walzer (1977, p. 61) defines aggression in his book *Just and Unjust Wars* as either an assault on the political sovereignty or territorial integrity of a state. On the contrary, in his established *theory of aggression*, self-defense and law enforcement justify aggression. This is based on the presumption that there always has to be a state against which the responses have to be enforced, more or less someone has to start a war.



Considering the course of the Second World War, all this can be applied – there is a general justification of the Allied intervention. Germany has broken both, the territorial integrity and the political sovereignty and thus committed an aggression. This enables the self-defense of the attacked states. In case of the USA and the UK, this was done both on behalf of other allied states and because of aggression towards these states.

Ius in bellum

However, as mentioned above, the focus will be more on the specific attack on Dresden during the war. The 25,000 dead civilians¹ allow a designation as an unjust attack because features of *ius in bellum* were disregarded. For this reason, it is necessary to explain the three core features briefly.

A) *The immunity principle* focuses on the protection of the civilian population, even during combat operations. This is particularly discussed in the section about combatants and non-combatants.

B) *The discrimination principle* is about who can be target in war and who cannot. A distinction has to be made between the civilian population and belligerents. Todd (2016, p. 82) explains: “At a deeper level, one can consider the role that civilians play in supporting an unjust war: to what extent are they morally culpable, and if they are culpable in giving moral, financial, or economic support to some extent, does that mean they may become legitimate targets?”

C) *The principle of proportionality* is about the used force, which must be appropriate to the *causa iusta* (cause of war). This intends to minimise at least destruction and casualties (Walzer, 1977, p. 129–130). Dual purpose targets are strongly connected with the last principle, since they give an explanation for the given claim. Infrastructure, such as key transport hubs can serve as an example here. They are not directly military objects but can still serve a military purpose, for instance, through a relocation of troops. The specific risk is a possible spillover from military target to civilian sector (Todd 2016, p. 86). In favour of a justification is the existence of a transport hub, which was used in Dresden, *inter alia*, as a basis for the attack. The 25,000 dead civilians that have been calculated by a commission of historians, however, contradict the principle of proportionality and confirm the raised statement.

Furthermore, this can be at least partially supported from an institutional point of perspective. The Hague Convention from 1907 regulates in Article 25 the prohibition of

¹ For propagandistic and ideological reasons, the numbers were inflated repeatedly until a commission of historians, citing official sources, arrived at the number of 25.000 deaths.



attacking or shelling undefended towns, villages, dwellings or buildings by any means (1000 Schlüsseldokumente zur deutschen Geschichte im 20. Jahrhundert, 1907). In an updated version of the Convention 1923, rules for aerial warfare were drawn up as well. According to Article 22, aerial bombardment for the purpose of terrorising the civilian population and destroying or damaging private property of a non-military nature was prohibited. However, this updated version was not ratified in international law and thus cannot be applied (Kellerhof, 2005).²

Moving on to the ethical level, Thomas Aquinas already in his *Summa Theologica* in the 16th century fundamentally forbid the killing of innocent people. However, the killing of innocent people is only permitted as an exception if it is necessary for victory or for the recovery of one's own possessions and the war cannot be waged, otherwise evil may result from a war that is to be prevented by it. If victory has already been achieved, killing innocents would no longer be *per accidens*, but *per se*, and thus impermissible (Maihold, 2007, p. 3). As will be shown in the next section, this exception cannot be applied to the case.

A rather cynical counter-argument to the above claim of an unjust attack is the recognition by historian Helmut Schnatz that the bombing was not stronger in its effect compared to other cities (Von Plato, 2007, p. 128). For this, he calculated how many tons of explosives are necessary to kill one civilian in Dresden and in other cities as well. However, this only puts the bombing in comparison with others and not in the confrontation with the *ius in bellum*, the justification itself.

Justification of the attack: the military level

A distinction between the justification of the allied intervention and the attack on Dresden seems appropriate in this case. The justification of the “major” intervention against Germany has already been demonstrated with the help of the *ius ad bellum*. However, a justification of precisely this attack has yet to be examined. With regard to the overarching questions, this section will answer whether we are talking about a senseless act of terror or a strategically important bombing.

According to the official military justification later, Dresden was a legitimate military target (USAF Historical Division, Research Studies Institute, 1945, p. 34). The Yalta Conference in early February called for bombing key eastern German transportation hubs to prevent further German troop transports to the Eastern Front, thereby relieving

² According to the Additional Protocol of the Geneva Convention, which has also been ratified by Great Britain and Germany since 1977, area bombing of cities is prohibited. However, this prohibition is not legally applicable in retrospective to acts that happened in the Second World War.



the Red Army of counterattacks and facilitating its advance. In addition, the United States Air Force Historical Division (1945, p. 5–6) clarified that there were “at least 110 factories and businesses located in Dresden that were legitimate military targets.”

This official military justification needs to be morally evaluated and classified. Interviews with sufferers of the bombardment raise Dresden as the most terrible example of targeted and deliberate destruction of civilian residential areas or cultural assets by means of “area bombardments” (Von Plato, 2007, p. 131). It gives a first impression of how the bombing is perceived, although of course subjectivity has to be taken into account and therefore does not qualify as an argument. In addition to these voices, however, there are also more objective sources that claim the same opinion. The doubts about the target of the military infrastructure can be found in the dropping of target markers, the nightly dropping of incendiary bombs on the old town and the circumstance that the airport, factories and barracks in the north of the city were not as heavily damaged (Neutzner, 2005, p. 38). Referring back to the principle of discrimination, it was mentioned that demoralisation may be a possible and thus legit military objective. Based on the gained knowledge, this can be confirmed. The assessment is automatically more complicated by the inclusion of the proportionality principle.

In addition, February 1945 was a point in war when the end with the defeat of Germany was only a matter of time. This can be proven with the mentioned Yalta Conference. There, a possible post-war order for Germany and Europe has already been discussed briefly before the attack. That is one of the reasons why the area bombing tactics of the Allies are called into question in post-war research.

Justification of the attack: the moral level – the same with the same?

Regarding the question of a justified attack, one can consider, besides the “military level,” also the moral level.

The Allies should not have used the same methods as the Germans, as it put them on equal footing with them in the war. This can be justified by the fact that the Allies, in this case America and Great Britain, saw themselves as the defenders of freedom and democracy who opposed the totalitarian Nazi Germany and their actions. Another reason why this can be answered with no are possible post-war consequences. As can be seen from World War I, punishing the defeated too much³ can run directly into

³ Reparation payments as a result of the Treaty of Versailles are one reason why the National Socialist German Workers Party (NSDAP) came into power in Germany.



the next conflict/World War. The too strong punishment in this case would be the bombing of Dresden, which was no longer necessary in February 1945. However, at this point it can be counter-argued that after World War II exactly this was supposed to be avoided – especially from the Americans. Germany was supposed to be integrated into the existing western world order. This perhaps shows a possible contradiction to the attack (unnecessary attack – integration), even if the weighting of the attack has of course to be kept in mind (necessary or not necessary).

Already initiated, arguments for the same with same treatment can be found too. Bombing of cities and thus area bombing was introduced already as a tool of warfare at the very beginning of the Second World War, when the German Luftwaffe invaded Poland on the 1st of September and destroyed 70 percent of the city Wieluń (Kellerhof, 2009). Other known bombings of the German Luftwaffe are spread all over Europe. Examples are the cities of Coventry, London, Belgrade, and Rotterdam (Von Plato, 2007, p. 135). Another, quite more reasonable justification and the strongest argument lies in the avoidance of the greater evil and the view of the bigger picture: the victory over Germany. In order to reduce the course of war, methods involving the death of civilians must also be used. As stated, the main goal of the air raid was to weaken the morale of the German population. At the same time, it is difficult for researchers to assess how many lives were ultimately saved. How to juxtapose and especially how to compare life?

At this point an interesting comparison presents itself, which probably cannot be answered so simply. Are the estimated 100,000 killed civilians in the atomic bombs on Hiroshima and Nagasaki, which led to the end of World War II, better to be valued than the 25,000 civilians killed in Dresden, which had the main goal of weakening the morale of the Germans and fasten the course of war?

Both events itself are far better known than the ongoing war context. Referring to Griseldis Kirsch (2012, p. 60–64) and her analysis of associated film adaptations, it is noticeable that myths of defencelessness are created and the relevance of the decisions is generally questioned. In other words, a victim perspective is more likely to be adopted. It must be remembered that film adaptations present the true historical events in an over-simplified way, even though they contribute significantly to the culture of commemoration. The author Anna Skarpelis (2021, p. 199) has dealt with precisely this comparison as well, albeit from a more historical perspective. When structurally classifying and trying to answer the question, she makes a chronological approach. While the same moral status can be applied to the corresponding population at the time of the attacks on the two cities, this is no longer the case in the aftermath of the events. This is closely related to the geopolitical development (e.g. cold war) during that time and leads to an affirmative answer to the question. The way of commemoration of the



events plays an important role in today's contemplation of the juxtaposition. Whereas Hiroshima was already part of the peace movement under the motto "Never Again" in the 1960s, such a movement developed in Dresden much later, after the abuse of the right-wing. Through the right-wing arguments, it was possible to compare Dresden with Nazi crimes and to engage strongly in victim subjectification (Skarpelis, 2021, 203).

Distinction of combatant & non-combatant

In connection with the case, it is important to weigh both the question of whether the occurred bombings can be seen as a war crime due to killed civilians and refugees or whether there was an existing coverage. This argument is closely interlinked with the previous paragraph about the *Justification of Attack* and connects immediately to it.

On the one hand, the attack on Dresden of the Americans and the British can be considered a war crime because no distinction was made between combatant and non-combatant. This can be substantiated with the Cracow Academia and one of its professors Paweł Włodkowic (also called: Paul Vladimiri). The roots of the above-mentioned distinction are based there. In one of Vladimiri's speech at the Council of Constance⁴ he articulated, besides other matters, his opinion about the just war and the holy war.⁵ This is backed up by the historical background of a 250-year-long conflict between the Kingdom of Poland and the Teutonic Order⁶ beginning in 1226. After the conversion of Lithuania to Christianity, the Teutonic Order had few arguments for its crusades. Nevertheless, the battle of Grunwald with Poland and Lithuania against the Teutonic Order took place in 1410 (Tulejski, 2019, p. 42). Vladimiri's critique of the Holy War deals especially with the religious arguments and ideological justifications to start a war, *the ad bellum*. This makes his texts still relevant to our present day and may also be related to the example of German National Socialism. Nevertheless, he pointed out the irrevocable connection with issues within the war. Walzer (2017, p. 8, 17) disagrees with Vladimiri's view that soldiers waging wars of conquest, and thus unlawful wars, should not be entitled to the rights of combatants. This comment is more than interesting as it illustrates a development towards a distinction within the *bellum iustum*.

⁴ The *Council of Constance* was founded initially 1414 to end the Western Schism and thus to restore the unity of the church, since there were three proclaimed popes at that time. However, in light of the given conflict, the council was used to debate issues of sovereignty, the rights of pagans, and just war.

⁵ The full contents of Vladimiri's speech to the Council can be found in his proposed treaty *The Treaty on the Power of the Pope and the Emperor against the Infidel*.

⁶ The Teutonic order was responsible for the defense Christians in the Holy Land and Baltics during the Medieval.



The holy war and its consequences gave Vladimiri the occasion for his six developed elements in his often “forgotten concept of the just war” (Tulejski, 2019, p. 46), whereof the first is particularly relevant at this point. In the context of the previously declared conflict, he divided in this first element people into laymen and clerks. “They [author’s note: the Teutonic Order] turn their swords not only against (alleged or real) pagans, but also against the Christian Kingdom of Poland. Vladimiri argues that even the remaining pagans, when living peaceful lives, should never be attacked by Christians” (Tulejski, 2019, p. 47). Therein lays the foundation for today’s distinction between combatant and non-combatant. Civilians who are not involved in the conflict are not allowed to be attacked. This constitutes the *immunity principle*.

The concept of idealism has some similarities to these thoughts, or it is even more developed. This is essential for the view on the war crime because it complements the argument and viewpoint of Paul Vladimiri.

Idealism has the normative idea of a world society with a common community of law. If there is a “Universal Moral Order,” there is also a universal definition of what constitutes a war crime. This assumes the fact of a war, which is avoided in the optimal case through instruments of the crisis management by the world society and preserves peace. In this case, war crimes do not even need to be discussed. The implementation of the League of Nations after the First World War by the American President Woodrow Wilson, which was marked distinctly by the idealistic concept, shows that this was not purely wishful thinking (Gu, 2018, p. 32).

When considering idealism, its counterpart, realism, must also be included. The discussion is therefore also reflected in one of the three major theoretical debates in the discipline of “international relations.” This realism-idealism debate was in particular prominent in the period from mid-1920s to the late-1950s and therefore also includes the period of our case (Gu, 2018, p. 31). For this reason, we will now turn to the other side of the debate.

Political realism was mainly developed by Hans Joachim Morgenthau even if there were a large number of known precursors like Thucydides, Niccolò Machiavelli or Thomas Hobbes. The reader may also think of political realism under the terms of “classic realism” or the “Chicago school.” Power is the central motive for which states strive. This results from the fact that there is no superior sanctioning authority and states have to decide on their own how to defend themselves in anarchy (Gu, 2018, p. 35). Morgenthau (1948) regards politics as an autonomous sphere where there is rarely any space for moral or ethical concerns. If states nevertheless try to act morally in decisions, national interests suffer.

This brief description of the characteristics of political realism is relevant and necessary for the reason that it demonstrates a possible explanation why the United



Kingdom (UK) and the United States of America (USA) bombed Dresden. Allied behaviour is reflected in these characteristics, as civilian casualties may be condoned, or even seen as the target of the attack. Concluding from this, one perceives the focus on the power component described by Morgenthau. In other words, the moral component in this theory, and consequently also in this argument, is paid little attention and comes to short. For this reason, the morally important distinction between combatant and non-combatant is ignored and neglected in favour of a focus on power. The focus on power here is in this case the defeat of Nazi Germany and thus also the defense of one's own country, the UK and the USA. For this purpose, (foreign) population is sacrificed.

This argument is strengthened by the fact that realism won also in the theoretical debate. Starting with the failure of the League of Nations and encouraged by the experience of militarised and fascist Germany, realists began to systematically confront idealist ideas. Exposed by the political practice, idealism receded into the background after World War II and thus also shows why there is no critical questioning of this bombardment of Dresden, except in Germany.

Conclusion

The famous quote "History is written by the winners" gives a possible explanation why there was no reappraisal of this war crime except in Germany. Axis powers were the losing side and after the end of World War II, dealing with Nazi crimes was more important than dealing with their own injustices. The Nuremberg Trials can be given as an example.

When approached from the perspective of Just War Theory and its different areas, like the principles of *ius in bellum*, the (non) justification of the attack, the (non) given distinction between combatants and non-combatants, the given arguments and examples show that the bombardment of Dresden in 1945 was an unjust attack. This contradicts the view of political realism, which, however, is on a different level, shifting away from morality and the focus of the Just War.

More important than this result is the recognition of what the Just War Theory has done for us in this case. In war there are only losers. If we judge one attack as unjust, we must judge almost every attack in the World War II as unjust. The possibility of distinguishing between *ius ad* and *in bellum* enables us to focus on an individual attack/conflict and not only on the good or bad side or who has begun the war. As shown, even the winning side has done morally reprehensible actions. The Allies had the right to intervene against Germany (*ius ad bellum*) but still disregarded some rights in the war (*ius in bellum*). Therefore, Just War Theory is capable of providing a moral assessment

based solely on its principles, independent of the conflicting parties and our biased opinions. This is important in order to focus solely on the Just War and not fall into side issues such as national interests.

One problem being difficult to solve here is the view of the bigger picture. As already mentioned, it is difficult to weigh up human lives that may have been saved against each other. The way of post-war memory and commemoration also contributes to this. That always plays a role in arguing in this area, but it is impossible to confirm or deny lives saved in the future.

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