

# **How safe is it, to Confuse Defense with Care?**

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## ABSTRACT

*The correlation of state spending on pure and mixed public goods reflects the making of fundamental choices about state functions.*

*Are pure public good "defense" normal quality provision compatible in Long Run with heavy spending on social sector (i.e. compatible with mixed public goods provision)?*

*The main hypotheses tested: elected politicians and bureaucrats' have strong incentives to choose wrong strategies in foreign and military policies if the state extends its responsibility far from the pure public goods provision limits.*

*The case study (Protocol 1, June 8, 1977, to the Geneva Convention of 1949) shows, how "punishment for military success" strategy undermines incentives of army officers, making the military machine virtually inoperative. Artificially abridged Army capability provides the argument for the notion "war is no solution". The set of the governments credibly ready to obey ratified Convention, are clearly segmented on two subsets. The 1st one includes the Governments bearing military responsibilities, military umbrella -givers, which abstained to impose all Protocol caused risks on the army officers (non-ratified – USA, Israel; ratified with strong reservations – UK, France, Germany) and the rest democratic countries – which are military umbrella takers, ratified the Protocol without significant reservations.*

*Statistical analysis of Great Powers military spending historical trends used to test the main hypothesis. Preliminary statistical analysis fails to reject it. We believe bureaucratic competition for the responsibilities, staff and the budget provides satisfactory explanation of this phenomena.*

*JEL codes: D72, D74, H11, H41, N40*

*Keywords: Budget Spending structure, pure public goods, mixed public goods, universal suffrage, military justice, military spending*

## *Concerning the Compatibility of Quantitatively Significant Spending on “Butter” and Qualitative – on “Guns”<sup>1</sup>*

*A State, then, has one of two ends in view; it designs either to promote happiness, or simply to prevent evil*  
W. von Humboldt<sup>2</sup>

### **1. Formulating the Issue**

#### **1.1. Guns Rather Than Butter?**

In their work, a series of researcher historians have noted the long-term tendency to lower the share of defense spending in the total spending by the state (Eloranta, ... 2004). The connection is stressed between this tendency and the extension of the right to vote in general (Aidt et al, ... 2006), as well as with the granting of the right to vote to women in particular (Funk, Gathmann, ... 2006).

The political representation of groups demanding that society's wealth be redistributed in their own favor became a prominent factor in lowering military spending vis-a-vis overall spending by the extended government. Leftist (socialist) parties would as a rule openly proclaim the army (“militarism”) their enemy (Liebknecht, 1973; written 1907). The refusal of a sizable group of Social Democrats to assume an extreme anti-military position during World War I met with severe criticism by the radicals. The leadership of parties not assuming a rigid stance in opposition to raising military spending during wartime were treated by the radicals as traitors (Lenin,.... 1969, written ). A vivid modern example of militant “anti-militarism” is the way that the current radical administration in the US (Department of Homeland Security, 2009) lumped armed forces veterans into one with the milieu which nurtures “internal terrorism.”

The presentation does not provide

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<sup>2</sup> Humboldt, 1852

a single example from the past, which could substantiate the misgivings expressed by its authors. During the years which have passed since the publication (the leak) of the presentation, not a single terrorism accusation has been leveled against a US veteran. This makes it possible to see the presentation as an expression of an ideological position taken by the administration, rather than an interim summary of current bureaucratic work.

At the outset, the bureaucracy, being a thoroughly conservative corporation, treated the demands of the Socialists with watchful wariness. But the coincidence of the Socialists' demands with the interests of the bureaucracy unconnected with the military budget was too obvious to be ignored for long. "Providing care" for every single citizen "from the cradle to the grave" seemed much more appealing of a perspective than serving a mere few projects (even if they should be significant enough each in its own right, such as the construction of the Panama Canal). Providing care offered an opportunity to put to use contemporary economic growth (Kuznets, 1966) so as to extend the state's share in the economy. Preserving the state as a militarized structure with a "night watchman's" functions would have considerably complicated finding a solution for this problem.

Opportunities for expanding the authorization and grounding for additional budgetary expenses with special emphasis placed on mixed public goods are for all intents and purposes unlimited.

### **1.2. An A Priori Ineffective Choice of Strategy? Depending on Who Does the Choosing...**

Why is it that "War is no solution"? Is it true that war can never be a solution, and obviously even the only possible solution, given a country which has been invaded?

Why is it that "No Winners in Nuclear War"? Did US lose WWII and did Japan win? Does modern Hiroshima and Nagasaki prosperity proves, that even winner-country, absorbing limited number of nuclear strike doomed to everlasting suffer or long lusting couldn't survive and succeed?

Why are high precision systems called for not along with salvo firing setups, but instead of them? Why is an inexpensive attack unacceptable, while costly defense can be borne up with? Who today stands to gain from restrictions on nuclear armaments?

In other words, what are the reasons for the historically new phenomenon in democratic states' military policies? The concern here is with the stable deviation of chosen strategies of providing the pure public good of "defense" from the optimal.

### **1.3. Punishment for Success**

What is the reason for the emergence of strange new norms of military justice, and court decisions based on these norms, which make victory almost more of a risk than defeat for someone serving in the armed forces? Technically, the number of enemy military casualties is bound up with a greater or lesser number of civilian victims, depending on the position chosen by the enemy (Yanovskiy, ... 2009). And the civilian victims can be seen as war crimes.

It would seem that what is at stake is some new moral standard which has come to be in demand after the horrors of World War II. Yet it is clear that had new norms and approaches been applied prior to the end of World War II, the war and its outcomes would have taken an unavoidably different course (Keiler, ... 2009<sup>3</sup>), (Welzer, ... 2009). It would have been impossible to defeat Nazi Germany by guaranteeing the enemy impunity in using tactics of the "living shield" kind and, besides, by punishing our own officers and generals for the consequences of the enemy's use of such tactics.

It is a historical fact that the immediate impression made by the war led to the ratification of the Geneva Convention concerning the defense of the civilian population in times of war. However, as is demonstrated in the Appendix (based on some of the Convention's prescriptions), it in no way hindered the destruction of the enemy TOGETHER with the living shield, unambiguously placing the burden of responsibility for civilian lives on the side resorting to living shields for purposes of defense, rather than on the side of the attacker.

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<sup>3</sup> In his "End of Proportionality," Keiler writes: "In fact, none of the four historical examples discussed involved the use of disproportionate force as a matter of law. Even when the Allies or the Israelis made mistakes, as in Lebanon or Cassino, they reasonably believed that their attacks abided by the principles of economy of effort and proportionality. The force directed against the abbey at Cassino was tremendous but not out of the ordinary according to the extremely violent standards of World War II. If the bombing of Monte Cassino was disproportionate, so were the Allied bombings of Caen, St. Lo, and countless other Axis targets. Indeed, practically the entire Allied war effort would have to be regarded as criminal. Israel's attacks on Lebanon's infrastructure were substantial, but not worse than NATO's strikes against Serbia during the Kosovo conflict in 1999. The only thing wrong with Israel's strikes in Lebanon or various Allied bombings in World War II was their lack of success".

“Morality” of the kind which establishes the priority of the life of the enemy and the population loyal to the enemy with respect to the lives of one’s own military personnel and civilian population is extremely doubtful. This is the “morality” of meting out punishment for success. It follows that a “moral” explanation along these lines leads to a great many more questions than it gives answers.

#### **1.4. Costly Defense Instead of Cheap Attack**

Projects for developing costly defense systems aroused heightened interest on the part of military bureaucrats as far back as the inter-war period. As a rule, historically, the effectiveness of such projects turned out to be rather low. Besides, the concatenation of costly fiascos stretches far back into the centuries. Serving as reminders of such fiascos are, for instance, impressive views of the Great Wall of China,<sup>4</sup> including some taken from outer space.<sup>5</sup> The efficacy of the magnificent lines of defense in France, Belgium, and Czechoslovakia, constructed before World War II, proved to be on approximately the same level.

Investing in projects of this type was a way to indicate both to one’s own officers and to the leadership of potential enemies about refusing to take initiative; it was a signal of unpreparedness to advance. The lack of political will to attack in the case of Belgium and Czechoslovakia led to a fiasco in organizing even a minimal level of defense. Expensive fortifications were given up practically without a fight in Belgium and without any struggle whatsoever in Czechoslovakia.

The systems being advertised for anti-rocket defense are justified by means of an argument bound to strike an economist as strange: the cost of the defense system is much lower than the values it protects. To say nothing of human lives. But the science of economics requires making comparisons with the best alternative ways of protecting lives and property. From among these, attacking the enemy by means of heavy bombs, rockets, and salvo firing systems, to say nothing of occupying enemy territory, are not considered. The reasons become clear in light of the

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<sup>4</sup> See the collection of shots of the Great Wall of China at:

[http://www.google.co.il/search?q=chinese+great+wall+pictures&hl=en&qscr1=1&nord=1&rlz=1T4ACPW\\_enIL391IL397&prmd=imvns&tbn=isch&tbo=u&source=univ&sa=X&ei=yDksULck5f\\_hBK3lgKgC&sqi=2&ved=0CGkQsAQ&biw=1230&bih=752](http://www.google.co.il/search?q=chinese+great+wall+pictures&hl=en&qscr1=1&nord=1&rlz=1T4ACPW_enIL391IL397&prmd=imvns&tbn=isch&tbo=u&source=univ&sa=X&ei=yDksULck5f_hBK3lgKgC&sqi=2&ved=0CGkQsAQ&biw=1230&bih=752)

<sup>5</sup> In the present case considerably less effective; see:

[http://www.nasa.gov/vision/space/workinginspace/great\\_wall.html](http://www.nasa.gov/vision/space/workinginspace/great_wall.html)

preceding paragraph. The military bureaucrat maximizes the resources subject to his control and minimizes the risks encroaching upon his career.

#### The Instance of the “Iron Dome” Program (Israel)

In reality, the program provides a technically complex and advanced alternative to a regular ground operation (Rubin, 2011<sup>6</sup>). The high effectiveness of this last has left no one in any doubt ever since the operation of 1956, which for a decade made Palestinian fighters unable to infiltrate Israel from Gaza. The governments of that era were simply less sensitive to international criticism. The cost of an intercepting rocket is estimated by some at \$100000 (Sharp, 2010), a figure considerably higher than the cost of the Qassam rocket being intercepted (taking into account the selectivity of the interception, it makes sense to compare the cost of the interceptor with about five Qassam rockets – approximately \$4000<sup>7</sup>). That is, this system fails to meet the Nitze criterion: “...to produce an interceptor of the defense system at a cost lower than the armament being intercepted from the attacking one.” (Spring, Bendikova, 2011) We have already mentioned the newest bureaucratic invention used to justify the refusal given to the reasonable principle; it resorts to the pretext of defending large quantities of amassed resources, as well as human lives (ibid.). In our view, the very undertaking of such an attempt is testimony to the failure of believable justification for costly defense projects when unassailably effective attack projects are rejected.

### 1.5. The Nuclear Disarmament Race

The creeping spread of nuclear technologies in countries with unstable regimes has been observed for decades. The long-term fiasco of efforts aimed at non-proliferation seems today almost unavoidable. In this connection, the possibility of an armed conflict between an “old” wealthy nuclear power and a “new” and relatively poor one seems quite likely (Socol, ... 2012). Restricting nuclear potentials is profitable in such a situation, primarily for new nuclear powers; to say nothing of efforts made to limit the development of anti-rocket systems in leading countries.

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<sup>6</sup> Uzi Rubin is a natural supporter of defensive missiles, so his confession is particularly pertinent to the discussion.

<sup>7</sup> What are Qassam Rockets? <http://www.jewishpolicycenter.org/prt/qassams.php>; see also Dr. Adam Reuter’s analysis of the outcomes at: <http://www.globes.co.il/news/article.aspx?did=1000637352> (in Hebrew). Dr. Reuter decided that “... the cost of each Iron Dome rocket needs to be measured not against the cost of a Qassam, but according to the cost of every structure destroyed by a successful Qassam hit,” <http://www.cidi.nl/CIDI-in-the-media/Iron-Dome-success-attracts-foreign-clients-.html?lang=en>

Some of the old nuclear powers are authoritarian; stability in the long term is not one of their guaranteed features. (The example taken from the Chinese People's Republic (Yanovskiy, Maslov,... 2009) is, regrettably enough, not the only one). At the same time, we see multi-decade-long, stubborn efforts made by US foreign political affairs offices to impose ever new restrictions on the development of strategic armaments in their own country. The position assumed by President B. Obama's administration is the same, aimed at cutting down the options open to the US nuclear forces (NPR report, 2010). When considered against this backdrop, the position assumed by Russia, which involves at least verbal emphasis placed on the country's sovereign right to be the first to deliver a nuclear attack,<sup>8</sup> seems rational.

### **1.6. Democratic States' Military Expenses in Historical Retrospective**

The data at our disposal indicate that, most likely, military expenditures in times of peace were never beyond the reaches of the imagination. Usually, they made up some 2-4% of the Gross Domestic Product (GDP).<sup>9</sup> In times of war, there would naturally be a sharp increase in expenses, sometimes growing in multiples of ten.

During a period when more or less reliable statistical data are available and are published, and parliamentary control over government incomes and expenses is in effect, military peacetime expenditures make up 2-4% of the GDP or 20-30% of the expenses of the extended government (prior to the extended spread of the institution of universal suffrage).

In times of world war, the powers involved in the most intensive military action expended some 30% and more of their GDP on the war effort, and not less than 70% of the spending of the extended government.<sup>10</sup>

After WWII, the approximately 2-4% load level on the economy was retained. After the close of the Cold War, a drop was to be observed in the defense spending burden on the economy of the

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<sup>8</sup> Official text of the Russian military doctrine at: [http://news.kremlin.ru/ref\\_notes/461](http://news.kremlin.ru/ref_notes/461), with Par. 22 reserving the right of the President of the RF to endorse being the first to use nuclear weapons.

<sup>9</sup> The qualification should be added that this category is applicable only to the case of a free economy; very serious problems ensue otherwise.

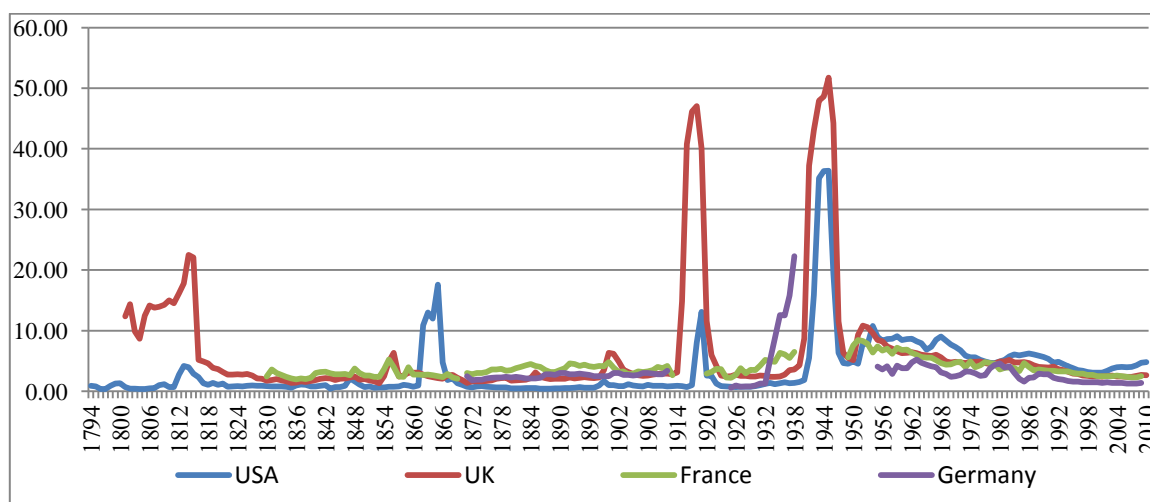
<sup>10</sup> Countries which really engaged in war later paid war debts. An example of a war budget fitting the indicated figures nonetheless is Great Britain.



democratic countries, where it reached 1-2.5% of the GDP.

It should be noted, however, that countries engaging in war had to pay up later on occasion to cover war debts. These payments could make the burden on the budget approximately double. But even taking these conditions into consideration, state expenditures usually fit into 10% of the GDP, and military ones did not exceed 4-7%.

The US and Israel constitute something of a special case. Prior to WWI, the US, protected by oceans from potential invaders, usually spent no more than 0.5-1.5% of the GDP on defense. The 10% threshold “comes through” only during the Civil War, showing up next close to the end of WWI. During and after WWII, the US became a leading military power providing protection and aid for dozens of smaller partners in a variety of coalitions. This naturally impacted the military onus: an anomalously high 5-10% of the GDP before the end of the Cold War, and 3-5% of the GDP after the Cold War (albeit including the period of the wars in Iraq and Afghanistan).



*Puc. 1. Ill. 1. Dynamics of Military Spending in Four Powers as a Share of the GDP. Sources: national statistics offices et al. (See the “Data” section.)*

Great Britain’s record-breaking spending during WWII is to be explained by the support (credits and other military aid) of the US. Even so, the USSR’s military expenses during WWII apparently make the one absolute and definitive record for all of modernity. According to M. Harrison’s estimate (Harrison, 2002), the military expenses’ share was above 61% of the GDP in the USSR, a fact to be explained by both the mobilization capacity of the totalitarian state and the substantial drop in production during 1941-1942.

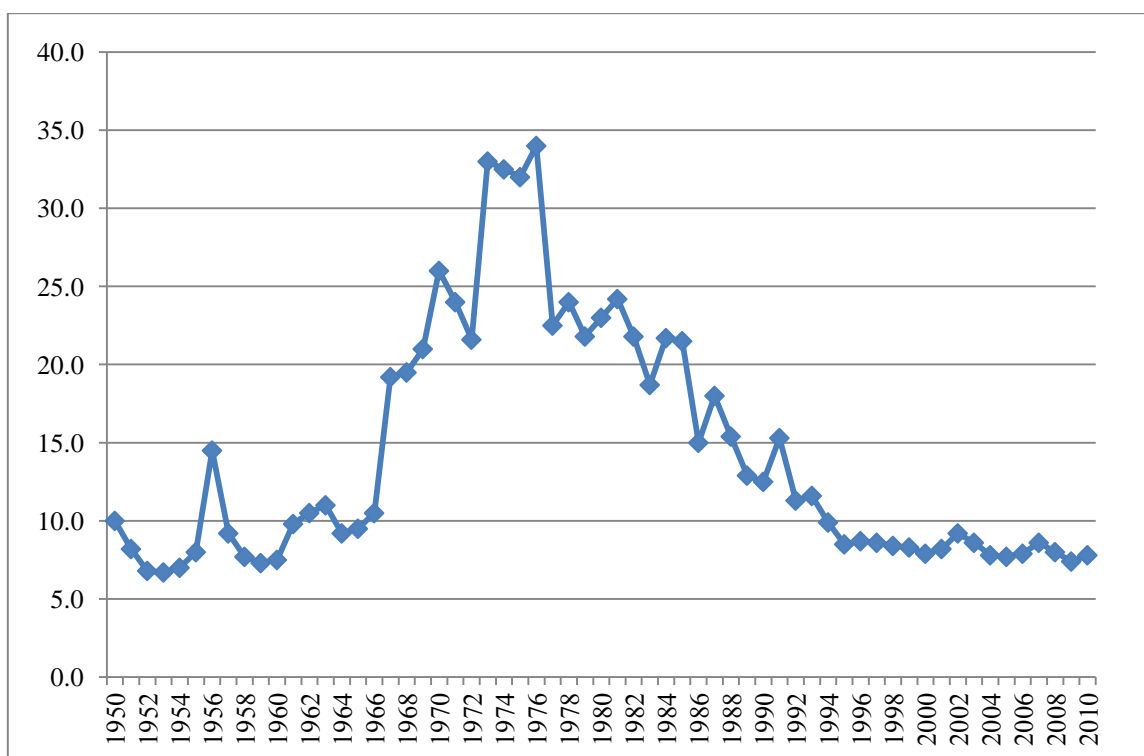
Another country with “anomalous” military spending is Israel. Here during years of relative peace military expenses take up from 10-15% to 20-25% of the GDP. In times of war, spending connected with the army also went through the roof, which was at 30% of the GDP. After the end of the Cold War, spending remains at the 7.5-9% of the GDP level.

Taking into consideration the financing of particular military programs in particular countries which played a key role (or are capable of playing a key role), it is impossible not to be struck by the incredible popularity of pacifism and readiness to give up minimal reasonable military burdens. This is the case while the overall burden of state spending is on the rise everywhere (Tanzi, Schuknecht, 2000), (Cardoso, 2010), (Voegeli, 2010).

The British voters’ refusal to provide serious financing for the navy and the air force placed the country at the edge of disaster in 1940 (Smith, 2006) <sup>11</sup>. The Finnish voters’ refusal to finance the construction on the Karelian Isthmus of fortifications incomparably more modest than the Maginot Line (Mannerheim, 1954) was paid for dearly: the loss of tens of thousands of lives, and the resettling of a considerable part of the population of the country.

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<sup>11</sup> The author notes that in the course of negotiations concerning restricting the size of the navy, the highest command of the British navy in 1921 was less apprehensive about rival partners than about the Lloyd-George government, that “first builder” of the welfare state in England, and its leftist political allies. Choosing between military and social spending under the burden of military debt (above 130% of the GDP, with debt growth continuing beyond 180% of the GDP in 1923 (see [http://www.ukpublicspending.co.uk/debt\\_brief.php](http://www.ukpublicspending.co.uk/debt_brief.php)), the government resolutely sacrificed the navy and all security guarantees for the post-war generation of the British. The minister who since 1910 was responsible for the first “social welfare” reforms based on the German model was Winston Churchill. But by this time he had left the Liberal Party and significantly corrected his views.



*Ill. 2. Israel's Military Spending Dynamics in GDP (in GNP prior to 1987), %.*

*Sources: Military Spending Database at Israel's Ministry of Finance (the last few years' budgets); SIPRI (Beenstock, 1998), Bank of Israel, Israel's Central Bureau of Statistics.*

Naturally, failures and serious mistakes made in preparing for war are not limited to the period immediately following the introduction of universal suffrage. But the phenomenon of lower defense capacity against the backdrop of sizable growth in state spending is relatively new since the times of building for purposes of religious worship in ancient despotic states. For market democracies whose history divides into a period of the taxpayer's census requirement democracy and one of universal suffrage, comparing the status and combat readiness of the armed forces in these ages appears to be a thoroughly promising task.

### **1.7. Inter-Bureau Competition**

Competition among politicians' coalitions (the "rightist" and the "leftist," as we term them) superimposes on competition among bureaucratic structures for budgetary resources. This involves competition among "military" and "civil" bureaus (offices). Long-term successes of "civilian" bureaucrats and "leftist" politicians can serve as an explanation for the curtailment of the share

devoted to defense spending (and generally of spending on pure public goods) in state spending as a whole. It works even better as an explanation for the emergence of the new military legislation which practically forbids winning (causing the enemy irreversible losses which deprive the opposing side of the ability to resist). Mottoes like “War Is No Solution” or “No Winners in Nuclear War” fit the bureaucratic agenda no worse than a newspaper article or an anti-war demonstration speech.

Competition among military and non-military projects, or military and civilian bureaucrats, probably dates from the same time as the state itself.<sup>12</sup> In its present condition, as an unceasing attack by civilians upon the military, this phenomenon surfaces between the world wars. Churchill (Churchill, ... 1991<sup>13</sup>) and Mannerheim are both instances of failure to provide security as a result of politicians’ myopia<sup>14</sup> or unfortunate coincidence. Even so, a different explanation may be possible in connection with the interests of both politicians and bureaucrats.

True enough, prior to achieving an advantage in the division of the budgetary pie, it is usually required that one ground one’s advantages by solving problems. But at the end of this route, lapidary phrasing appears in budgetary legislation, such as “mandatory outlays” and “discretionary outlays” by the legislator. The former include most of US spending on “mixed public goods,”<sup>15</sup> while the latter include the main (the military) US expenditures on pure public goods. The approach requiring that care be provided “from cradle to grave” for those citizens who are allegedly limited in their ability to undertake action, makes for potentially unlimited opportunities for expending budgetary means.<sup>16</sup> Defense expenditures “are sold” to the electors with a great deal more trouble.

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<sup>12</sup> See Appendix 2.

<sup>13</sup> Primarily Chapters 5 (“Years of Locust Attack”), 7 (“Balance in the Air Is Lost”), and 8 (“Challenge and Response”).

<sup>14</sup> “As justification for the most complete refusal by the opposition to take any measures whatsoever to lend strength to our air force, Attlee, speaking on its behalf, stated the following, ‘We deny the need to increase our air force... We do not agree with the claim that fortifying the English air force will aid the preservation... of peace throughout the world, and we utterly reject any pretense of equality.’

The Liberal Party supported this resolution about a vote of distrust.”

<sup>15</sup> The new target for leftists’ attack in the US, the “ultra-conservative” vice-presidential candidate, Congressman Paul Ryan merely offers gradually modernizing, “for the future” (rather than eliminating entirely) this type of spending. He even accuses the Obama administration of cutting down on current Medicare spending. In our view, he is definitely more of a rightist than Obama, but less as a matter of principle than this appears to be the case to the “liberals.” One of the standard accusations leveled by the leftists at Romney-Ryan naturally has to do with their “partiality” for defense spending: <http://www.demos.org/category/tags/federal-budget>.

<sup>16</sup> Milton Friedman quotes from the budgetary missive from New York City Mayor Robert Wagner in 1965: “I will not have it that our fiscal problems should limit our obligations to satisfy the basic needs of the inhabitants of the city.” (Friedman, Friedman, ... 2007, p. 119) The radicalism with which the Mayor expresses his intention utterly to ignore budgetary constraints can be explained by the euphoria of the first few years of the “Great Society.” But the temptation

## **1.8. A Reservation for Generals**

Maintaining a stable share of the GDP for the military burden while lowering responsibility for the quality of the good called “defense” creates a foundation for extending the bureaucratic coalition. Military bureau officials lose in prestige, but win in release from responsibility.

The traditional concept of security by means of arousing fear requires not only – and less – superiority in arms than it does first of all depend on the resolve to use arms and the ability to do so successfully. Resorting to the use of arms which creates the impression of the reality of the threat is a test for officials, as well, who are responsible for supplying the army with all of its necessities.

Generals and officers who evade risk and are unable to strive for victory in the course of military action also benefit from the fact that testing the quality of the good called “defense” is practically eliminated as part of the “pacifist” approach. This is the approach which casts diplomacy and aid to “developing” countries as the factors supposed to solve problems of security, rather than solving them by inspiring fear among one’s enemies by one’s own military prowess.

## **2. Verifiable Hypothesis**

Given an independent (autonomous) bureaucracy (state service), universal suffrage stimulates or even creates public (including electoral) demand for a welfare state. This demand is reflected in the robust leftist-populist parties, which make their appearance in the political arena; with time, they become part (at times, a leading part) of the political establishment.

Having a welfare state means simultaneously sharp growth in spending on mixed public goods (education, medicine, aid for the elderly, the handicapped or simply the indigent, all while supporting the budget, and the like). This last kind of spending becomes the leading category of spending for a historically extended period of time, while spending on pure public goods assumes

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to ignore spending constraints by means of resorting to income revenues made the idea of constant deficit almost universal, making it hard for anybody today to think of the need for a fully and strictly balanced budget. The military managed to achieve this only in cases of great wars and obvious threats posed by external enemies, which every citizen could comprehend. Civil officials for decades manage year in, year out to carry on without the least sign of emergency.

secondary status in the total structure of expenses for the extended government. This holds even in cases when a stable share of the GDP is retained.

The process of relative “marginalization” of military spending goes hand in hand with the marginalization of military offices, de-legitimation<sup>17</sup> of military workers as a corporation or a profession, as well as the imposition upon the military of ever more rigid constraints in handling combat maneuvers, up to the point of preventing the very possibility of achieving victory.<sup>18</sup>

### 3. Examples

#### 3.1. *The Geneva Convention on Rights... and “Excess Use of Force”*

The 1949 Geneva Convention concerning the rights of civilians unambiguously absolves the attacking side of responsibility for losses among the civilian population if the opposite side has positioned its forces among civilian targets. This latter side is the one responsible for losses. The texts of the respective resolutions, as well as other passages quoted in connection with the present paragraph, may be found in Appendix 3 to the present paper.

Jonathan Keiler (Keiler, 2009) cites a reference to the directive<sup>19</sup> which forbids the American military to attack in cases when the possible losses to civilian targets are incomparable to the anticipated military gain. This requirement echoes the requirement articulated in Protocol 1, dated June 8, 1977, to the Geneva Convention of 1949 (Article 51). Such a requirement is all the more surprising in light of that neither the US nor Israel has endorsed the aforesaid Protocol.

The Protocol itself constitutes the principal international-legal documented act introducing responsibility for “disproportionate use of force.” To be more precise, Article 51 refers to some “clearly excessive” use of force without providing any detailed decipherment of what this means. The notion commonly resorted to today of “disproportionate force” is not accompanied by even the least attempt at definition or the least grounding for the sources of its legal meaningfulness. The reference to Article 51 in the 1<sup>st</sup> Protocol is the attempt, ours and of a number of other legal scholars,

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<sup>17</sup> Intended here is public demonstration of disdain, or contesting the rightness of solving problems by using arms; see Smith 2003, Chapter 1.

<sup>18</sup> In Clausewitz’s terms: “Each strives by physical force to compel the other to submit to his will: his first object is to throw his adversary, and thus to render him incapable of further resistance. (Clausewitz, 2009 p.18: Book I, Chapter I para 2, “Definition” or see: <http://www.clausewitz.com/readings/OnWar1873/BK1ch01.html> ).

<sup>19</sup> Law of Land Warfare Manual, FM 27-10, Chapter 2, Paragraph 41; <http://ac-support.europe.umuc.edu/~nstanton/FM27-10.htm>

to find a rational explanation and sources for this bizarre notion (Fletcher, 2010). G. P. Fletcher makes attempts independently to decipher the notion of "disproportionate force." He demonstrates that, given the by now accepted use of the term, doing this in a legally correct manner is impossible. As for the meaning of the term in practice, this is incompatible with either the elementary requirements of law or the possibility of conducting combat action.

Great Britain, Germany, and France ratified the aforementioned Protocol, making crucial reservations, including ones pertaining to Article 51. They all emphasized that they understand "attack" rather broadly.<sup>20</sup> In other words, they retain the right to refer to issues not connected with each particular strike (incident) in a strictly identified location.

Great Britain also reserved the right to refuse the obligations ensuing from the Protocol, should the enemy violate the same.

It should be noted that most countries signed the Protocol without making substantial reservations (an example of a "reservation" of a different kind: Syria recorded as a reservation / declaration that signing the Protocol does not amount to recognizing Israel).

At the same time, most of the "non-altering" signees apparently have no intention of observing the requirements of the Convention and the Protocol. This presupposition is based on the fact that they never in the past observed these or the even more narrow requirements of the original text of the Geneva Convention (Syria, which has already been mentioned in this connection, Congo, Uganda, Cuba, North Korea, Sudan). To these last we should also add the USSR, which ratified the additional Protocol without any amendments<sup>21</sup> and accompanied the signing and ratification with a flowery declaration of new thinking and historical continuity (from pre-revolutionary Russia). When assuming the international obligations of the USSR, Russia also failed to make any attempt to review this position or introduce appropriate changes.

The Constitution of the RF<sup>22</sup> (see Article 15, Part 1) "has the highest legal force, direct effect."

*Generally recognized principles and norms of international law and international agreements of the Russian Federation are an integral part of its legal system. Should rules other than those provided for by law be enacted by international agreement, then rules of the international agreement are to be followed. (Ibid., Part 4)*

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<sup>20</sup> "...the attack considered as a whole and not only from isolated or particular parts of the attack."

<http://www.icrc.org/ihl.nsf/WebSign?ReadForm&id=470&ps=P>

<sup>21</sup> See *ibid.* (September 29, 1989).

<sup>22</sup> <http://www.constitution.ru/>

Thus, in a purely formal vein Russia pledges to restrain its military by means of requiring “proportionality.” The fact that in reality this is so far not being done, is a question of merely political will of the Russian leadership. Should this change, officers and soldiers of the Russian army will have a chance to run into thoroughly unpleasant surprises.

Democratic countries which signed the Protocol without making amendments are almost all small countries using the “umbrella” of the US (which shirked signing) and other large powers, which did make substantial changes.

The US and Israel do not recognize the authority of the International Criminal Court (ICC). The US motivates this refusal by the need to protect its workers from persecution (even though the Clinton administration signed the Roman Statute in 2000, the next administration, upon running into the must of military action, immediately took legislative measures in the opposite direction).

The agreement and work of the ICC are now explicitly in contradiction with the special law accepted during the term in office of George Bush, Jr.: the American Service Members’ Protection Act of 2002.<sup>23</sup>

Israel’s reasons concerning this issue are similar.

Tellingly enough, within Israel only people unambiguously identified with leftist circles cry out “against boycotting the ICC” (including former Chairman of the Supreme Court Aharon Barak, conductor of ideas and practices consonant with judges’ activism, and the newspaper *Haaretz*<sup>24</sup>). The only reason adduced for the demand is: “we must join the enlightened nations” with the confession that the price of joining will be a realistic likelihood of returning soldiers and officers.

Readiness to take on the duty of prosecuting one’s own military servants for having performed what are, as a rule, successful combat operations is in democratic countries inversely proportional to the frequency of the country’s need to apply military force.

Among political parties and coalitions, the supporters of meting out punishment to the military for success are, by our definition,<sup>25</sup> (and frequently by their own self-proclaimed identification) “leftist” politicians.

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<sup>23</sup> Title II of P.L. 107-206; 22 U.S.C. §§ 7421–7433 (Weed, ... 2011).

<sup>24</sup> (*Haaretz* Editorial, ... 2010)

<sup>25</sup> Here: some ideal type of politician in a Rule of Law democratic state, who stands up for extending state functions beyond the limits of providing pure public goods, seeing these new functions (supplying mixed public goods, supervising citizens’ behavior and markets) as foundational for a modern state. ... Presuming that citizens are limited in their ability to perform action and presuming the state’s being in possession of total information, such a politician



These coalitions' gains are considerable in all democratic states, including the US<sup>26</sup> and Israel.

The Russian Federation also shied away from ratifying the Roman Statute issued by the International Criminal Court (ICC), most probably due to problems arising in the wake of the Statute's failure to meet a number of conditions spelled out in the Constitution of the RF (Tuzmukhamedov, Bogush, Trikoz 2008). This includes, inter alia, the problem of adding amendments which would limit the immunity of the President of the RF. Such a scenario clearly makes ratification extremely unlikely as an option, given the present system of government. In case of reforms reaching deep down and of the construction in Russia of an effective independent court system, the ratification of a statute which makes military men be targets of international – and, possibly, politicized – persecution will be that much more pointless.

An important feature of cases against military servicemen is the use in court of testimony given by populations controlled by the enemy (by terrorists) without subjecting such testimony to any serious verification process. The situation is rife when proofs brought by the defense are ignored. In the case of staff sergeant Wuterich, the complete version was never presented of the interview taken from the Sergeant by CBS journalists for the purpose of verifying the claim made by the defense about the intentional distortion of the story by the media so as to exert political pressure on the court. The most substantial piece of evidence – the automatic rifles (as per the Marines' version, AK-47) – were not preserved, nor were they presented to the court.

Confession testimonies by military servicemen or testimony against their colleagues are often accepted without any critical analysis (military men are psychologically unprepared for standing

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supposes that citizens need to be protected... Such a politician is certain of the usefulness of state controls, explaining any failures of this type of control as due to the controls' incompleteness and limited application. A leftist politician stands up for restricting: ... the freedom to bear arms and the human right to self-defense, to defending one's own dignity and property. For the definition in full, see (Lisin, Yanovskiy, ... 2011), pp. 20-21, as well as the site of the book "Институциональные ограничения современного экономического роста" (*Institutional Limitations On Modern Economic Growth*) at: <http://instecontransit.ru/proekty/institucionalnye-ogranicheniya-sovremennogo-ekonomicheskogo-rosta/nekotorye-opredeleniya/>.

<sup>26</sup> See the case of US vs. Wuterich. Marine Staff Sergeant Frank Wuterich was accused of murdering in cold blood a number of civilians, including men capable of bearing arms. According to the version submitted by military servicemen themselves, the incident involved combat of the usual type with irregular fighters (ones not wearing uniforms, formally civilians) who resorted systematically to the use of "living shields" consisting of their relatives and neighbors. The version about coldblooded murder was rejected based on an expert report which demonstrated that none of those killed had been killed by being shot at point-blank range:

[http://www.nytimes.com/2007/06/15/world/middleeast/15haditha.html?\\_r=1](http://www.nytimes.com/2007/06/15/world/middleeast/15haditha.html?_r=1).

trial, and if they are so prepared, then this is true only in the sense of their expecting that nothing can be proven in any case and the only thing that remains to be done is to minimize losses at any price; obviously, a military man exhibiting courage on the battlefield is not at all necessarily capable of civilian courage, which is much more rare of a quality than military valor).

In Israel, the “human rights public”<sup>27</sup> organization “*Yesh Din*”<sup>28</sup> (its name being the Hebrew for “there is trial” or “there is law”) published a report voicing outrage in connection with that out of 3150 incidents (recorded by leftist activists of complaints lodged by persons controlled by terrorists), only 112 cases concluded with the issuance of a guilty verdict.<sup>29</sup>

It is essential to emphasize that, compared to Wuterich, who got away with demotion to private and a lower salary, the overwhelming majority of officers and soldiers in the Israel Defense Forces are sentenced on the basis of incomparably less serious accusations and insignificant “violations” (besides the fact that, in addition, the authors are inclined to believe that Wuterich did not violate any laws or moral imperatives). Thus, Lieutenant Adam Malul was sentenced for giving a bonk on the ear to an Arab who had been obstructing military units’ movement.

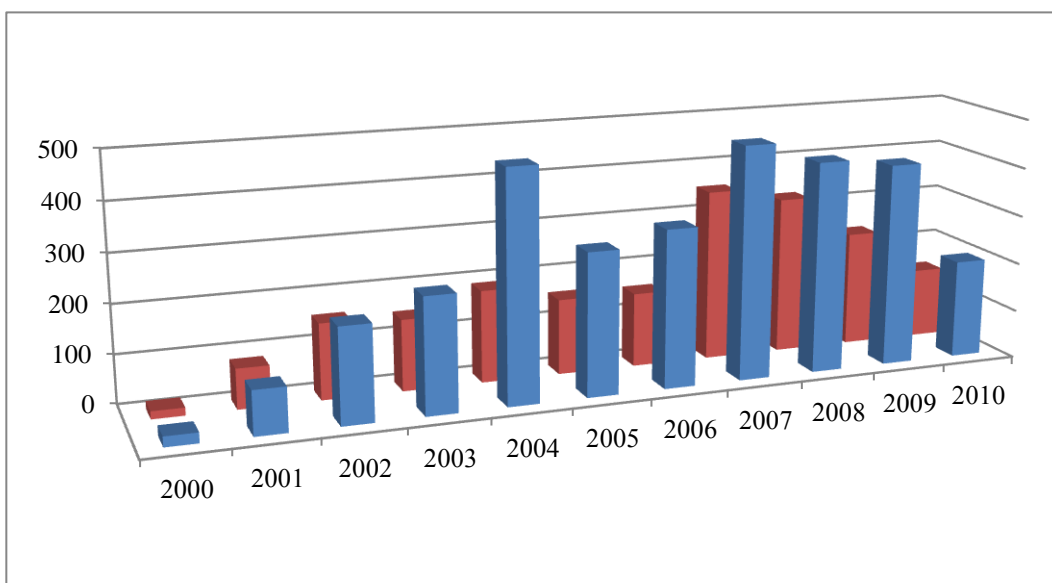
The dynamics of the result-producing rate of the activity should be informative (see Ill. 3 and Ill. 4).

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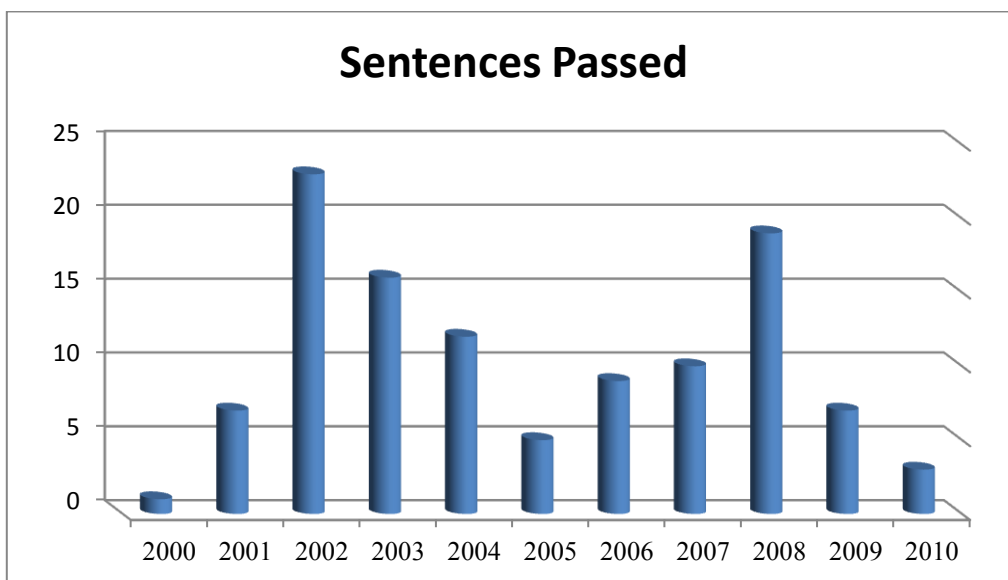
<sup>27</sup> The organization noted is not simply politicized. It is not simply involved in a “special relationship” with the state prosecutor and police of Israel. (Not one single organization of a different ideological hue can show as impressive a list of responses to its demands). It is financed by foreign governments which do not recognize Israeli sovereignty over Israel’s own capital, or governments which accuse Israel (in violation of the mandate issued by the League of Nations; see the July 24, 1922, Palestine Mandate from the Council of the League of Nations, at: <http://www.mideastweb.org/mandate.htm>) of occupying Judea and Samaria. In other words, the total of the activity engaged in by this organization is based on the conflict of interests between objective monitoring of Rule of Law processes and political interests of both internal and foreign players. It bears emphasizing that unlike many countries, sponsoring such organizations poses no problem for entrepreneurs. This means that appealing for aid to the EU and governments of Europe (see the list of project sponsors, as well as the NGO monitor data in the next footnote below) assumes an entirely different set of connotations than it does in authoritarian countries.

<sup>28</sup> [http://www.ngo-monitor.org/article/\\_yesh\\_din\\_justice\\_for\\_all](http://www.ngo-monitor.org/article/_yesh_din_justice_for_all)

<sup>29</sup> 2008 report for the years 2000-2007: <http://www.yesh-din.org/infoitem.asp?infocaid=11> and the 2011 report (for 2000-2010): <http://www.yesh-din.org/infoitem.asp?infocaid=165>. See the 2011 Report, Table 3, c. 29 (English version).



Ill. 3. Dynamics of complaints of “Yesh Din” supervised (blue bars) and the dynamics of criminal cases initiated (red bars). Source: The organization’s 2011 report, <http://www.yesh-din.org/infoitem.asp?infocaid=165>



Ill. 4. Dynamics of verdicts of guilty meted out to military servicemen, as based on complaints monitored by the organization “Yesh Din.” Source: the organization’s 2011 report, <http://www.yesh-din.org/infoitem.asp?infocaid=165>

Judged by any of the criteria, the organization’s success peak came prior to the 2008-2009 Operation “Cast Lead” which, unlike the Second Lebanon War, was conducted with much less notice being taken of the principle of “proportionality in use of force” and on the basis of the outcomes of which, international pressure notwithstanding, politicized making short shrift of military men was much less widespread than could have been expected.

At the same time, it is impossible not to emphasize the negative impact of the legal system and similar “public” organizations on the stimuli prompting an officer to target success on the battlefield, rather than in a bureau.

### *3.2. Disarming Civilians and State Provisions for Their Security*

The consistent habituating of civilians not to make efforts to defend themselves or provide for their own protection is dangerous not only for individual persons in particular situations.

The authorities’ monopolization of legal violence, as aptly noted by Solzhenitsyn,<sup>30</sup> leaves the hands of criminal violence free. The problem is not at all peculiar to totalitarian USSR alone. The tragedy of helplessness on Utoya Island has shown what a monopoly of this kind does with even an active young and politically ambitious part of democratic society (Poller, ... 2011). A different side of the coin of state monopoly on violence is the lower ability of the monopoly holders themselves to provide the good of “security.” If citizens have no alternative, they will accept aid even when it is an hour-and-a-half late.<sup>31</sup> The shooter, for his part, surrendered serenely to the policemen immediately upon their arrival. That is, it turned out that the number of victims in the incident was a function of the time of the arrival of the police.

In countries with a different tradition, private expenditures on supplying pure public goods (from police functions, to intelligence, to counterintelligence) are a common phenomenon and are marked by high effectiveness.

Instances of these last range from the well known Simon Wiesenthal Center for “hunting down Nazis”<sup>32</sup> to private initiative; most of these instances remain unknown to the general public – with rare exceptions.<sup>33</sup>

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<sup>30</sup> *The Gulag Archipelago*, Part III: “The Extermination-Laboring,” Chapter 16: “Socially Close” (Russian edition of Solzhenitsyn, 2006), pp. 346-349.

<sup>31</sup> Judging by that the director of the Norway police resigned a year after he found out that the shooter surrendered to his subordinates without resisting, he himself saw nothing exceptional in the hour-and-a-half-long trip (Stoll, 2012).

<sup>32</sup> Simon Wiesenthal Website (online) <http://www.wiesenthal.com>

<sup>33</sup> <http://www.heritage.org/events/2011/09/unexpected-patriot>

### 3.3. *The Moral De-Stimulation of Military Personnel*

There are a number of factors contributing to the fall in prestige of military service and lower incentives for the military to strive for victory.

“Under-financing” (lower-quality arming, supplies, or uniforms) alone does not at all necessarily amount to lower morale.<sup>34</sup> However, military servicemen’s chronic poverty signals that society does not value their services very highly, making it impossible to preserve their motivation level in the long term.

It is especially hard to convince military personnel of the need for them to take on additional risks when they are aware that their low salary and outdated technological equipment are a result of politicians’ “economizing” intended to buy pauper votes in the elections (Smith, ... 2006).<sup>35</sup>

The attempts cited above to punish military servicemen for achieving victory have, in addition to their direct impact, an important “demoralizing” side effect.

Chastisement norms and practices of this kind, and references made to them, can be thoroughly effective in dis-habituating the military from military action.

The moral legitimization of anti-militarism and the “struggle for peace” naturally take place only in democratic countries, but not in countries threatening them (Bukovsky, ... 2003). The respectability of such views means that a significant quantity of the rare good of “prestige” has been handed over to the initiators and clients of social welfare programs (Hillman, ... 2010). This is naturally done at the expense of the military, inter alia.

Far from the least significant is the direction of careers taken by society to be the most respectable and connected with success (albeit these last may not coincide). Clearly, if the overwhelming

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<sup>34</sup> By “morale” here is meant exclusively the preparedness of workers of the military to suffer losses for the sake of achieving victory.

<sup>35</sup> The author quotes from Admiral James Somerville’s appeal to the seamen in Chapter 7 of *On All Seas*: “Oriental navy is not that bad. You should not think, many good tunes have been played on old fiddles” in anticipation of battle with the Japanese navy. True enough, in this case, the poor argumentation is redeemed by the Chief-in-Command excellent reputation and the Navy tradition not yet entirely lost. This last may be interpreted as a preference hierarchy such that a military man who has survived understands the defeat of his forces as a significant “public bad”.

majority of talented youth prefer non-military careers, this alone lowers the relative prestige of military service.

## **4. Statistical Analysis**

### **4.1. Variables**

Detailed indication of variables, as well as a more complete report about the statistical analysis performed is provided below in Appendix 1.

The sample made up of four great powers was dictated by the following factors:

- extended experience of democracy, including the kind involving a census qualification requirement (the democracy of the taxpayer);
- significant experience in independent military-political leadership roles (not as a junior ally of little impact).

### **4.2. Data**

The following data were used for the purposes of the analysis: Electoral statistics.

GDP: Mitchell (Mitchell, 2007), national statistics: indicators of economic development of the World Bank (WDI, WB); national statistical agencies (mainly for the US).

Statistics for military spending: databases of National Material Capabilities (v3.02) (project "Correlates of War") of the Stockholm International Peace Research Institute (SIPRI), statistics from the League of Nations, and other sources.<sup>36</sup>

### **National Accounts, Government Spending**

- Mitchell (2007), US federal budget historical tables,

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<sup>36</sup> Data sources are indicated with references and in more detail in the Presentation.

- US census historical data [http://www.census.gov/compendia/statab/past\\_years.html](http://www.census.gov/compendia/statab/past_years.html)
- German national statistics  
<https://www.destatis.de/EN/FactsFigures/NationalEconomyEnvironment/NationalAccounts/NationalAccounts.html>
- Sutch Richard, Carter Susan B., ed., *Historical Statistics of the United States*, Millennial Edition online <http://hsus.cambridge.org/HSUSWeb/toc/hsusHome.do>
- World Development Indicators of World Bank

### **Electoral Statistics**

- "Parties and Elections in Europe" <http://www.parties-and-elections.de/> ;
- A. Tanin-Lvov, "Elections around the World: Encyclopedic Reference Book," (Moscow: "Rosspen," 2001; in Russian);
- Official vote counts for federal elections from the official sources compiled by the Office of the Clerk, US House of Representatives: <http://clerk.house.gov> ([http://clerk.house.gov/member\\_info/electionInfo/index.aspx](http://clerk.house.gov/member_info/electionInfo/index.aspx))

### **Military Expenditures:**

- National Material Capabilities (v3.02) data base, project "Correlates of War" <http://www.correlatesofwar.org/COW2%20Data/Capabilities/nmc3-02.htm>
- Eloranta Jari, "Beyond the Void? Implications of Hegemonic Competition and the Lack of American Military Leadership on the Military Spending of European Democracies, 1920-1938," 2010, <http://eh.net/encyclopedia/article/eloranta.military>
- Eloranta Jari, "Struggle for Leadership? Military Spending Behavior of the Great Powers, 1870—1913," University of Warwick, Department of Economics, 2002
- Eloranta Jari, "Warfare or Welfare? Understanding 19<sup>th</sup>- and 20<sup>th</sup>-Century Central Government Spending"; Eloranta Jari, *Warwick Economic Research Papers*, No. 699, Department of Economics University of Warwick, 2004, <http://www2.warwick.ac.uk/fac/soc/economics/research/workingpapers/publications/twerp699.pdf>

- *Armaments Yearbook of the League of Nations*, Statistical Information on Military Expenditure 1931, Office for Disarmament Affairs, United Nations, New York.
- J. M. Hobson, "The Military Extraction Gap and the Wary Titan: The Fiscal Sociology of British Defence Policy, 1870-1913" *The Journal of European Economic History* vol. 22, #3 (Winter 1993), pp. 461-506.

#### 4.3. Data Panel: Four Great Powers

Model:

$$(1) \text{ Leftist Votes} = f(\text{GS})$$

+

$$(2) \text{ Milit\_expens\_Share} = f(\text{Leftist Votes}, \text{War period})$$

-

+

$$(3) \text{ ICC\_peacenow} = f(\text{Leftist Votes})$$

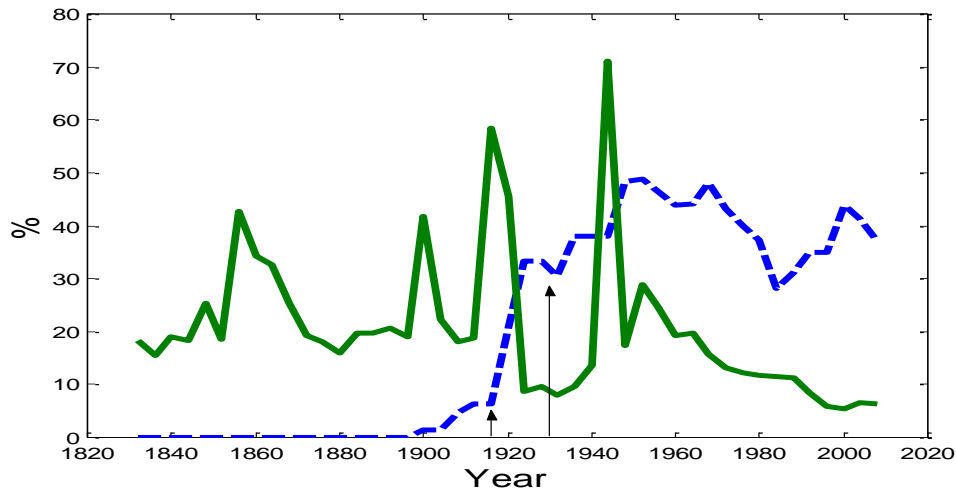
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Results in a Nutshell

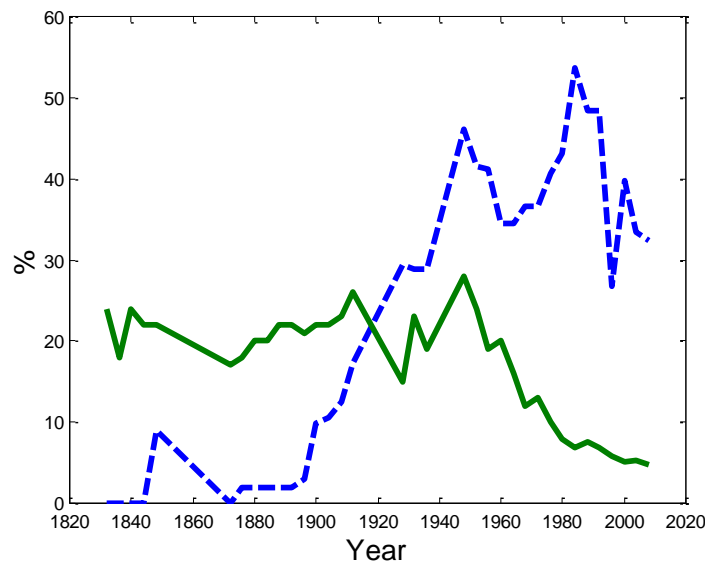
Nº	Variable to Be Explained	Independent Variables	Coefficient	R <sup>2</sup> standardized /number of observations
1	Pro-Leftist Votes	Extent of Suffrage	7.126***	0.426 / 159
2	Military Spending Share	Pro-Leftist Votes	-0.110*	0.076 / 159
3	Military Spending Share	Pro-Leftist Votes Control over path dependence (share of military spending with lag of observation step) Controls for the Cold War, local, full-size, et al.	-0.176***	0.524 / 159
4	Institutes Used for Punishing Successful Military Servicemen Or Precedents of Pacifying (Bribing) the Enemy	Pro-Leftist Votes Full-Size War	0.0633*** -5.462***	159

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1, + p<0.15

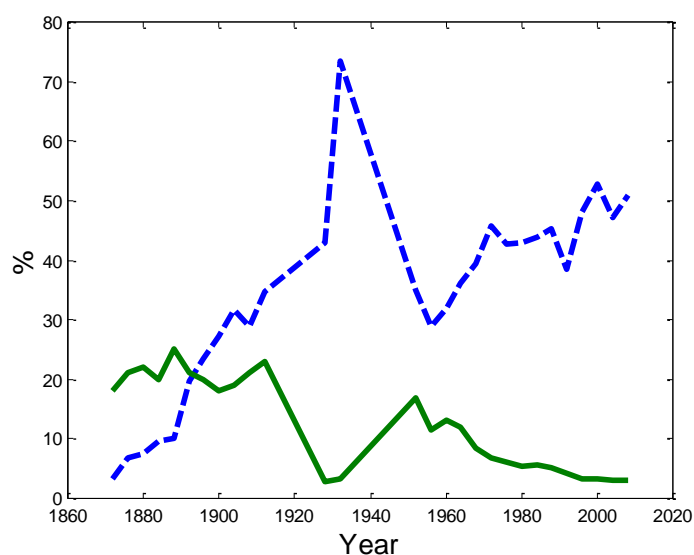




Ill. 5. Dynamics of Votes for Leftist Parties and Military Spending in Great Britain. Broken line: votes for leftist parties in percentages. Uninterrupted line: share of military spending in the government budget. Vertical arrows indicate years of partial and, later, complete lifting of restrictions on the right to vote. The four sharp peaks in military spending correspond to the Crimean, the Anglo-Boerish, and the First and the Second World Wars, respectively. It is clearly evident that the 20% inter-war level “shelf” in military spending of the 19<sup>th</sup> century “breaks” after WWI as leftist representation grows.



Ill. 6. Dynamics of Voting for Leftist Parties and Military Spending in France. Broken line: votes for leftist parties in percentages. Uninterrupted line: share of military spending in the government budget. The share of military spending drops drastically after WWII, as the Left achieves a relatively stable share ranging from one-third to one-half of the votes.



Ill. 7. Dynamics of Voting for Leftist Parties and Military Spending in Germany. Broken line: votes for leftist parties in percentages. Uninterrupted line: share of military spending in the government budget. The inverse correlation is clearly evident.

### **Brief Commentary on the Statistical Analysis Results in a Nutshell**

The impact which introducing universal suffrage had on the successes of the Left is stable and significant (even when the lag variable is introduced for purposes of assessing path dependence). Even without the lag variable, the explanatory capacity of the “universal suffrage” and the “dummy US” variable remains high (Correlation 1).

The special party-political system and history of the US required making the US a dummy variable. Traditionally, the leftists in this country were swallowed up by the large parties; more rarely, by parties without a clearly indicated affiliation which would permit associating them definitively with the leftist tradition. The classical Left – the Socialists – fought for success with a lag after the unrestricted immigration influx from Europe and without any clear connection to accessibility of active right to vote for any citizen category.

Even so, if the spectrum of the Republican Party’s economic and political positions is carefully traced, it becomes clear that during the last 80-100 years it has remained relatively stable. This was at least true following the crash of attempts to achieve national leadership by the radically (by American standards) statist or “Progressive” leaders T. Roosevelt and R. La Follette. By contrast, the evolution of the Democratic Party from Grover Cleveland to Barak Obama is rather well

explained by the extension of the right to vote beyond the taxpayer population. The right to vote was first granted to all men, then simply to all citizens of age, and finally, in 1964, saw a complete break between the right to be represented in parliament and payment of taxes.

It is no accident that the year 1964 and no other saw the definitive end of the “regional link” of the Democrats with the South (Dixie Land, the former Confederate states) and Republicans with the North. The Democrats went on for a long time taking up the assets and the voters of small radical-leftist groups, until these groups and radically minded trade unions (teachers and metal workers not last among them) became the Party’s “mainstream.” The erstwhile, original mainstream – at least, the one of the 2008 primaries – was marginalized completely.

1964 is also the year when decisions were reached about beginning spending on Medicaid and Medicare, the largest of social welfare programs. The constantly growing obligations accruing from these created a stable and powerful base of electoral support for the “social” welfare policies in the US.

Support for leftist parties during elections is significant. It is also negatively connected with the defense spending share of the overall expenditures of the extended government. It remains significant even when values of this variable for the preceding period are included in the number of independent variables along with periods of war and “Cold War” conflict. This variable a priori takes up part of the “meaningful connection” among variables, but also does away with the effect of path dependence.

The statistical analysis is described in greater detail in Appendix 1.

#### **4.4. Time Series: US**

As has already been noted above, the US avoided assuming the role of world power up to the beginning of WWII (Eloranta, ... 2007). This found its expression in the unusually low share of military spending in the GDP of the country. But beginning with WWII, the US became not simply a powerful player, but also a supplier of the military “umbrella of guarantees” for countries of the Western Hemisphere, Western Europe, and many others. This makes the

paths traced out by US military spending before and after WWII mutually incomparable.

No	Variable to Be Explained	Independent Variables	Coefficient	R <sup>2</sup> Standardized /Number of Observations
1	Social Welfare Spending	1964 Factor	28.21***	0.661/67 <sup>37</sup>
2	Social Welfare Spending	1964 Factor, Control Variables (social welfare spending for the preceding year, local wars)	2.537**	0.974 <sup>38</sup> /67
3	Defense Spending	1964 Factor	-28.79***	/67
4	Defense Spending	1964 Factor, Control Variables (social welfare spending for the preceding year, local wars, the Cold War)	-5.342***	0.958/67

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

#### 4.5. Time Series: Israel (Motives for Change in Electing the Authorities)

The principal special feature of the history of military spending in the State of Israel is the approach of the leftist elite to the State as corporate property in 1948-1977. Taking into account all the losses for democracy and the economy, this still provided the stimuli which Olson describes as "encompassing interest." The State was an asset, relinquishing which was something that the party of Ben Gurion, Golda Meir, and Yitzhak Rabin was not ready to do, all their leftist ideological passion notwithstanding. The situation began to change in 1977, when the Left for the first time lost in the elections. Despite the defeat, they retained the ability to have a decisive impact on the political and economic decision-making process. Three periods in the history of the State are bound up with ways to retain power by the leftist coalition. Prior to 1977, this was mainly by means of methods usual in a closed democracy: pressuring the opposition and its voters so as to secure a majority for the coalition in power in the elections. Beginning in 1992, this was done mainly by means of methods not quite typical

<sup>37</sup> Used were: Office of Management and Budget, OMB, forecasts based on the parameters indicated for 2011-2013.

<sup>38</sup> This indicator has no great value when the lag variable and other control variables are included; that is, it has no great significance for the correlations 2 and 4 in this table.

of democratic rule (including individual pressure put on leaders of the Right); the transition period of 1977-1992 saw the highest level of political competition (Yanovski, Zatkovetzky, et al. ... 2007).

The shift in leftist priorities vis-à-vis supplying public goods should also be helpfully referred to in connection with the blurring of the attitude toward the State as an asset controlled in the long term and the rise of the attitude based on the apprehension of losing control at any moment. In the new situation, a willingness was to be observed on the part of forces ideologically linked to the social welfare state and rigid control of the economy – to sacrifice defense. The change in interests brought the Israeli “mainstream” leftists, too, to the classical policy of expanding social welfare obligations at the expense of the quantity and quality of goods supplied as “defense and security.”

Hypothesis to be verified on the basis of data from Israel:

Long-term control of the Knesset, the government, the bureaucracy, the court system, the mass media, and the system of education by the Labor Party was equivalent to corporate leftist control of the country. Perceiving the country as an object of corporate property created the stimulus for defending it. In other words, the perception created the stimulus for providing quality-level “pure public” goods of “defense” and “security,” even when supplying these required limiting the growth of social welfare spending. The impossibility of guaranteeing victory in the elections and the weakening of leftist influence on voters broke this trend. The levers still remaining for controlling election politicians dictated the change in priorities<sup>39</sup> of the State vis-à-vis the structure of supplying public goods both in terms of quantity and in terms of quality.

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<sup>39</sup> The collapse of the national consensus regarding priority of security needs manifested itself during the First Lebanon War.

## Model

№	Variable to Be Explained	Independent Variables	Coefficient	Pseudo R-squared / Number of Observations
1	Tobit (Security fallen out of the consensus)	Electoral Support for the Left	<b>-0.334***</b>	0.526/63
2	Tobit (Negotiating with Terrorists)	Electoral Support for the Left	<b>-0.294***</b>	0.517/63

\*\*\* p<0.01

## Concerning a Quality Problem in the Statistical Analysis

While preparing the data and the survey of the sources, we encountered a severe problem which must not be left unmentioned. The question is about the extent to which the very idea of GDP indicator (Kuznetc,... 1966) reflective of product purchases at market prices can have inscribed into it purchases of what are a priori known to be unneeded services. This concerns both state and private services, with both being rendered on condition that they be subject to public choice and state policy, respectively.

There are privately paid for guards at the entrance to every store in Israel, stationed there as a result of the “peace process.” Superfluous security workers fill US airports for the sake of political correctness (searching all passengers, and not only the genuinely suspicious ones, in order to avoid being accused of racial or religious profiling); a priori excessive exactitude of arms systems operate for the sake of saving the living shields of the enemy; and so on.

It is strange to associate all these expenses with the GDP, and not because they are not quite market-related. Simon Kuznetc undoubtedly had these kinds of government spending in mind, ones which pose no threat of destruction for the market. Spending by companies foisted upon the government in addition to taxes take great effort to inscribe within the notion of market-evaluated goods. Becoming a trend, such spending clearly threatens the very existence of a market economy.

No less difficult to inscribe within the notion natural for the 1930s of government spending

are expenses for which it is practically impossible to obtain voters' sanctions. But it is also obvious that the notion of the precedence of the life of an inhabitant of an enemy country over one's own life cannot be supported by voters. The spending mentioned above never involved preliminarily asking for the citizens' permission or approval.

And so it turns out that decisions a priori unreasonable, which lower public utility, find their reflection... in increased GDP.

It would be helpful in the course of later studies to attempt to single out such expenditures separately, and to assess the GDP once it is "cleaned" of them.

## **5. Conclusion**

Budget structure in old democracies shows that these states made a fundamental choice in favor of "promote happiness" by every conceivable means, rather than opted for the modest "simply to prevent evil." This choice opens unlimited vistas for a constantly expanding power of the state. The choice fits the interests of the bureaucracy which maximizes the resources being redistributed. A high level of social welfare obligations and the formation of a populous stratum of bureaucrats connected to social welfare programs then further increase the demand for moral legitimation of the new state of affairs. And that means the de-legitimation of institutions which supply the bulk – in terms of cost – of the "pure public goods," meaning, the army and the police. This last development leads to lower prioritizing of state obligations in defending the lives of citizens from the threat of foreign aggression, terrorism, and so on.

Large-scale social projects and the growth of the share of such spending in the overall expenditures of the state cut down the sensibility of society, of voters – clients of the budget – to threats connected with low efficacy of the army and security services.

The thought of there being values and objectives more important than defending citizens' lives becomes legit and openly discussed. In most developed countries, this prioritizing has long been enshrined in practice. As long as the likelihood of perishing in a terrorist attack is comparable to the likelihood of dying in an automobile accident, the choice made by the depending on budget assistance voter in favor of budgetary "butter" and against "guns" seems

quite rational.

The growing power of redistributing coalitions is reflected in the status enjoyed by the army and the military. Military justice instills fear in the successful officer. Directives are issued concerning “disproportionate use of force” on the battlefield and “exceeding the limits of self-defense” in basic diurnal conflicts. All this objectively undermines the ability of the army to defend the citizens (and the ability of these last to defend themselves) even when modern armaments are available. And this, in turn, means that the life of the citizen is devalued in Rule of Law democracies, making the citizen into a dependent and passive creature.

A revision of the norms of military justice and use made on world experience, from the US to Hungary and Moldavia, concerning the right to self-defense can relatively quickly mitigate the problem even before dismantling the social welfare state.

Unless the lion’s share of today’s budget’s “social welfare” obligations are restored to society, to private philanthropic initiative, or to the market, quality-level defense will become a luxury impossible to afford. A balanced budget, zero state debt, and inflation will become luxury of the same kind, as well.

A budget-dependent voter is subject to manipulation or control in the voting booth area. A budget-dependent citizen will hardly be inclined to stand up for his rights in court, especially if this should involve vying with the authorities in power. A budget-dependent citizen is hardly likely to be inclined to defend his rights when facing a policeman. The thought of danger attendant upon state care for his rights and freedoms is alien to him. The thought of private ownership of arms frightens him. Bringing up public television seems to him the height of freethinking, rather than an obvious threat to a free media market and freedom of speech, respectively.

In other words, a significant percentage of citizens and voters dependent upon the budget spoil the quality of the Rule of Law system, weakening the guarantees for personal rights and private property.



However, each of the problems enumerated but not fully discussed in the presentation deserves a separate detailed and meticulous going over from close up.

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Annex 1.

Table 1. Some factors of leftist parties' electoral successes

VARIABLES	(1) leftistelsu pport	(2) leftistelsu pport	(3) leftistelsu pport	(4) leftistelsu pport	(5) leftistelsu pport	(6) leftistelsu pport	(7) leftistelsu pport	(8) leftistelsu pport	(9) leftistelsu pport	(10) leftistelsu pport	(11) leftistelsu pport	(12) leftistelsu pport
leftist_lagmin4	0.924*** [0.0651]				0.927*** [0.0634]	0.922*** [0.0648]	0.921*** [0.0629]	0.569*** [0.150]	0.576*** [0.150]			
gs		9.356* [5.029]			-0.820 [2.042]						18.59** [3.41]	
malesuffr			4.210* [2.413]			1.360 [1.263]						
Gsintegral				7.126*** [2.831]			0.597 [1.179]	6.985*** [2.062]	7.500*** [2.303]	15.81*** [1.666]		13.91* [5.59]
USdummy								-8.086*** [2.219]	-14.77*** [3.178]	-17.49*** [1.141]	-21.95*** [3.67]	-22.42*** [3.38]
Gsintegral*US dummy								-9.421*** [3.295]	-10.48*** [3.042]	-22.11*** [0.878]		
chief_exec_non left									-1.510 [1.861]			
coldwar									2.596* [1.512]			
localwar									1.273 [1.204]			
fullscalewar									-4.768* [2.858]			
neutral									14.99*** [4.968]			
umbrellagiver									6.697** [2.678]			
umbrellataker									-1.661 [2.989]			

time trend	0.0651 [0.0553]	0.591*** [0.153]	0.781*** [0.106]	0.504*** [0.167]	0.0874 [0.0856]	0.0373 [0.0741]	0.0367 [0.0994]	0.138 [0.127]	0.322*** [0.0985]	0.356*** [0.108]	0.155 [0.30]	-0.00856 [0.43]
Observations	159	159	159	159	159	159	159	159	159	159	159	159
Adjusted R-squared	0.897	0.422	0.412	0.426	0.897	0.897	0.897	0.915	0.933	0.876	0.675	0.688
vce	Robust	robust	Robust	robust	robust	robust	Robust	robust	robust	robust	Cluster	cluster

Robust standard errors in brackets  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1, + p<0.15

Table 2. Leftist parties electoral empowerment and military spending historical trends

VARIABLES	(1) milextototalge ngovexpenses	(2) milextototalge ngovexpenses	(3) milextototalge ngovexpenses	(4) milextototalge ngovexpenses	(5) milextototalge ngovexpenses	(6) milextototalge ngovexpenses	(7) milextototalge ngovexpenses	(8) milextototalge ngovexpenses	(9) milextototalge ngovexpenses
milexMlag4	0.360*** [0.0937]		0.350*** [0.043]	0.311*** [0.0815]	0.304*** [0.0872]			0.276*** [0.0780]	0.274*** [0.0828]
leftistelsupport		<b>-0.110*</b> [0.0593]	<b>-0.088*</b> [0.03]	<b>-0.172***</b> [0.0532]	<b>-0.176***</b> [0.0524]	<b>-0.259***</b> [0.05]			
leftist_lagmin4							<b>-0.317***</b> [0.06]	<b>-0.206***</b> [0.0622]	<b>-0.231***</b> [0.0620]
coldwar				3.315** [1.283]	3.652* [1.951]	7.747*** [1.47]	7.897*** [1.40]	4.698*** [1.320]	4.205** [1.861]
localwar				5.729*** [1.941]	5.784*** [1.984]	6.134*** [1.92]	5.653*** [1.83]	5.368*** [1.857]	5.455*** [1.889]
fullscalewar				30.00*** [10.54]	30.07*** [10.54]	29.83*** [10.42]	31.66*** [9.82]	32.00*** [9.828]	31.36*** [10.06]
Neutral				-0.0645 [2.627]	1.255 [6.929]	-8.23 [5.77]	3.70 [5.26]	-0.864 [2.800]	-1.312 [6.341]
USdummy				<b>-5.178***</b> [1.873]	<b>-5.923+</b> [3.794]	<b>-11.76***</b> [3.20]	<b>-10.47***</b> [2.95]	<b>-5.135**</b> [2.003]	<b>-5.666+</b> [3.519]
umbrellagiver					0.797 [3.406]	4.555 [2.75]	2.077 [2.53]		-0.624 [3.082]
gsintegral								-2.026 [1.729]	
time trend	-0.143***	-0.107+	-0.0678	-0.0694	-0.0565	-0.0233	-0.0420	0.0208	-0.0631

	[0.0456]	[0.0686]	[0.07]	[0.0644]	[0.0923]	[0.09]	[0.09]	[0.0850]	[0.0973]
Adjusted R-squared	0.178	0.076	0.186	0.527	0.524	0.486	0.081	0.546	0.543
vce	robust	robust	cluster	robust	Robust	robust	robust	robust	robust

Robust standard errors in brackets  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1, + p<0.15

Table 3. Leftist parties electoral power and institutions punishing military for success introduction

VARIABLES	(1) icc_peacenow	(2) icc_peacenow	(3) icc_peacenow	(4) icc_peacenow	(5) icc_peacenow	(6) icc_peacenow
leftistelsupport	0.0516*** [0.0181]	0.0633*** [0.0233]	0.0633*** [0.0233]	0.104*** [0.0298]	0.0433 [0.0327]	0.119*** [0.0330]
coldwar		-0.691 [0.514]	-0.691 [0.514]	-1.468*** [0.478]	-1.878*** [0.535]	-1.523*** [0.467]
localwar		0.774 [2.780]	0.774 [2.780]	0.469 [0.470]	0.310 [0.495]	0.437 [0.475]
fullscalewar		-5.462*** [0.725]	-5.462*** [0.725]	-5.573 [1,878]	-6.998 [42,670]	-6.149 [6,234]
neutral				-9.277 [5,809]	-10.30 [10,289]	-10.07 [11,726]
umbrellagiver					-3.111** [1.263]	
USdummy						4.365** [1.719]
Observations	159	159	159	159	159	159
Number of n	4	4	4	4	4	4
vce	bootstrap	bootstrap	bootstrap	oim	oim	oim

Standard errors in brackets  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

## **Annex 2. Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949**

### ***Selected articles***<sup>40</sup>

Art. 5 Where in the territory of a Party to the conflict, the latter is satisfied that an individual *protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State. (Author's accentuation)*

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

*Authors' Comment:* *Thus, occupying Power is not obliged to take a risks of its' soldiers lives "in Time of War" like in US vs. Wuterich. US Army oughtn't take a regular armed conflict as hostages liberation operation;*

Art. 27. Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

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<sup>40</sup> With authors' made accentuations

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

***However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.***  
***(Author's accentuation)***

Art. 28. ***The presence of a protected person may not be used to render certain points or areas immune from military operations.***

Authors' Comment: *Civilians' location in the houses occupied by attacked militants is not the reason to break attack or to send soldiers to attack without due fire protection.*

Art. 29. The ***Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.***