Ethics in action: a study of ethical decision making in counterinsurgencies

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ETHICS IN ACTION: A STUDY OF ETHICAL DECISION MAKING IN COUNTERINSURGENCIES

by

Marcus Schulzke

A Dissertation
Submitted to the University at Albany, State University of New York
in Partial Fulfillment of
the Requirements for the Degree of
Doctor of Philosophy

College of Arts & Sciences
Department of Political Science

2012
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Marcus Schulzke

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ABSTRACT

The goal of this dissertation is to analyze the kinds of ethical challenges soldiers encounter during counterinsurgency operations, what decision making processes or values they use to resolve these challenges, and how military institutions and culture influence soldiers’ ethical reasoning. The first part of the dissertation is an assessment of various theories of applied ethics and how these can be used by soldiers during counterinsurgency operations. The second part discusses the institutions and cultures of the American Army, British Army, and Israeli Ground Forces. In the third part, I take up the problem of how soldiers from each of these armed forces actually make ethical decisions. This analysis is based on interviews conducted with current and former soldiers from each of the militaries. The project discovered many surprising results. Among the most important findings were: First, ethical attitudes and decision-making processes vary a great deal across countries and were heavily influenced by each country's security situation. Second, despite their strong national differences, soldiers tend to make decisions about ethical dilemmas that are addressed in international law in very similar ways. This suggests that international law is effective in establishing uniform ethical standards across countries. Third, many of the most challenging ethical dilemmas soldiers faced did not occur in combat. Rather, they occurred when interacting with the local civilian population and especially when attempting to distinguish enemy insurgents from noncombatants. This shows that ethics training and counterinsurgency tactics need to be redesigned to give more weight to civil-military affairs and to minimize uncertainty about potential threats.
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Introduction

The ethical challenges that arise during wars are difficult to resolve even for professional philosophers who have the luxury of time and extensive training with which to carefully consider the problems and possible solutions. Soldiers must make decisions quickly; at times they have seconds to resolve questions of life and death. The immediacy of the ethical problems and the myriad background conditions that interfere with cognitive abilities – lack of sleep, stress, and uncertainty – make the ethical problems of war extremely challenging. In his classic work *The Warriors*, Gray explains that these ethical problems are ubiquitous in war and far more complex than one might imagine.

Modern wars are full of border situations where a soldier is forced to choose between evils and where every choice is like leaping into the dark because its consequences are unforeseeable. Rarely will he find a situation as clearly wrong as the shooting of hostages or the strafing of fleeing civilians. On the contrary, he will often have to choose between helping a wounded comrade to safety or remaining at his post to protect others whom he does not know. Sometimes he will have to choose the welfare of his unit at the expense of other units or the civilian population. (Gray 1967: 188)

This dissertation examines theory and practice of military ethics. It discusses the many kinds of ethical problems that can arise during war and how soldiers resolve those problems. The first parts of this dissertation looks at how three of the most popular moral theories in western philosophy, utilitarianism, Kant’s deontological moral theory, and Aristotelian virtue ethics, have shaped military ethics. It will discuss the recommendations each of these make about how soldiers should behave and it will analyze some of their strengths and weaknesses in the military context. This section is meant to develop the theoretical basis for the dissertation’s empirical analysis. It will not
resolve the debate between the three approaches to military ethics; the final assessment will wait until the dissertation’s conclusion. The second part examines the ethics doctrines and training of the United States Army, British Army, and Israeli ground forces. It will compare the various ways of teaching military ethics to the moral philosophies to see how well each theory is translated into practice and the extent to which training makes use of moral philosophy. The third part will explore ethical behavior from the soldier’s perspective, by using interview data and firsthand accounts of war. This data will reveal how soldiers think about ethical problems, whether there are similarities between the soldiers’ thinking and the ethical theories that scholars use to evaluate their behavior, and what factors go into shaping soldiers’ moral reasoning.

This dissertation will focus on the ethical challenges that occur during wars of occupation and counterinsurgency. Although all wars present moral challenges that require careful analysis, those in which there is no front line present special challenges. They bring combatants and noncombatants into close contact with each other, blur the line that divides the two groups, and sometimes force soldiers to take on unfamiliar roles. The interviews conducted as part of this project are only of soldiers’ experiences in counterinsurgency and its conclusions are meant to apply to these types of war. However, there are likely close parallels between ethical decisions in conventional and unconventional operations. Many of the same challenges arise and the constraints on personal action are similar. Therefore, the conclusions reached in this dissertation may be equally applicable to conventional and unconventional wars.
Before looking at each of the moral theories it is essential to explain why military ethics matter and who should be bound by them. Wolfendale describes two views of military ethics (Wolfendale 2008). The first is the non-moral functional view, which favors adopting moral theories as instruments that allow the military to function more effectively. The goal of a functional approach to military ethics is something other than ethical conduct, but ethical conduct is useful as a means to an end. From this perspective, the moral theory selected does not matter, as long as it works. It may even be possible to borrow from several of the moral theories, as long as the result is behavioral guidelines that serve the military’s purposes. The aspirational view, by contrast, values moral action for its own sake. This is more demanding than the functional view, as it requires a much deeper understanding of the theories and a commitment to them even when they do not facilitate operations. Wolfendale thinks that militaries never endorse a purely functional view, since this would mean that all of the talk of values and virtues is “simply rhetoric” (Wolfendale 2008: 173). Thus, she presents two view of military ethics that are akin to the two classes of goods discussed by many Greek philosophers, that which is good for itself and that which is good for something else. I will argue that ethical action can be both a means to an end and an end in itself, especially in counterinsurgency wars. Military ethics matters because it may provide a way of limiting the violence of wars and of more effectively waging counterinsurgency wars.

As wars are increasingly justified on humanitarian grounds (Woodward 2001; Roberts 1993), there is a strong need to make the means of waging wars coincide with the lofty goals. The Wars in Iraq and Afghanistan were justified with appeals to humanitarian
motives like promoting democracy, and liberating women, and they were fought using far more restrained methods than in other recent wars (Keegan 2005). These wars are among the most rhetorically moralistic conflicts in recent history, but they are certainly not unique. Cook finds that “[s]ince the end of the cold war, the use of military force in international relations has entered novel moral and political territory. Increasingly, the humanitarian and human rights components of international law have emerged as a reason for use of force” (Cook 2004: 79). However, humanitarian wars are self-defeating if such wars are fought using illegal means or if the soldiers engaged in them do not show respect for human rights. Humanitarian wars are only possible when there is a total commitment, shared by soldiers of all ranks, to fight in a way that does not contradict the humanitarian objectives. This is why incidents of prisoner abuse and attacks on civilians, not to mention dubious political motives, have made the wars in Iraq and Afghanistan appear hypocritical to many observers.

More attention to the theory and practice of military ethics among junior officers and enlisted soldiers may reveal how ethical training can be improved. In terms of ethical fighting, the US military has made significant progress since the Vietnam War. It shows a far higher sensitivity for protecting noncombatants than it has in the past and has continually reassessed and redesigned its doctrine to make more improvements (Brinsfield 1998: 69). Nevertheless, there is a great deal of room for improvement. Despite the commendable improvements in the conduct of war since Vietnam, there have been many incidents to suggest that the transition to a more ethical military must continue. Soldiers have been implicated in many incidents of prisoner abuse, wrongful killing, property destruction, and rape. The ACLU has documented many cases of
soldiers acting inappropriately and violating the laws of war (ACLU). Each of the
countries analyzed in this dissertation has been responsible for creating major scandals by
abusing prisoners, attacking civilians, using excessive force, or employing illegal
weapons. For this reason, each shows an incomplete moral development and the need for
a greater understanding of military ethics and the way soldiers make decisions. It may be
impossible to eliminate these horrors of war. However, steps should be taken to reduce
the needless suffering caused by criminal actions. Gradual improvements might be made
if the underlying forces that encourage ethical and unethical conduct could be found.

The practical basis for devoting more attention to ethical training is that ethical
conduct makes it easier to wage a successful population-centric counterinsurgency. There
is a growing consensus among scholars that fighting ethically an essential part of
defeating insurgents. Many scholars argue that victory must be defined more broadly than
winning battles and defeating enemy armies. They propose that political, economic, and
social objectives be seen as part of the war effort (Fishel 2006: 6). Kilcullen’s accidental
guerrilla theory leads him to conclude that the best way of defeating an insurgency is by
taking a population-centric approach. “In counterinsurgency the population is the prize,
and protecting and controlling it is the key activity” (Kilcullen 2009). Many other
counterinsurgency specialists reach the same conclusion. Although the reasons may
differ, many claim that winning local support is a necessary condition for defeating
insurgencies (Umit 2003, Joes 1992, McCuen 1966: 143). This expansion of military
objectives includes building better relationships between soldiers and civilians in
contested areas and these relationships can only be maintained when soldiers behave in a
way that encourages trust.
Although some scholars defend the use of repressive tactics against insurgents, they usually fail to find convincing evidence of such tactics working in contemporary wars. For example, Yadav argues that the Soviet Union, which employed extremely aggressive tactics, would have won in Afghanistan if the mujahideen had not been supported by the United States (Yadav 1989: 353). The Soviet Union’s indiscriminate violence against civilians and the mass hatred it engendered makes this doubtful (Feifer 2009, Grau 1996, McMichael 2001). Overreaction to the insurgents caused widespread disdain for the Soviet Union and its Afghan allies and ensured that any victory would have been short-lived. One can see the same problem in Northern Ireland, where attacks against civilians have caused substantial increases in IRA recruitment and reprisals (Alonso 2003, Geraghty 1998). The American war in Vietnam is among the most famous cases of poor civil-military relations and alienating local people with a heavy military presence. Nagl argues that one of the key differences between the successful British occupation of Malaya and American failure in Vietnam was that the American commanders showed little interest in treating the South Vietnamese people as partners and isolating them from communist influence (Nagl 2002). Other Studies of that war suggest that efforts made to repair this damage during the final years of the conflict had some success and may have led to a very different outcome had they been implemented sooner (Sorley 1999). This indicates to a simple lesson, that force should be restricted as much as possible so as not to alienate local populations with wrongful killings and destruction of property. Warfe expresses this succinctly:

Paradoxically, the effectiveness of a peacekeeping operation is often inversely related to the amount of force it employs. Individual soldiers are required to use restraint in the application of force; they are required to adhere to stringent, sometimes complex rules of
engagement. They develop a fear of their own aggression, a situation that differs from soldiers in wartime operations. (Warfe 2000)

There may also be internal benefits of waging restrained wars. Many studies find that morality is essential to good leadership (Bass 2008; Brown 2006). Moral leaders are more reliable and set better examples for subordinates. An even greater case can be made for the positive effects of ethical behavior on unit integrity. US forces have faced serious gender relations challenges, as the extremely high rate of sexual assault and rape have degraded the integrity of integrated units (Benedict 2007, 2010, 2010; Carreiras 2008; Enloe 2004; Holmstedt 2008). This has hindered operations in Iraq, but if corrected, there would be a much safer environment for American military personnel (Schulzke 2011).

Some challenge the idea that war should be restricted and combatants subjected to more restraints. Coates argues that there is a danger in glorifying a war’s objectives or connecting it to moral ends. “The more war is justified, the less restrained it seems likely to become so that, in extreme but by no means rare cases, ‘just’ war generates ‘total’ war. In such instances, it is not some moral deficit but moral excess that accounts for the savagery with which war is conducted” (Coates, 1997: 16). Coates’ concern is justified. Ethics should not be used as a way of excusing unjust wars or improving the military’s image. There is some risk that if wars were made less terrible, they would become more frequent. However, it seems misguided to say that war should be immoral as a means of deterrence. Even if wars were waged in a highly restrained way, there would still be extensive legitimate violence that would make wars terrible. A perfectly moral war, from a jus in bello standpoint, could still be extremely destructive and might pose a threat to national survival. The greatest threat for reducing the costs of war is technological
improvement that allows one side to easily beat opponents, but this is a matter of technological advantage, not moral restraint.

**Ethics in the Military**

A theory of military ethics must start with some idea of who should be considered part of the military profession. It should say who has the privilege of violating moral rules without moral and legal sanctions and why they have this privilege. This may seem a relatively easy matter, as it is generally assumed that all members of the armed forces are bound by military ethics. Yet many influential definitions of military professionalism exclude most of the people who bear arms in national armed forces. The concept of professionalism employed can also provide guidance in developing ethical theories, as every explanation of what a profession is is also an explanation of what its certain goals are and what constituency it serves (Desch 1996; Goodman 1996).

The idea of the military as a profession is a relatively new one and it remains heavily contested (Lock-Pullan 2001, Feaver 2001, Cohen 2001). It was popularized by Huntington and Janowitz in the 1960s and they are generally regarded as providing the two most influential theories of military professionalism (Huntington 1959, Janowitz 1960). These authors trace the origins of military professionalism back to relatively recent events. Huntington finds that Prussia, France, and England formed the first professional militaries in the nineteenth century and that professionalism remained rare even in the early twentieth century. He describes military professionalism as something that developed quickly, over the span of less than a century. “Prior to 1800 there was no such thing as a professional officer corps. In 1900 such bodies existed in virtually all
major countries” (Huntington 1959: 19). Janowitz provides a similar history (Janowitz 1960). Although Janowitz concentrates on the American military and is more concerned with the mixture of different types of roles in the military of his time than with providing a historical reconstruction, Janowitz does argue that military professionalism is of recent origin and that there are only a few hints at it prior to the twentieth century.

The ancient world can provide some examples of armies that would fit the description of contemporary definitions of a professional military force. The Roman army is probably the best example of pre-modern professionalism. After the reforms enacted by Gaius Marius, the army made the transition from being a popular force composed of citizens performing their civic duty to an army of full-time soldiers who lived and worked apart from other members of society (Erdkamp 2007). Few western militaries after the fall of Rome could be described as professional. The Roman system of maintaining a standing army was supplanted by a rigidly stratified feudal order in which many people could become combatants, but few had the time and resources necessary to become skilled warriors. The infantrymen and archers of medieval armies were men with little training who were recruited and sent into battle as part of poorly organized armies that were only in existence during brief campaigns (Delbruck 1990).

Many mercenaries chose to become professional soldiers after surviving several campaigns as part of conscript armies. Some of the most prominent mercenaries in Renaissance Italy were French and English soldiers who went to Italy in search of employment following the Hundred Years War. Aside from these mercenaries, few people until the nineteenth century would qualify as professional soldiers. However, mercenaries lacked the commitment to a single political supporter and civilian oversight,
which many scholars consider essential characteristics of a professional force (Feaver, 1996). Although Machiavelli condemns mercenaries for their inability to become invested in a civic cause (Machiavelli 2004, 1901, 2004), a high degree of loyalty to a city or state was rare even among conscript soldiers. Surprisingly, even some of the most effective fighting forces were comprised of people who lacked feelings of personal loyalty to the cause they fought for. Even at the height of its effectiveness, the British navy was largely composed of sailors who were forced to work aboard its ships after being kidnapped by press gangs or captured from enemy ships (Herman 2005; Adams 1999; Borneman 2005).

Lack of enthusiasm for a cause and loyalty to a leader was a problem for early modern armies, but one that could be managed. Armies were usually only in the field for a brief campaign season, they often fought close to home, contact with the enemy was limited, and soldiers could be induced to fight by the promise of plunder. During this time, there was no need for professionalism and no need for military ethics. Commanders could also maintain discipline with threats. They were, after all, trained warriors whose superior skill and armaments gave them authority over others. With the support of their retainers, the warrior elites could usually manage to maintain discipline. As soldiers were required to serve for longer periods, further from home, with fewer chances for profiting from victories, and with fewer social connections to their comrades, maintaining discipline became more difficult.

Foucault uses the military as one of his foremost examples of the internalization of discipline (Foucault 1979). The internalization of discipline he describes begins with the mechanical military of the 17th century, in which soldiers had to constantly drill and
subordinate themselves to a system of movements that would allow them to be used as part of a collective. This may have been the beginning of the individual soldier’s disciplinary transformation, but constant observation had to be maintained. The more significant transformation came later, as weapons technologies revolutionized tactics and forced armies to deploy their soldiers in small, dispersed formations that had a relatively high degree of autonomy. In the late nineteenth century, as militaries expanded to unprecedented sizes, military theorists began to rethink the old linear tactics that had dominated war for centuries, and soldiers were expected to fight for long periods of time. In response to the changing conditions French and German military theorists developed new tactical models based on dispersion (Griffith 2000: 120). The Prussian military called this Innerföring (Griffith 2000: 121). The new tactics required a high level of discipline and self-control. Soldiers had to become their own commanders, capable of acting without the close supervision of disciplinarians. It was no longer possible for order on the battlefield to be preserved by a small group of warrior elites or aristocratic officers.

As tactics have drifted away from massed formations and linear tactics to actions in which units down to the squad level could be expected to fight effectively without constant supervision, training has focused more on transforming soldiers’ character to make them capable of independent action. The need for soldiers to think and act independently has grown over the past century, making military ethics extremely important as a way of disseminating values. ¹ A central part of military professionalism is

¹ Military ethics is foreshadowed by earlier codes of conduct such as Bushido and Chivalry, but these were much different from military ethics as it is now. These warrior codes of conduct have usually applied only to elites (Ota 2008, Hartle 2004; 56). This is
the ability to act without supervision. Military ethics are both a cause and a consequence of professionalism, as ethics only become necessary when soldiers must act as members of the group when they are not under supervision, and an ethical system is part of what constitutes a professional group.

**Enlisted Soldiers within the Military Profession**

The problem with many definitions of military professionalism is that they exclude the enlisted soldiers who make up the bulk of almost every army.\(^2\) Huntington says that “[t]he enlisted men subordinate to the officer corps are part of the organizational bureaucracy but not of the professional bureaucracy. The enlisted personnel have neither the intellectual skills nor the professional responsibility of the officer. They are specialists in the application of violence not the management of violence. Their vocation is a trade not a profession” (Huntington, 1959: 18). However, Huntington’s own tripartite definition of professionalism shows that his dismissal of enlisted soldiers overlooks their contribution. The first of Huntington’s three characteristics of professionalism is expertise. This he defines as an understanding of the nature of a subject in a way that can be preserved in writing (Huntington 1959: 8). Many people may have military expertise – historians and mercenaries have extensive knowledge of wars and even the techniques of worth noting, as the prevalence of codes of conduct for those of high status and exclusion of their social or military inferiors is a bias that lasts to the present and is one of this dissertation’s primary targets. The warrior codes of conduct also suffered from a very restricted scope. They were also directed more toward preserving elite power than protecting the lives of noncombatants and minimizing suffering.

\(^2\) The exceptions are armies formed during civil wars. For example, the White Army of the Russian Revolution, which was primarily composed of conservative officers opposing the Bolshevisk (Bullock 2008; Figes 1998).
fighting – but responsibility and corporateness distinguish the professional from the knowledgeable outsider. The responsibility is to use the expert skills in a particular way. Corporateness is an identity that members of the profession share and the institutions that are based on this identity. From these he concludes that “A military specialist is an officer who is peculiarly expert at directing the application of violence under certain prescribed conditions.” (Huntington 1959: 12). However, as the next section will show, responsibility and corporateness are the qualities that fit enlisted soldiers very well.

Huntington’s limited definition of professionalism may provide some insight into the present state of military ethics and ethics training. Such training is rarely given to enlisted soldiers, even in armies that recognize the importance of ethical training for officers. Formal education is usually only given to officers and tends to be most prominent at the national military academies (Robinson 2008, Deakin 2008, Wilson 2008, Cook 2008). If enlisted soldiers receive any ethics training it is only designed to make them more effective combatants (Carrick 2008: 188). “Ethics education in the military has, until relatively recently, been aimed almost exclusively at the officer class, not at the enlisted men, notwithstanding that, in past wars, it has been the enlisted men who have done by far the greater part of the face-to-face killing and breaking” (Robinson, 2008: 191).

Robinson explains that this is a matter of perceived competency. “It is generally felt that such classes would not be appropriate for all ranks” (Robinson 2008: 9). This is because of the complexity of moral reasoning and uncertainty about the extent to which enlisted soldiers should be permitted to act according to their own initiative in making decisions which could lead them to contradict superiors (Mosely 2008).
There are some risks associated with shifting ethical education to the enlisted ranks. Foremost among these is that soldiers might question their superiors’ moral judgment and use their moral autonomy as a defense against their superiors. This is especially troublesome given the intense loyalties that soldiers feel to members of their unit, which can override other moral obligations. For example, Colonel Sassaman covered up the accidental killing of an Iraqi man by two of his subordinates. He justified his actions by saying that he had a duty to protect his subordinates. As he put it, “in this particular case I had decided that the right thing to do was to place my loyalty with the men who had trusted me with their lives in combat, rather than align myself with senior leaders – men whom I believe to be flawed” (Sassaman 2008: 9). Although this example is of a high-ranking officer questioning the authority of his superiors, some evidence suggests that this kind of attitude may be common. Moral exceptionalism is a growing concern as those in the military are become increasingly hostile toward civil society or feel alienated from it (McIsaac 1995; Ricks 1997; Maslowski 1990). The New American Militarism reports that a 2003 survey of military personnel showed that around two thirds considered soldiers to have higher moral standards than civilians (New American Militarism). This is a serious problem for countries that are controlled by civilian politicians and is part of a growing trend toward politicized armed forces.

Military personnel are trained to be obedient and deferential to their superiors. Operational success, especially in the age of combined arms warfare, depends heavily on following orders and adhering to commanders’ plans. If one person in a key position questions orders or refuses to follow them at the critical moment, one or more of the elements of the plan may fail. Thus, it is understandable that the military culture places
great weight on loyalty. Walkin argues that loyalty and obedience are the two virtues in a military context (Wakin, 2000). Huntington goes even further, saying that “[t]he military ethic exalts obedience as the highest virtue.” Comments like this can create the impression that the best soldiers are the ones who will unquestioningly follow any orders they receive. To the extent that commanders desire automaton soldiers, ethics education for all ranks would be deeply problematic. However, a nuanced conception of loyalty shows that this is a false dichotomy. Some military leaders argue that the best soldiers are those that can think for themselves and dissent when they are given immoral orders.

The Army is not interested in developing the compliant officer, blindly following orders from his superiors, but rather in the development capable of autonomous reasoning with a broad understanding of the unique demands of the profession and the obligations inherent in military service to a free and democratic nation. (Wattendorf, 1986: 5)

Wattendorf’s comments suggests that it may be a mistake to use concepts like loyalty and obedience loosely when they can refer to many different actions. It may be desirable to train soldiers who are loyal in following out their orders, but they must also have some overriding sense of loyalty to the political values and constitution they defend, and to the moral precepts that regulate war. Obedience can be a vice or a virtue depending on who and what is being obeyed (DeGeorge 1987), so it would be dangerous to suggest that loyalty is intrinsically good. Much of the work on disobeying unlawful orders only addresses the officer’s role in preventing immorality, without discussing the general duty that all soldiers have to question orders that appear to violate the laws of war (Gabriel 1987). This is a serious oversight. Since all soldiers have to be accountable for their actions, legally and morally, they should all be trained to think critically about their
actions. If their ethical training is done well, then soldiers should have the ability to judge when there are no good grounds for refusing to follow orders.

Another potential problem is that devolution of moral responsibility may lead those of higher ranks to take less responsibility for their own decisions, preferring instead to leave subordinates to deal with the messy issues of conduct. A core part of the military culture is the sense of obligation for the actions of subordinates. Parco and Levy say that commanders are responsible for “the moral and spiritual welfare of their subordinates and their family members” and that “it is the commander’s responsibility to develop the moral/religious program for his command.” (Parco 2010; 106). Providing enlisted soldiers with more substantial ethical training might increase subordinates’ perceived moral competence and force them to take the blame for decisions made further up the chain of command. For example, it might be possible for commanders authorizing the prisoner abuse to absolve themselves of guilt by shifting attention to their subordinates, who are much easier to implicate because of the physical evidence connecting them to the crimes. Similarly, giving enlisted soldiers more moral responsibility could shift attention away from institutional failings (Robinson 2008: 199). It would be easier to blame individuals for misconduct than to look for deeper causes that may be forcing their behavior in a particular way. These are certainly barriers to extending military ethics education and strong moral responsibility to all ranks and these objections will be considered in more detail in the third part. These challenges are ones that this dissertation’s interview participants have encountered, but, as the interviews will show, these problems do not seem to be such a large barrier that they should be taken as decisive reasons for excluding enlisted soldiers.
The revolution in the importance of the individual soldier cannot be ignored. In Iraq and Afghanistan, privates and corporals have achieved more fame than top generals. Their actions were even responsible for major shifts in public perceptions of the wars. The prominence of certain enlisted soldiers led General Krulak to claim that “[w]e live in the era of the "strategic corporal" (Krulak, 1999). Soldiers of all ranks help to create the international impression of the US military’s conduct. “Immoral behavior by even the lowest ranking soldier can have a strategic effect, as witnessed by the impact of the images of Private Lynndie England, a "strategic private," at Abu Ghraib prison in Iraq” (Robinson 2007). The images of Abu Ghraib had a disastrous effect on perceptions of the war, even though the guards involved in the incident were relatively unimportant when judged by rank alone. They became famous because of the pictures that provided graphic evidence of their crimes. It may be tempting to argue that their prominence shows nothing more than the media’s power to seize upon certain stories and transform them into major events. However, even without the effect of the media it would be necessary to consider all soldiers morally relevant. With individual soldiers being entrusted with automatic rifles that have the capacity of firing hundreds of rounds a minute or missiles with a large blast radius, it is essential that every soldier be trained as a competent judge of when and how those weapons should be employed. Whether soldiers’ actions become major media events, they are still morally important and may still have significant effects on the local perceptions of the US military.

Thus, because all soldiers have the power to shape public perceptions of the wars they fight and because of the immense power individual soldiers have for committing destructive acts, military ethics must be expanded to include all members of the armed
forces. It is for this reason that this dissertation will discuss the theory and practice of military ethics as they apply to the personnel who are typically excluded from this discussion. Therefore, this study assumes a broad definition of military professionalism, one that can encompass all combatants. Sir John Hackett links military professionalism with restraint. He argues that professionalism is necessary because wars are inevitable, but the weapons have become so powerful that they threaten total destruction (Hackett 1983: 7). In this context, professionalism is essential for ensuring that weapons will not be used without a sense of proportionality. Kasher also argues that one dimension of professionalism must be the ethics to use the specialized skills appropriately and the ability to secure public trust in a military force (Kasher, 2003: 23). For the purposes of this dissertation, anyone who is entrusted by a legitimate political authority with the power to break moral prohibitions on the use of violence during times of war as a member of the armed forces will be considered a military professional.

The Individual’s Place in War

The tendency of just war theory and scholars of military professionalism to marginalize enlisted soldiers is part of a more general neglect for the human factors that affect war. Just war theory tends to give soldiers a very limited place in its discussions, focusing instead on high-level decisions that are made regarding strategic and operational

3 One could alternatively describe the special status granted to soldiers as part of an emergency ethics rather than a professional ethics. Walzer implies this approach, by using the concept of emergency rather than professionalism (Walzer 1973, 1977). However, describing the ethical exception in terms of emergency does not say why soldiers in national armies are considered legitimate combatants while others or not. Moreover, as the section on utilitarianism will explain, emergency ethics tend to legitimize breaches of morality when restraint is most needed.
matters. Walzer argues that soldiers’ area of moral responsibility is restricted to matters of *jus in bello* (Walzer, 1977). Following Walzer, most just war theorists agree that soldiers are not responsible for the wars they fight, only the actions taken during war (Christopher 1999). Regardless of the moral status of the war, soldiers on both sides are morally equal and subject to the same obligations. George Fletcher says “the reason for adopting a rigorous distinction between *jus ad bellum* and *jus in bello* is the need for a bright-line cleavage that is workable in the field of battle. Soldiers do not have to think about who started the war. They know that, whoever started the conflict, certain means of warfare are clearly illegal” (Fletcher 2008). McMahan is one of the most prominent defenders of the opposite view, that soldiers fighting for an unjust cause are responsible for allowing an unjust war to take place (McMahan 2008, 2009). His work would lead one to look more carefully at the motives of individual soldiers. However, McMahan represents the minority viewpoint and this is only one debate among the many that just war theorists are engaged in.

Thus, just war theorists tend to limit their attention to individual soldiers to matters of *jus in bello*, but even the literature on this dimension of war deals more with elite decisions, like those concerning what weapons will be employed and who will be targeted, than with the thoughts and actions of individual soldiers. Just war theory’s focus on politicians and high ranking officers confirms the judgment made earlier, that interest in military ethics as a way of regulating the conduct of all soldiers is of relatively recent origin and that this shows that the interest in the human dimension of war is likewise a product of the past century. Kellett finds that neglect for the human dimensions of war goes even deeper than this. It is also affects commanders.
Until the twentieth century, relatively little thought seems to have been given to the role played by human factors in war. Although some commanders (Napoleon among them) clearly recognized the importance of motivation and morale, for the most part senior officers appear to have taken the battlefield performance of their soldiers largely for granted. (Kellett 1990: 215)

This is also the reason this dissertation investigates military ethics through the lens of moral theories that apply to individual action rather than by applying the categories of just war theory. Just war theory is a promising guide for the conduct of war and has much to say about when and how armed force should be used. The *jus in bello* rules of proportionality and discrimination are also important for individual soldiers and must guide their actions when at war. However, these are insufficient to generate a complete understanding of soldiers’ duties in war, especially in a counterinsurgency environment. Moreover, proportionality and discrimination are affirmed by teleological, deontological, and virtue-based moral philosophies, so it is not essential to derive these from just war theory. This dissertation’s approach is best seen as one that is complimentary to just war theory, but which approaches war from a different perspective and with the goal of finding stronger guidelines for individual action.
Part I: Three Approaches to Military Ethics

Chapter 1: Virtue Ethics

Most Greek and Roman philosophers advocated some kind of virtue ethics, but few modern philosophers supported it before the twentieth century. Those who were attracted to virtue ethics tended to be disillusioned with utilitarian and Kantian theories or interested in the Greeks. Nietzsche was one of the few modern philosophers who developed a theory of virtue ethics and he fits both of these qualifications. Although Nietzsche did play some role in drawing attention to virtue ethics, it was not until the middle of the twentieth century that this became a mainstream theory. Anscombe’s article “Modern Moral Philosophy” revived virtue ethics in analytic philosophy and helped to raise it to the status of one of the three leading theories (Anscombe 1958). Although virtue ethics has undergone a revolution in popularity, it remains deeply rooted in ancient philosophy. Some contemporary virtue ethicists have attempted to create original theories that diverge from Plato and Aristotle, but most take Aristotle as a starting point and modify his ideas to make them fit into a different context.

Aristotelian virtue ethics is the leading moral theory among western militaries (Aronovitch 2001; Toner 2000; French 2003; Osiel 1999; Westhusing 2003), yet what commentators describe as Aristotelian ethics can be much different from Aristotle’s theory as it was originally formulated. Whereas utilitarian and Kantian theories are applied with a high level of sensitivity to the author’s intentions, Aristotle’s work is
adapted to fit various institutional requirements, with more sensitivity for institutional needs than concern with Aristotle’s intentions. The values-based education used by armed forces is heavily influenced by Aristotle’s ideas about character and the importance of training, but it tends to deviate from Aristotle’s teachings on a number of points. The result is that Aristotelian ethics is more of an appropriation than an application of the original. This kind of malleability is to be expected, since it fits with Aristotle’s relativism about the virtues. It is also part of what makes virtue ethics so useful. The flexible virtue ethics used by militaries and many commentators on military ethics maintains some of the essential parts of the theory, while discarding those parts that would be inappropriate in the modern world.

In the *Nicomachean Ethics* Aristotle characterizes each of his virtues as a mean between extremes (Aristotle 1999; 1106b). The extremes of excess and deficiency are vices that must be avoided because they are distortions of virtue. The mean does not lie precisely between the vices. One vice is usually better than the other, so Aristotle argues one who lacks virtue should at least tend toward the better vice. Setting the better vice as a goal may even be a helpful way of bringing oneself closer to the virtuous mean. The superior vice is usually the one that people are less naturally inclined too; it provides some indication of how to find the virtuous mean. For example, generosity is the mean between wastefulness and stinginess. It requires that one give to others, but that giving is always moderate. The natural inclination is toward stinginess, so it might be necessary for a person wishing to be generous to attempt to be wasteful until the natural urge toward stinginess is overcome and the middle ground of generosity has become a habit.
Aristotle deviates from moral theories that are based on self-denial, like those advanced by many religions, which frequently recommend abstaining from any activities that tend toward excess. He criticizes those who attempt to deny themselves any happiness and considers them inferior to those who can live a balanced life without succumbing to either extreme. However, not every type of action has a middle ground. Murder, theft, and adultery, do not; they are wrong in all circumstances. Aristotle would also probably say that any actions that are highly likely to lead to excess, like the use of addictive drugs, are wrong. Aristotle only admits these few exceptions, leaving his mean as a guiding principle for most actions.

Aristotle may only explain the virtues in terms of actions because he must provide some sense of how a virtuous person would act or because the best way of teaching the virtues is by instantiating them in situations that clearly show a person’s character. However, the mean that Aristotle describes is not a mean of action. Rather, it is a dispositional mean that is embodied in a virtuous person’s character (hexis). A virtuous person is supposed to have the appropriate emotions and perform the right actions because that person’s character is naturally disposed to them. This gives Aristotle a much different perspective on the importance of actions than proponents of deontological and teleological moral philosophies. Whereas most philosophers are interested in the moral character of actions and label certain actions good or evil regardless of who performs them, Aristotle is interested in whether the individual actor is good or evil. The actor is what matters because people will perform actions that fit their character. This is an important point, as it shows why character development is essential to moral action and why the virtues cannot simply be restated as rules that any person could follow. The
actor-centric perspective also leads virtue ethics to employ a different language of judgment. Rather than assessing actions as right and wrong, virtue ethics uses aretaic predicates, calling people good and bad or admirable and deplorable (Frankena 1973; Hursthouse 1996).

Others acknowledge that Aristotle is primarily concerned with actors and their character, but argue that Aristotle’s theory can be expressed in terms of rules as well. Slote thinks that the virtues can be used to explain actions as well as character (Slote 1992) and Anscombe argues that virtue ethics can be used to formulate v-rules, which are imperatives such as “act courageously” (Hursthouse 2008). Anscombe’s v-rules certainly can be used to formulate virtue imperatives, but doing this seems to violate the spirit of Aristotle’s theory, since the rules could only be understood and followed by a person with a virtuous character. Alternatively, one could argue that rules can be formulated for pedagogical purposes. Aristotle says that the way a person becomes virtuous is by acting the way a virtuous person would until the virtues become part of one’s character. To do this, one must observe the way virtuous people behave and emulate them. This starts as self-consciously acting as if one had a virtuous character, but the show of virtue becomes less of a simulation and more a genuine expression of character as time goes on. If virtues are developed in this way, then those learning to be virtuous must spend a great deal of time looking for moral rules in the actions of virtuous people and applying these as rules of personal conduct. However, these rules would still be inferior to the virtues themselves, as they would only be tools for helping people learn how to act virtuously by themselves.
Although the imperative to follow the middle ground may seem like a rule of conduct, Aristotle argues that this is insufficient to ensure moral conduct. The problem Aristotle finds is that choosing the middle course of action in all situations can be extremely difficult unless one has a well-developed sense of what counts as virtuous action in various contexts. An intention to do what is virtuous is praiseworthy, but insufficient. Even good character may not be enough to guarantee moral action. One also needs to have the ability to translate intentions into actions. This requires more than just an understanding of the virtues or even a well-disposed character. One must also have *phronesis*, the practical wisdom that allows one to recognize the middle ground in unfamiliar situations and to follow it. Like the virtues, *phronesis* is a learned skill, something that must be cultivated through practice. One needs extensive experience acting in various contexts in order to consistently follow the virtues when new problems arise. Training is most effective when it closely resembles real world problems. *Phronesis* cannot be precisely defined and there is no way to apprehend the concept on a purely intellectual level. Aristotle thinks that the virtues and *phronesis* become easier with age because an older person has had more practice and probably more varied experiences. It may be challenging for military recruits to learn *phronesis* because many join when they are still teenagers or in their early twenties. They are at a disadvantage when it comes to life experience. However, the military work ethic may help to compensate for this by forcing young recruits to face many more challenges than their civilian counterparts would, thereby accelerating the accumulation of experience. This certainly seems to be the Army’s view given their 1980s slogan “we do more before 9
a.m. than most people do all day” and it is likely that the amount of experience is what matters and not a person’s numerical age.

Although age provides some advantages, Aristotle considered all free males to be capable of realizing the virtuous character, provided they put forth a consistent effort to act virtuously in all situations. This is why Aristotle finds practice so important. Virtue is learned through constant practice and can be destroyed by bad habits. Aristotle’s affirmation of the value of practice as a means of forming good character and of character serving as a natural guide make Aristotle’s theory fit perfectly with the military’s character development programs. Recruiting materials explain that military service is a character-altering experience, one that takes people who have little direction and gives them self-discipline, confidence, and strong moral values. Many are drawn to military service because they hope it will initiate a positive character transformation. Although not all character-based moral education is Aristotelian or even based on virtue ethics (Steutel 1999), the military approach is Aristotelian because the character development is guided by codes of virtues.

Military Virtues

The greatest strength of virtue ethics in a military context is that it provides a rationale for training soldiers to act correctly out of habit, without requiring them to work through any complex decision procedures. As Barry says, “Aristotle’s approach was, above all, practical” (Barry 1998: 11). Aristotle designed his ethics with this in mind. He emphasizes that his theory is not supposed to be an academic curiosity; it must guide action. “The most important thing is not to know what it is, but how it arises; we do not
wish to know what courage is, we wish to be courageous” (Aristotle 1999, 22). Any useful moral theory must be one that can be applied to real problems. If Aristotle is right and soldiers make decisions based on the character that they have developed during training, then this would give Aristotelian military ethics a significant advantage over utilitarian and Kantian theories, which are each notoriously difficult to apply, especially under pressure.

Because *phronesis* leads people to perform actions that accord with their status, it will be slightly different for each person. Therefore, Aristotle’s definition of virtue turns out to be relativistic and is often criticized for this reason. Except for those rare actions that Aristotle completely forbids, there is a range of behaviors that are permissible for some people, but not others. For example, what counts as courage for a soldier is different from courage for a noncombatant and for either to emulate the other’s courage may lead them to deviate from the mean. This actor relativism may not imply any other kinds of relativism. Nussbaum argues that the virtues are not culturally relative and that virtue ethics is actually universalizable because of the consistency of virtues across cultures (Nussbaum 2007). However, this response to relativism does not work as an argument in favor of the universality of military virtues because the lists of virtues adopted by different branches of the armed services can be much different. No two branches of the US military agree, and there is little agreement between countries.

Militaries basing their ethical training programs on Aristotle’s system have largely abandoned the doctrine of the mean and Aristotle’s list of virtues. Military virtues are not presented as a middle ground between vices and they are often much different from the set of cardinal virtues Aristotle provides. Among Aristotle’s list of character virtues are
courage, moderation, generosity, friendliness, magnanimity, justice, and prudence. Few among these appear in the lists of virtues used by modern militaries. Courage is certainly the most common and the one with greatest relevance to soldiers. It is closely associated with martial skill in Aristotle’s work, as his example of courage is a soldier marching into battle. Moderation is also important for soldiers and this is something that military training imparts on them, but it is rarely one of the service virtues. Instead, it is a skill that does not quite take on the high status accorded to virtues. Justice may also be present to some extent, but again it is rarely among the sets of virtues used by military. Other virtues, especially friendliness and magnanimity, are even rarer and perhaps never adopted by militaries.

There is a surprising variation in the virtues across countries and even in different branches of service within the same military. There is no agreement on any set of virtues that should replace Aristotle’s. Instead, there is only a general commitment to teaching some kinds of virtues, often without much sense of why one set is superior to the others that could have been used. Challans is critical of using virtue this way because values cannot be considered essentially good (Challans 2007). Just because something is a value does not mean that it is desirable. There are values that could be adopted in the name of virtue ethics, but which would lead soldiers to perform the wrong kinds of actions. He argues that the selection and definition of virtues must be undertaken far more carefully and that militaries must ensure that they are not promoting values that could be used to justify harmful actions.

It is difficult to say exactly how similar the virtues of contemporary armed forces are to Aristotle’s virtues, because the former are continually revised to fit new circumstances.
One of the most consistent sets of virtues is the West Point creed: duty, honor, and country. Miller sees it as the paradigmatic statement of the virtues of the modern warrior. He also makes a point very similar to Nussbaum’s, by saying that the West Point creed’s values are universal and perhaps even intrinsic to contemporary military ethics. “While not all institutions specifically employ West Point’s slogan, the ideals of duty, honor and country are fundamental to all modern militaries” (Miller 2004: 200). Loosely speaking, it may be true that military virtues appeal to roughly the same values, but the differences in virtues between countries and the ease with which virtues can be revised suggests that the virtues are relative to the culture and mission of the military that uses them.

Brinsfield traces the development of the Army’s virtues and shows that these change significantly as the Army becomes more interested in ethics and as its missions change. “From 1968 to 1998 the list of Army values underwent four major revisions, expanding from three to seven in number” (Brinsfield 1998: 69). The successive modifications to the Army virtues shows an encouraging commitment to improve the Army’s ethical training, but such changes also suggest that MacIntyre was right to say that virtues have more to do with sociological conditions than absolute moral imperatives (MacIntyre 2007). The fact that each branch of the military has much different virtues further suggests that the sociological conditions are not simply those produced by American society in general, but that the virtues are also shaped by each branch’s distinct culture, institutions, and modes of operation.

More military virtues will be discussed in the next chapter. For now, consider the differences between the West Point creed and Aristotle’s virtues. The West Point creed can be seen as a code of virtue ethics, but the values it promotes are less individualistic
than Aristotle’s. It promotes corporate identification and service. Duty and country are both responsibilities that one has to others, while honor may be individual or also based on collective identity. Aristotle’s virtues can certainly lead one to perform actions for other people, but Aristotle is concerned with individual excellence. Even generosity, which does impose responsibilities to others, is highly subjective as what counts as generosity depends on a person’s wealth. The West Point creed is also less complete than Aristotle’s virtues because it only describes the virtues as they pertain to soldiers’ military service. They do not prescribe character attributes that govern a person’s actions in all situations as Aristotle does. The same is true of other codes of military virtues. They do not provide complete guidance for how soldiers should act in all situations, but only for how they should act when they are acting as members of the military profession. This reveals much about how western democracies view soldiers. They have special obligations as members of a profession, but they are still citizens and are free to experience the same level of self-determination as other citizens when they are not on duty.

A good definition of professionalism is also important because some virtues may be inappropriate for civilians, and would therefore have to be unique to soldiers. Mileham argues that “values are the means of storing and transmitting beliefs about those virtues. These values are then grounded in the social consciousness and habits of a group – in context as part of a military culture – as distinct from civilian cultures” (Mileham 1998: 173). Thus, one of the core assumptions of military virtue ethics is that there must be a professional class of soldiers, separate from the civilians, whose character must fit its role. There must be a clearly defined role with its own set of virtues that are appropriate
to it. Although Aristotle says little about how soldiers would be given their unique character, Plato’s discussion of the warriors in his Republic provides some idea of how this might work. Plato, who favors a kind of virtue ethics similar to Aristotle’s, but which is heavily dependent on additional metaphysical and epistemological presuppositions, says that because warriors have a unique role that makes them potentially dangerous to the state, they must be part of a distinct class with its own character attributes (Plato 1991). His auxiliaries are trained to be ferocious warriors when they fight enemies and completely submissive when they interact with fellow citizens. Plato argues that training them to behave in this way requires years of strict education, segregation from the general population, and a host of other restrictions on property and relationships. Modern democracies have been successful at accomplishing Plato’s goal without the same level of repression, as their armies are often highly effective against opponents and yet benign and apolitical when they are at home. They have effectively divided soldiers’ lives between the military and civilian worlds and given them distinct duties in each. The military virtues have become linked to the profession by making the virtues unique to members of the military and by allowing soldiers to live by their own values when they are not in uniform.

One aspect of Aristotle’s ethics that fits neatly within modern military ethics, and which requires no transformation, is Aristotle’s commitment to character formation. Contemporary militaries have been leaders in the quest to reshape people, perhaps in even more ways than Aristotle would have thought possible. As Foucault shows in *Discipline and Punish*, many in the ancient world thought that warriors were born with the right characteristics to achieve their status (Foucault 1979: 135). Training materials
included descriptions of what kinds of bodies new recruits should have. Training was only necessary to guide innate predispositions toward the right object. Given Aristotle’s emphasis on practice, he may have dissented from this, but many philosophers of the ancient world support this essentialist view of character. Plato’s selection of the men and women for his class of auxiliaries is not based on learned virtue, but on dispositions that future soldiers are born with (Plato 1991). The professional warriors, who pursue no other activities than those associated with war, are selected because of a spirited or courageous soul that made them apt for fighting. Plato recommends intensive training to perfect this predisposition, but never questions that it is something that only a few can possess. Foucault argues that the essentialist view of the soldier gives way to the disciplinary view during the eighteenth century. He describes this revolution as one that introduced the idea of using constant training to shape soldiers to fit an abstract model of the ideal soldier.

By the late eighteenth century, the soldier has become something that can be made; out of a formless class, an inapt body, the machine required can be constructed; posture gradually corrected; calculated constraint runs slowly through each part of the body, mastering it, making it pliable, ready at all times, turning silently into the autonmism of habit. (Foucault 1979: 135)

The modernist way of thinking about soldiers as malleable people whose character can be reformed is distinctly modern and it legitimizes the appropriation of Aristotle’s work on character. If people can be remade to fit their roles and given skills that they did not have naturally, then they may also have the potential to become more ethical, provided they undergo ethical training of the same intensity as their combat training.
The Strengths of Virtue Ethics

Bonadona finds three strengths of virtue ethics in a military context (Bonadonna 1994: 19). First, it is highly adaptable because of Aristotle’s relativistic understanding of virtue. Second, it can provide motives for actions rather than simply providing a list of prohibitions. Finally, it gives people reasons to perform actions that are supererogatory. The first of these has already been discussed. The second has to do with Aristotle’s discussion of the ultimate end of virtue. Aristotle thinks that the goal of virtue is *eudaimonia*, which is translated as flourishing or happiness (Aristotle 1999: 16). Neither translation accurately captures the concept. Happiness is a subjective judgment, whereas *eudaimonia* is something that a person has or lacks regardless of their subjective feelings. Writers consistently point out the hardships of military life – the intense training regimes, extreme temperatures, long periods of boredom, high stress, heavy equipment burdens, lack of privacy, poor quality of food, and any number of other challenges (Holmes 1985, Sherman 2005). Military life is short on pleasure and may not be conducive to happiness, but this does not mean that it is antithetical to *eudaimonia*. Aristotle thinks that people should choose to lead virtuous lives and that this life is pleasant, but the kind of happiness virtue provides is different from other kinds of happiness. A person obsessed with material goods or physical pleasure may feel happy, but cannot have *eudaimonia* because that happiness comes from superficial sources that do not improve that person’s character. The pleasure of eudaimonia is living with the experience of doing well (Ackrill 2001). Other goals that are highly valued, like friendship, health, and fame, are desired because they lead to the ultimate goal of *eudaimonia*. 
Virtue ethics’ ability to specify supererogatory moral duties is one of the advantages virtue ethics has over deontological and consequentialist theories. A praiseworthy warrior is not one who does the bare minimum in order to not be considered evil; he is someone who singlehandedly defeats hundreds of opponents or who risks his life to save his fellow soldiers. One of the acts for which the Congressional Medal of Honor is most frequently awarded is jumping on a grenade and absorbing its full force to shield others who are in the blast radius (Mikaelian 2003). This is a prime example of an act of heroism that is recommended by virtue ethics, but that would not be obligatory for a utilitarian or Kantian. A utilitarian or Kantian would not say that there is a moral duty to cover a grenade, nor would they blame anyone for failing to do so. However, Aristotle could argue that while there is nothing immoral about avoiding the grenade, one who dies to protect others shows an extraordinary level of courage. According to virtue ethics, a good soldier must do more than avoiding immorality; he must perform acts that represent the highest excellence of his occupation.

There are several other strengths of virtue ethics, in addition to those mentioned by Bonadonna. Many scholars of military ethics connect moral values and values of good leadership. Wakin contends that people with bad character cannot become good leaders, and so concludes that character formation for leadership must include a moral component (Wakin 1994, 2000). Hilliard Aronovitch says that virtue ethics are the most appropriate because the virtues of an ethical soldier coincide with the virtues of an effective soldier (Aronovitch, 2001). Some contemporary defenders of virtue ethics have sought to link virtue ethics to empirical research, especially in psychology, to demonstrate that virtues can affect behavior (Snow 2009). Establishing links between theory and practice may
lend greater support to the military use of virtue ethics. Given the number of pragmatically minded commanders and politicians, it is likely that any theory of military ethics will need to be linked to improved performance in order to win support. Virtue ethics may be able to accomplish this and it would certainly add to virtue ethics’ strengths if its usefulness were substantiated by more studies. However, such studies would need to show that virtue ethics is unique in its power to improve leadership performance, as studies have also shown that improved moral performance is associated with better leadership, regardless of the moral theory that leaders apply (Olsen 2010).

Finally, virtue ethics has a strong intuitive appeal in a profession that places so much value on abstract values. Many soldiers feel that they have a special attachment to the military values. They take them seriously and without the touch of cynicism that others are inclined toward. Cook makes this relationship with virtue one of the distinctive features of the soldier’s way of thinking. “Nobility, honor, and sacrifice are frequently invoked by military officers in ways that, for most of the rest of the society, might well sound quaint and outmoded” (Cook 2004: 39). Given the popularity of codes of virtues among soldiers and their intense commitment to abstract ideas, it seems likely that even if virtue ethics’ was supplanted by another ethical theory as the dominant theory of military ethics, some elements of virtue ethics would have to be part of it.

**Problems with Virtue Ethics**

Like all of the leading moral philosophies, virtue ethics suffers from a number of shortcomings. One of the central questions for virtue ethics is whether being good in a certain role means that you have to be a good person in general. Robinson brings up an
interesting example: “When under fire, does he worry whether the man next to him is an adulterer, or merely whether he is brave and knows how to use his weapon? Almost certainly the latter. Indeed, one can find many examples of outstanding military officers whose personal lives left much to be desired” (Robinson, 2007). The idea that a soldier would only care about his comrades’ actions insofar as they relate to the military virtues fits with what was previously said about the limited scope of military virtues. They do not extend into all facets of life and is therefore possible that one could be an outstanding soldier and still be a bad person in civilian life. However, this seems problematic, given the importance virtue ethicists place on the unity of the virtues. Both Plato and Aristotle argue that one cannot have a single virtue without having every virtue (Plato 2009). They regarded virtues as being mutually supporting. A person could embody every one of the military virtues, but still fall far short of being the kind of person Plato and Aristotle considered to be virtuous. This suggests that there may have to be two distinct ways in which a person can be considered good. There may be genuinely good people, who are not simply good when judged by the standards of their profession, and ones who are good at exemplifying their profession’s ethical standards, but who are not really good people.

Although Robinson does not argue against virtue ethics, he does caution against focusing on it to the exclusion of other factors that can also influence action. It may be tempting for leaders to blame their subordinates’ flawed characters, rather than searching for deeper causes for unethical behavior. “The focus on character may prevent leaders from taking a critical look at the institutions they lead and thereby ensure that morally corrupting rules, structures, and systems remain” (Robinson 2007). This is sound advice. The Abu Ghraib incident provides a good example of the phenomenon Robinson refers
to. Although it is difficult to discern exactly what happened in that prison, the prison guards who abused Iraqi detainees claimed that their actions were sanctioned by their commanders. Some commentators have argued that the military culture forced the two women involved in the incident to perform their role (Tétreault 2006; Titunik 2009; Puar 2005; Oliver 2010, 2008). Although there was certainly a failure of virtue, since none of the soldiers objected to whatever immoral orders they may have received, it is possible that by blaming the guards attention was diverted from the other parties who may have been responsible and from the role that the military culture may have played in encouraging prisoner abuse.

Robinson also finds a second problem with virtue ethics. He warns that relying on virtue ethics to diagnose major problems may lead one to wrongly assume a connection between the characteristics of a group and the individuals who compose the group. To use his example, the 4th Infantry Division developed a reputation for harsh treatment and even abuse during the early years of the occupation of Iraq, while the 101st Airborne Division was considered far more humane. Robinson thinks it is unlikely that this reputation was actually based on a collective moral failing. “It is just too unlikely that all the bad apples happened to end up in one basket. Rather, the problem was one of lack of education and training and of moral leadership” (Robinson, 2009: 79). This is another good point. Institutional constraints certainly play a role in determining how soldiers will act. When a commander favors aggressive action, subordinates will likely change their behavior to match this stance, especially when it is required by their orders, regardless of their character. Robinson is correct to point out the incompleteness of virtue as an explanation of action. However, it may still have some role to play in an explanation of
ethical conduct because institutional constraints do not determine behavior, they only set limits on behavior. Therefore, it should still be possible to understand whether individuals within either the 4th Infantry Division or the 101st Airborne Division acted in the most virtuous way possible, given the institutional constraints they faced.

Virtue ethics is problematic as a tool for judging morality from an outsider’s perspective. Although Barry is correct in pointing out the practicality of virtue ethics insofar as it may allow character to guide a person’s actions (Barry, 1998: 11), it is impractical as a way of judging the actions of others. Because Aristotle does not provide a decision procedure and actually makes a clear set of moral rules impossible, it is difficult to judge a person’s actions from an outsider’s perspective. To some extent this is fair, as it is far too easy to criticize actions with the benefit of hindsight and the time to carefully consider them. However, there must be some standards of judging actions during war. There must be prescriptions that limit the range of actions open to soldiers before they are sent into combat and a means of judging whose actions seem to warrant punishment. It is difficult for virtue ethics to provide such rules because virtue is such a difficult thing to define and is contextually relative. Even more problematic is that virtue is relative to the actor. What is virtuous for one person might not be for someone else.

Applying Aristotelian virtue ethics to judge soldiers would require abandoning universalism and determining innocence and guilt with the help of subjective factors that illuminate that person’s character. This could create a very unfair way of dealing with soldiers, in which expectations are unclear and offenders receive completely different punishments.
Chapter 2: Consequentialism

Consequentialism holds a great deal of intuitive appeal. Its defining characteristic is judging the morality of actions based on their results, rather than by the intentions of the actor. This means that guilt or innocence is only a function of what someone did and not what that person meant to do. This is intuitively pleasing for several reasons. First, it is much easier to judge facts than intentions. Even when an event must be painstakingly reconstructed from bits of evidence there is at least a sense that there is some objective truth that can be discovered. Trying to judge someone’s intentions, by contrast, is impossible, or nearly so. One always encounters the classic “other minds” problem; we do not know that other people experience the world the same way as us, what their thoughts are, or even that they have minds. Second, it may seem too lenient to excuse someone’s harmful actions just because they were accidental. A negligent driver does not intend to cause a car accident or kill a pedestrian, but this will probably do little to assuage the guilt of those affected by the driver’s actions. Good intentions may mitigate guilt, but in the law and in everyday judgments they tend to be insufficient to completely absolve a person of responsibility.

It is important to distinguish several varieties of consequentialism. Utilitarianism is by far the most common among philosophers, as it is universalizable and not as prone to supporting particular interests. Yet taking this as the only form of consequentialism overlooks the many variants of consequentialism based on results other than maximizing happiness. This section will consider utilitarianism in its classical and contemporary variants; it will also discuss a few of the many alternative views of consequentialism. What distinguishes the various forms of consequentialism is the ultimate goal that is used
to judge whether consequences are good or bad. Whereas utilitarianism is hedonistic, many of the other versions of consequentialism are pragmatic because they assign value to actions that are useful for a certain group. This makes some forms of consequentialism seem amoral or immoral, as they reject moral universalism and may only be excuses for actions performed for self-interested reasons. However, their popularity among those who justify violence makes them central to the discussion of consequentialist thinking about war.

Utilitarianism is the form of consequentialism that casts all human motivation in terms of pleasure and pain. As Bentham argues, humans always seek to maximize pleasure and minimize pain. From this premise, he concludes that acting in order to maximize pleasure, to produce “the greatest happiness for the greatest number,” is the most basic moral imperative. Everything that follows from an action reflects back on it as something that was either painful or pleasurable and is morally relevant because of these two categories. An action is good when it will produce greater net happiness and bad when it will cause unhappiness. This distinguishes Bentham and other classical utilitarians from Aristotle. Bentham is only interested in acts and not the actors themselves. For Bentham, a person who is generally immoral still has the potential to perform good acts.

Bentham’s utilitarianism is hedonistic and leaves little room for qualitative distinctions, as Bentham admits with his famous claim that “pushpin is as good as poetry.” By this, he means that rightness and wrongness are indifferent to the sources of pleasure and pain. All that matters is the magnitude of these feelings; the source is irrelevant. The pleasures of high culture are inferior to physical pleasures or the
enjoyment one receives from watching television if high culture does not produce pleasure of the same intensity as the baser activities. We might judge the stimulus provided by cheap entertainment as less refined and less culturally valuable than that provided by reading classical literature, but Bentham does not think this matters when deciding on morality.

In some ways, Bentham’s utilitarianism is a promising guide for decisions in a military context because he attempts to reduce his theory to a formula for calculating morality and this would make it a useful addition to the military’s systems of quantifying warfare. During WWII, technical experts began transforming the American military into a machine for producing dead bodies. Planners did not simply order men into battle, they also studied the results of each attack strategy and shifted their plans to reflect the lessons learned (Ross 2003; Gentile 2001). In some instances, the methods of the social and natural sciences were applied to the data. Statistical analysis of bombing effectiveness and of the number of soldiers firing their weapons became the basis for a new science of maximizing the effectiveness of every piece of the arsenal. It may also be tempting to calculate morality in the same way, by counting the numbers of wounded and dead. Bentham’s hedonistic calculus could, if it worked, allow planners to input variables and resolve all potential problems before they were encountered, leaving soldiers to simply follow a precise set of instructions. Bentham’s calculus could even be used as a very strong guide for *jus ad bellum* – the pain and pleasure a conflict would produce, as measured by the calculus, would provide a powerful mechanism for determining its morality in advance. This could provide a means of legitimizing humanitarian interventions. It would certainly be much easier to make decisions of life and death with a
formula that could accurately weigh the amount of pain produced by each prospective course of action.

Despite its potential usefulness for strategists, Bentham’s utilitarianism is plagued by far more shortcomings than can be described here. His hedonistic calculus turns out to be useless without a standard of feeling with which to measure the potential payoff for every person. The information needed to run the calculus cannot be found, since there is no system of measuring pleasure in the many ways that Bentham considered morally relevant. It is also unclear when the consequences of an attack would cease to be morally relevant. Is one only responsible for the immediate consequences, those that follow within a week, or any consequences that follow from an action? At best, one can only guess at the outcome and how those affected will feel about it, but this cannot be done with mathematical precision, and this kind of planning does not require the use of Bentham’s model. War is increasingly dominated by technology and the instrumental rationality of technological societies, but the failure of Bentham’s hedonistic calculus should serve as a warning against extending the logic of quantification into a moral sphere. The quantitative focus seems successful in many of its applications, but no matter how far technical domination of war progresses, moral decision making will resist such a simplistic approach. At best, the number of casualties can be used to judge the morality of an attack. This is usually the metric that observers consider relevant when assessing an attack, but this is only a quasi-utilitarian measure because it substitutes physical well-being for the less tangible concept of pleasure. Moreover, as Royse points out, this way of calculating morality tends to give precedence to military effectiveness and only considers moral restraint as a secondary concern (Royse, 1928).
Another important objection to Bentham’s hedonistic utilitarianism is that it does not distinguish forms of pleasure. If form is irrelevant, then there is no reason we should not get our pleasure from the easiest sources and forgo those pleasures that require hard work to achieve. This is the objection that leads John Stuart Mill to revise Bentham’s utilitarianism (Mill 1993). This objection takes on even greater weight when we look at it in a military context than in the civilian world that Mill was concerned with. It would be difficult to ever justify military action with hedonism, especially to the soldiers who have to perform the unpleasant work of fighting. If recruits were trained to value pleasure above all else and minimize pain, there would be no basis for accepting abstract military values like duty and loyalty, let alone making personal sacrifices in their name. Even forcing soldiers to wake up early for physical training would be difficult to justify if this discomfort were not balanced by some pleasure. One could argue that the soldiers’ actions are justified because they will ultimately produce a greater net happiness, but this argument fails for several reasons. It defers the expected pleasure and pain to a much later date, making it difficult to judge each individual action, as Bentham thinks we must. Furthermore, there is no guarantee that the pain of training or even the pain of battle will be repaid with greater net happiness. It seems that the opposite is often the case, as many uses of military force result in a massive decline of happiness. Therefore, if utilitarianism is to be applied to military ethics, it must be some version that makes use of Mill’s distinction between high and low pleasures.

Like Bentham’s utilitarianism, Mill’s is also overtly hedonistic and judges actions by the extent of pleasure and pain they create.

The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion
as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. (Mill 1993: 144)

However, Mill argues that higher beings require higher pleasure to satisfy them. The pleasures of an ordinary man are baser than those of Socrates, and those of humans in general are superior to the pleasures of animals (Mill 1993: 147). He reasons that there must be a difference between high and low pleasures because “It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied” (Mill 1993: 148). This small distinction has the significant effect of creating a class of goods that are valued above all others even if they do not produce the same intense pleasure. This makes utilitarianism far more plausible as a theory of military ethics, because it can be reconciled with the intense hardships that soldiers must endure during war and because it provides a way of justifying these as hardships that must be endured to realize higher forms of pleasure. Mill’s utilitarianism degrades physical pleasures and subordinates them to intellectual pleasures in the same way that soldiers must sacrifice ordinary physical comforts in pursuit of an abstract warrior ideal.

Mill’s utilitarianism is a more plausible theory of military ethics than Bentham’s, but it still has the problem of how to treat values other than happiness. Even with his dualistic theory of pleasure, Mill argues that happiness is the ultimate goal and that everything else is a means of achieving it (Mill 1993; 177). Mill rejects concepts like honor and respect, which both Aristotelians and Kantians hold in high esteem (Cocker 2008: 32). A utilitarian theory of military ethics would be in tension with the many military values that are supposed to take precedence over individual happiness. In his attacks on utilitarianism, Nietzsche criticizes Bentham and Mill for thinking that happiness is all
that people value (Nietzsche, 1990). He argues that anyone who is willing to live for
pleasure alone, even if it is the pleasure of high culture, is destined to have a hollow life
that lacks the deeper commitment to values that is characteristic of higher forms of
humanity. If Cook is correct in claiming that military professionals are driven by abstract
values like duty and honor (Cook, 2004), then they will probably agree with Nietzsche’s
point and reject moral teachings that ask them to act so as to maximize pleasure.

The greatest difficulty for classical utilitarianism is that it can support repressive acts,
such as enslaving or killing a minority population and that this makes it impractical for
any society except one in which nonutilitarian norms govern the range of acceptable
behavior (MacIntyre 1966: 38). Employing classical utilitarianism requires one to support
intuitively wrong actions or that one introduce additional assumptions that cannot be
justified by utilitarianism. The unpleasant conclusions utilitarianism can lead to are made
clear in some of the thought experiments opponents have designed. One thought
experiment asks whether it is moral to save five patients who each need a different organ
transplant by killing one healthy person and stealing that person’s organs. The intuitive
answer is to say that the one healthy person should be allowed to live even though this
means allowing five unhealthy people to die. Yet situations like this one present problems
for utilitarians, who must either deny the intuitive answer and sacrifice the healthy person
or argue that utilitarianism should not apply (Sandel 2009). Many utilitarians are
prepared to say that moral intuitions are incorrect and to accept the strange conclusions
that utilitarianism may lead to (Singer, 1993, Unger, 1996). Whatever the philosophical
merits of this, there are clearly practical problems, as soldiers trained in strict
utilitarianism would require substantial retraining and would have to overcome many
intuitive moral judgments. This could even lead to serious problems if the intuitive moral judgments play a role in minimizing the horrors of war.

Many critics of utilitarianism in military ethics have argued that this problem makes utilitarianism unsuitable for use by military professionals. Snow warns that utilitarianism too easily leads to abuse in situations when moral restraint is most needed (Snow 2009: 560). Gruzalski argues that utilitarianism would be particularly problematic, as most acts of the war on terror would be immoral because they have created far more unhappiness than happiness (Gruzalski). Other forms of consequentialism are even more prone to this error, as they tend to be particularistic and less interested in happiness than with more culturally relative values. This problem is one of the most serious objections to utilitarianism, but it may be possible to overcome it by using a two-level theory.

Of all the varieties of utilitarianism, R.M. Hare’s receives the most support from scholars of just war and military ethics. Fotion and Elfstrom are two of the most prominent defenders of Hare’s utilitarianism in the literature on military ethics (Fotion, 1986). This form, they argue, is superior to the older, more familiar versions proposed by Bentham and Mill because it places more constraints on action. Whereas Mill and especially Bentham were willing to allow many practices that intuitively seem immoral, Hare argues that the quest to maximize happiness should also be guided by respect for the people affected. Hare’s utilitarianism, which is often called prescriptivism, overcomes some of the problems of moral intuition contradicting utility by joining utility and intuition in a two-level utilitarianism. Hare argues that one should normally apply intuitive moral rules. These rules are based on rule-utilitarianism, which holds that rather than judging individual acts by the utilitarian standard, as Bentham and Mill do,
utilitarianism should formulate general rules of conduct that can be applied without careful consideration of the potential consequences of an action. Hare thinks that rules have the benefit of specifying the same action for every person, as opposed to act utilitarianism, which one may apply with bias. Intuitive judgments should be followed in all circumstances unless two of the rules contradict each other. If this happens, then one should apply act utilitarianism to resolve the dispute. Like Aristotle’s virtue ethics, Hare’s theory assigns judgment a critical role. People must be able to determine when there is a value conflict that requires that they apply act utilitarianism. This is a less substantive form of judgment, but still requires a greater capacity for critical thinking than a purely rule-governed moral philosophy.

Hare’s utilitarianism has the strength of making moral reasoning much less demanding. One need not apply the utility calculus in every situation. This makes it a much stronger practical guide, especially for soldiers. This practical value is something Hare considered very important. He took part in the military ethics debate as it took shape during the close of the Vietnam War (Hare 1972), joining R.B. Brandt (Brandt 1972) in defending utilitarianism against absolutists like Thomas Nagel (Nagel 1972). Hare finds the universalist approach to war untenable and even goes so far as to say that he doubts Nagel really believes in the universalism he claims to support. Nagel points out the aforementioned problem of utilitarianism contradicting moral intuition, but Hare thinks that this fails to defeat his own two-level theory. He argues that deontological rules of action are the best guides for moral education and for action that only requires intuitive judgment:

The simple principles of the deontologist, important as they are, have their place at the level of character-formation (moral education and
self-education). They are what we should be trying to inculcate into ourselves and our children if we want to stand the best chance, amid the stresses and temptations of the moral life, of doing what is for the best. (Hare 1972:174)

Hare’s grounds for favoring deontological rules are consequentialist, as he thinks that deontological rules are likely to produce the best results when there is no time for complex moral judgment. Moreover, Hare says that soldiers should usually follow military virtues. When it comes to complex decisions soldiers should be told “[l]eave those calculations to your superiors; they are probably in some bunker somewhere out of personal danger, and therefore can consider more rationally and dispassionately, and with better information than you have, the question of whether to withdraw. Your job is to get on with the fighting” (Hare 1972: 175). By contrast, giving them a utilitarian order like “On the battlefield, always do what is most conducive to the general good of mankind” (Hare 1972: 175) would only needlessly confuse them and distract soldiers from their military objectives.

Toner endorses limited utilitarianism that is somewhat like Hare’s two-level utilitarianism. “When action is required and decisions are needed, universalists deliberate about what to do based upon the underlying principle of military ethics: Always choose the greatest good for the greatest number – up to a point” (Toner 2000: 81). He adds the caveat because “there are some things so solemn and so sacred that such efforts at arithmetic ethics or mathematical morality are, by themselves, inadequate” (Toner 2000: 81). Thus, Toner’s two-level utilitarianism takes utilitarianism as the guide for all moral actions, but uses deontological moral rules as a check on utilitarianism. This is a reversal of Hare’s argument, but one that accomplishes the same objective of making utilitarianism less discordant with moral intuitions.
Problems with Utilitarianism

Although some scholars do support utilitarianism in military ethics, it is rejected by most. Bonadonna argues that “utilitarian ethics do not work well in the military setting” (Bonadonna, 1994: 18). Robinson goes even further, concluding that “[u]tilitarian ethics are almost universally rejected as unsuitable in a military context” (Robinson 2008: 8). These judgments are too dismissive, given the support military ethicists like Fotion, Elfstrom, and Toner show for utilitarianism, but Bonadonna and Robinson are correct in pointing out that this is a minority position. Even many of the scholarly endorsements of utilitarianism in military ethics only partially accept it. For example, utilitarianism may be applied as a moral theory detached from any particular theorist and that only imposes limited restrictions on war. Nathanson describes this kind of utilitarianism as simply being an aversion to causing more damage than is necessary.

In developing an ethic of war, utilitarians have generally argued that attacks in war are only justified if they have military value and do not cause gratuitous, excessive harm. To avoid qualifying as gratuitous, attacks must have genuine military value. To avoid being excessive, the benefits of an attack must outweigh the harms that it inflicts. (Nathanson 2010: 88).

Another problem for utilitarianism is what Hare calls ideal observer theory. Hare argues that “in considering what we ought to do, we have to conform our thought to what would be said by a person who had access to complete knowledge of all the facts, was absolutely clear in his thinking, was impartial between all parties affected by the action, and yet benevolent to them all” (Hare, 1972: 168). Although Hare’s insistence on applying moral rules without self-interest is a strong recommendation, he assumes far too high a level of competence for making moral decisions. Soldiers may be able to consider
the problems they face from a neutral perspective, but they will certainly never be in a situation in which they have all the facts, can think completely clearly, and feel benevolent toward everyone involved. This is a high standard for any moral actor, but becomes excessive for those who must make moral judgments in combat.

Bentham, Mill, and many other utilitarians are universal consequentialists (Scarre 1996: 4). They think that the rightness of an act depends on the consequences for all people and not only a particular group of people. This is one of the most progressive dimensions of utilitarian theory. Every person’s feelings of pleasure and pain have equal weight; there are no grounds for discrimination. However, this presents a serious challenge for using utilitarianism as a theory of military ethics. As national defense forces, militaries rank the protection of citizens above that of foreigners and of foreigners from allied countries above foreigners from neutral or hostile countries. Consistently using utilitarian moral theory would require soldiers to show as much concern for enemy combatants and civilians as for allies and friends. This would certainly lead them to make more objective moral judgments, but it may be unreasonable to expect soldiers to act with this level of concern for all people. This problem is not unique to utilitarianism. It is also a challenge for Kant’s deontological morality and any other universalistic theory. This challenge requires that universalism be abandoned or that some additional assumptions be introduced that explain why it is appropriate to rank moral duties (Gross 2006).

Finally, as a practical theory, classical act utilitarianism is inferior to virtue ethics. It would be extremely difficult to apply act utilitarianism if it were taken as a decision procedure to apply before every action. One could object to this by pointing out that few classical utilitarians think that their theory should be taken in this way (Bales, 1971:
Neither Bentham nor Mill thought that actors would always need to determine their ultimate end before acting; they only considered the utility principle a general standard of determining what is right. This makes the theory appear somewhat more practical because the actor does not have to intend to maximize utility, but it is an unsatisfactory resolution. If the utility principle is used to judge actions for moral worth, then it seems that an actor who routinely faces morally ambiguous situations, would have to constantly think about how the utility calculus might be applied to their actions at some future date. It would be just as difficult to worry about retrospective utilitarian judgments as it would be to apply utilitarianism as a decision procedure before acting.

**Other Forms of Consequentialism**

As a consequentialist theory, utilitarianism may appear more practical than Kantian or Aristotelian ethics. Nevertheless, it is a code of conduct that imposes strong guidelines for what actions are permissible (Olsthoorn 2011: 78). Other consequentialist theories judge outcomes by different sets of values, and these are often more self-interested than maximizing pleasure and minimizing pain. Pragmatists and realists who care about reaching their desired ends with the help of moralistic language, but without the same level of constraint on their actions appeal to other versions of consequentialism. Utilitarianism does have some merit, so it is important to distinguish it from the other versions of consequentialism, which create the false impression that consequentialism is always a self-serving moral philosophy. The non-utilitarian variants of consequentialism that are used in just war theory and by policymakers tend to be very weak guides for
military ethics and they should therefore be excluded from the theories that inform military ethics training.

One of the most common consequentialist arguments is Thrasymachus’ definition of justice. In *The Republic*, Thrasymachus argues that justice is the right of the stronger (Plato, 1991). The one who dominates and imposes his will is able to decide what counts as justice and will be able to force others to accept this definition. Although this argument is rarely stated with reference to Thrasymachus and may come in various forms, it is a commonly held idea by those who claim to be realists about warfare. This “might makes right” theory is often empirically correct. Stronger armies can impose their will on the weaker opponents, even when moral theories would tell us that good treatment is obligatory. Since history is written by the victors, it is even possible for the stronger side to retrospectively impose an idealized version of events so as to erase all traces of having acted according to Thrasymachus’ reasoning. Sometimes this kind of consequentialism is only applied partially and used in conjunction with a genuine belief in fighting morally. One can see it at work in some modern applications of military justice, and in these instances, it is usually hidden. Following the Second World War, the Allies took it upon themselves to bring Axis war criminals to trial. The challenge was to apply the rules selectively so that only Axis war criminals would face trial. Since the Russians had executed thousands of German soldiers, mounted huge campaigns of rape and pillage to terrorize civilians, and even shot their own soldiers, the just recourse would have been to bring many of its politicians and officers to trial. The same is true even of more restrained powers like Britain and the US, who could at least have been charged with intentionally bombing civilians. However, the charges against the Germans only included crimes that
the Allies were either not responsible for or, in the case of the Soviet Union, that had been covered up. Thrasymachus’ argument was proven correct as an empirical statement of how combatants actually behave. The Allies judged their enemy’s conduct in moral terms and made a praiseworthy effort to punish those who had fought immorally, but their concern for moral conduct was applied selectively.

Although Thrasymachus’ conception of justice may be correct as an empirical claim about how wars are usually fought, his version of consequentialism is hard to defend on normative grounds. It is self-serving and it is less of a moral theory than an excuse for any behavior that the stronger power deems necessary. Still, many politicians and scholars apply some version of consequentialism that allows those with more power to define moral rules in a self-serving way. It is especially prevalent whenever an event seems to eliminate the need for moral considerations. The September 11 attacks provided just such an occasion. Following that attack, members of the Bush Administration claimed that a war against terrorism was different from conventional war and that the enemy combatants were not entitled the rights of enemy prisoners of war. Labeling captured terrorists and suspects unlawful combatants rather than prisoners of war allowed the administration to escape legal limits on prisoner treatment. By doing this, they created a new moral category: the enemy that can be mistreated and killed without guilt. Giorgi Agamben calls this enemy *homo sacer* (Agamben, 1998). It is a concept closely linked to his theory of sovereignty, since determining who is excluded from moral consideration, is part of the power to determine the state of exception and this power belongs to the sovereign (Agamben, 2005). Agamben uses the concept of *homo sacer* to describe the treatment of prisoners in the war on terror, particularly those of Guantanamo Bay. The
Bush Administration’s laws of war only apply to those prisoners insofar as they say that no existing rules can regulate the treatment of the prisoners. The Bush administration’s moral rules were not rules that could serve as a neutral guide for action. Rather, they were rules that defined the limits of moral obligation in a way that served political objectives.

Many scholars defend some kind of instrumental moralism. Kaplan favors the approach to armed conduct that Achilles used. Achilles was a skilled combatant who refused to restrain his actions. Kaplan finds support for this way of fighting in Machiavelli’s writings, since he characterizes Machiavelli as endorsing immoral behavior. As Kaplan understands Machiavelli, virtue is not only something that lies outside of morality; it is actually opposed to morality. “For Machiavelli, virtue is the opposite of righteousness” (Kaplan 2002: 62). This is a simplistic reading of Machiavelli, since even in *The Prince* virtù is characterized as something that can at times lead to moral action and which should at least appear to be good. However, Kaplan’s reading of Machiavelli is only a way of pretending that his argument has deep philosophical support. Kaplan’s justification for conducting wars in a Machiavellian way is that wars are essentially chaotic and that nothing can be done to make them more restrained. He finds that it is best to accept the chaos of war and to use it to one’s advantage.

Closely related to Kaplan’s argument, is consequentialism that rejects universalism and privileges a certain group. This can take a somewhat messianic character, as it excuses almost any action that can be construed as contributing to the group’s well-being or to its goals. Ralph Peters makes this kind of argument by arguing that the United States’ mission is to bring its values to the rest of the world, using force when necessary. His argument parallels nineteenth century justifications of colonialism, but he argues that
the American exceptionalism is justified because the country is committed to spreading
democracy around the world. The goal of promoting freedom is one that should be
pursued even if violent action is necessary (Peters 2004). The exportation of American
democracy can be a violent process, but Peters argues that the US is always motivated by
praiseworthy goals and that its soldiers never act improperly. These arguments are
concerning, as Peters’ writings are routinely published in military journals like the Army
War College’s journal *Parameters*. Although Peters’ commitment to democracy is
admirable, it is deeply troubling that the goal of democratization can be treated as so
sacred that it justifies invasions and acts of coercion. Moreover, the belief in the
infallibility of American forces is troubling. If the US military is moral by definition, then
there is no reason to be critical of the military’s actions or to look for ways of improving
its conduct of wars.

Although Kaplan and Peters express some of the most extreme forms of
instrumentalist thinking about morality, many writers in the just war tradition, writers
who at least show some commitment to imposing restraints on wars, also think that there
are times when emergencies justify suspending moral restraints. Walzer makes a more
sophisticated version of the nonutilitarian consequentialist argument, but one that is
essentially the same as Thrasymachus’. It is to Walzer’s credit that the value he thinks
should be maximized is human life, but he is far too ready to abandon restraints on the
use of force. He argues that in extreme circumstances it is permissible to go beyond the
limits imposed by morality and do whatever is necessary to prevent loss of life (Walzer
1973). Emergencies can excuse extreme actions like torture. This kind of
consequentialism suffers from many failings. The literature on torture has thoroughly
explored most of these, since contemporary defenses of torture use this kind of argument that purport to demonstrate the necessity of temporarily deviating from universal moral norms (Allhoff 2005; Dershowitz 2003; Steinhoff 2006). Among these failings are that the states of emergency may be defined by those who are most likely to misuse emergency privileges, that the willingness to suspend moral restraint shows a deficient commitment to moral values, and that any of the hypothetical scenarios in which morality might be justifiably ignored are far too simplistic to be useful. Perhaps the most important objection is simply that the purpose of moral restraint is that it guides action during the most difficult situations and that those who support abandoning morality during emergencies are abandoning moral restraint when it is most needed.

Like Walzer, Elshstain is concerned with waging just, restrained wars, but excuses extreme measures in some cases. Elstain goes even further in her relativistic application of the rules of just war, as she does not even employ the concept of a state of emergency to excuse the suspension of morality. Instead, she argues that the rules of war change depending on the context. As she explains it, “[l]egitimate war targets may vary from conflict to conflict depending on what is deemed essential to the war effort of one’s opponents” (Elshtain 2003: 86). This is a dangerous argument; allowing the limits of a conflict to be decided once a conflict is started allows combatants to take their feelings about the conflict for in bello rules of conduct. Elshtain argues that the American response to terrorism justifies the American invasions of Afghanistan and Iraq and that the United States has violated neither the rules of jus ad bellum nor the rules of jus in bello in its conduct of the two wars. The problem with Elshtain’s argument is that her ethical theory imposes no limits on America’s use of force. It seems to be more of a post
facto justification of American policies than an attempt to develop a moral philosophy that can regulate violence. What makes Elshtain’s theory even more dangerous is that it is tinged with the same messianic undertones as one finds in Peters’s work. She seems to believe that Americans are justified acting however they wish. She even claims the superiority of Christian moral thinking, which shows little consideration for the Islamic combatants on both sides of the War on Terror (Elshtain 2008, 2003: 134).

Luckily, many scholars of military ethics have drawn attention to the flaws in realist consequentialism. Challans characterizes Kaplan, Peters, and others, as embodying a dangerous tendency toward eliminating moral restraints on the use of force. Although Challans uses their positions to characterize the realist position, he finds that realism is widespread and that it must be overcome if military ethics is to have much support among military professionals. “Military realism remains one of the biggest challenges we face in having a moral military” (Challans 2007: 37). Axinn is also extremely critical of the realist way of thinking. He directs his argument against Walzer’s “dirty hands” justification for suspending moral restraint. “Despite the anticipation of a different attitude in a different situation, despite the moral panic to be expected from the threat of losing a war, dirty hands is simply a new name for an old pattern. The old name was war crimes, and an honorable military cannot choose them under either name” (Axinn 2008: 152). French warns that fighting against those who have no warrior code of conduct invites moral degradation and that this can only be prevented by refusing to compromise on core values, even when national security is at stake. “When warriors fight murderers, they may be tempted to become the mirror image of the evil they hoped to destroy” (French 2003: 241). French is right to point out that the problem with many
consequentialists is that they are quick to emulate the enemy and, by doing so, they risk sacrificing the few limits that prevent war from becoming as terrible as it has the potential to be.

The relativistic variants of consequentialism also suffer from poor legitimacy. Presumably, good theories of just war and military ethics should be applicable to any country without bias. Peters, Kaplan, and Elshtain take positions that assume the supremacy of American values and the morality of the American military. Although each of these assumptions may be true, the fact that they are assumptions, and not conclusions that are upheld with evidence and argument that would be accepted by most agents who would be bound by their rules, makes them problematic. They lend support to the skeptical view of just war theory, that ideology has a significant effect on determining which acts of violence are excusable (Žižek 2008: 136). Military ethics must be more than just a way of excusing one’s own actions. It must place substantive restraints on the use of force and it must be used as a way of critically judging the morality of one’s own forces. For this reason, utilitarianism may be a strong guide for military ethics, but realist consequentialism must be rejected.
Chapter 3: Kantian Moral Theory

Of the three moral philosophies discussed in this dissertation, Kant’s is the most difficult to reconcile with war. Many consider Kant to be a pacifist or at least only open to using force in the most extreme situations (Tesón 1992; Gallie 1978). His writings on international relations and moral philosophy often seem to support this, as Kant develops a far more demanding theory of individual and state conduct than Aristotle or the utilitarians. His work on perpetual peace provides the strongest support for pacifism, but Waltz questions whether Kant really considered perpetual peace possible and explains that Kant’s view on war shifts considerably. “Sometimes he writes as though peace were inevitably coming; at other times, as though Realpolitik were the mode of the present and the future” (Waltz 1962: 331). Williams and Booth argue that Kant is highly skeptical of the just war tradition’s tendency to excuse conflict and that he favored a completely peaceful world, but that he considered this goal unattainable for as long as international relations remains immature (Williams 1999: 80-1). Debate over this continues (Held 1995, Flikschuh 2000, Mertens 1996), but recent studies of Kant’s contribution to just war theory have shown that he provides many useful guidelines for the regulation of war.

Orend deserves much of the credit for resurrecting Kant’s work in the just war tradition. Over the past decade he has written a number of pieces showing that one may plausibly find Kantian recommendations for the conduct of war and its resolution (Orend 2006, 2004, 2002, 2000, 2007). This is no easy matter considering the overwhelming opinion that Kant is entirely critical of war and thinks it is irreconcilable with justice (Orend 2004). Although he plays a central role in other areas of moral philosophy, Kant is so marginalized in military ethics that many books make no substantive mention of him.
Some military ethicists object to the possibility of any form of rule-based, deontological ethics. Orend convincingly shows that “Kant has a just war theory, albeit his own rather unique kind” (Orend 2004: 163). He argues that Kant only appears to be a pacifist because he disagrees with certain military practices, like hiring mercenaries or waging aggressive war. Despite placing some restrictions on how wars can be fought, Kant thinks that war is permissible in response to rights violations (Orend 2004: 167). Sometimes violence is necessary as a way of preventing greater evils. Orend also presents Kant as the first philosopher to develop a theory of jus post bellum (Orend 2000, 2002, 2007). This gives Kant’s work on just war more range than many of the other canonical theorists.

Several other scholars of military ethics have contributed to Kant’s rehabilitation. Hill is primarily interested in the conscience as Kant defines it (Hill 2001). This is a useful starting place for exploring Kant’s moral thought, as sound decisions require that one have a conscience capable of moral reasoning. Hill derives the importance of respect for Kant’s theory of conscience, but pays little attention to the role of the categorical imperative in commanding that we act respectfully toward others. Challans argues persuasively that the military needs to place far greater emphasis on philosophical morality and concludes that Kant is one of the best sources from which to derive precepts for governing military life (Challans 2007). Although he is vague on the specific connection between his recommended values and Kant’s theory, Challans defends a broadly Kantian approach by showing the importance of applying universal precepts to moral problems, rather than prioritizing victory over all other concerns. As with Hill’s study, Challans reaches an important conclusion that makes the study of military ethics
more favorable to Kantian thinking, but without the same reassessment of Kant’s place that one finds in Orend’s work. This is true for Ficarotta as well. His appropriation of Kant’s philosophy is really a universalist morality that is only Kantian in this very loose sense (Ficarrotta 2010).

One reason for the limited use of Kant’s ideas is that scholars of just war theory tend to rely solely upon Kant’s political works. Orend is right to contend that we should move beyond this narrow view of Kant. The greatest limitation of Kant studies in international relations and security studies is the tendency to overlook Kant’s philosophical work. The focus on Perpetual Peace makes Kant seem like a pacifist and ignores the moral theories that played a central role in Kant’s philosophical system. Yet even as Orend departs from the rigid focus on Perpetual Peace, his analysis remains at the highest level of military decision-making, thereby missing some of Kant’s most valuable insights. In other words, Orend stays within the usual just war framework, even as he points the way to applying Kant’s theory at all levels of military life. Orend is not alone in this respect. Most work dealing with Kant and just war either discuss it in very general terms or applies it to matters of national policy and strategy (Bellamy 2006).

The level of analysis reflects a broader tendency in military ethics to deal with the behavior of states and armies. This approach has been valuable and should play the leading role in just war theory, but it cannot take all of our attention. With the increasing emphasis on small unit action, it is important to consider the relevance of moral theories for individuals and small units. As Martinelli-Fernandez puts it in her investigation of Kantian moral philosophy, “the fact remains that it is embodied men and women and not the metaphysical ‘nation’ who actually conduct war” (Martinelli-Fernandez 2006: 55).
The categorical imperative, which takes center place in most areas of Kantian moral philosophy, is strangely absent when Kant appears in the military context. Thus, only a subset of the just war theorists who take a Kantian approach look at how this rule might be applied. If the categorical imperative is invoked, it is often applied in an unusual way. For example, Wheeler affirms the value of the categorical imperative, but does not actually apply it to individual moral decisions. Instead, he uses it to assess the moral worth of the reason for fighting. He analyzes Colonel Joshua Chamberlain’s decision to counterattack the Confederates at Gettysburg and argues that Kant would support this action because he would consider slavery a violation of the categorical imperative. From this he leaps to the conclusion that Chamberlain’s bayonet charge is “an act of defense which has moral worth” (Wheeler 1993: 174) even though he does not demonstrate that Kant would support a violent opposition to slavery. To fully realize the value of Kant’s philosophy, we must assess the categorical imperative as a way for soldiers to make moral decisions and not just as theory for justifying a war’s objectives.

Kant’s Categorical Imperative

The categorical imperative is the centerpiece of Kant’s moral philosophy. It is the rational, universal code that he thinks is irrefutable because of its logical perfection. In an exhaustive account of the argument, Paton finds five versions of the categorical imperative (Paton 1948). This essay will discuss the two most famous formulations. Kant calls his rule an imperative because it is a command. One must follow it as if it were an order because reason dictates that they be followed. It is categorical because it applies in all cases, without exception. Kant is firmly committed to moral universalism. He would
object to any attempt to impose special moral duties contingent on context or one’s status. This means that if torture is wrong, it is wrong in every case regardless of the external considerations that might seem to justify it. It also means that soldiers are obliged to follow the categorical imperative in the same way as civilians.

The first version of the categorical imperative is “act only in accordance with that maxim through which you can at the same time will that it become a universal law” (Kant 1996: 74). If a maxim can be universalized without contradiction or without violating one’s own desires, then it is morally permissible. Kant recommends that one apply the categorical imperative to a perspective course of action before carrying it out and even describes how it can be framed as a decision procedure (O’Neill 1975, 1989). First, the action must be formulated as a maxim of individual action. “It is permissible for me to do X.” Second, it must be rephrased in terms that make it apply universally. “It is permissible for everyone to do X.” Third, one must judge whether the universal formulation of the maxim results in a contradiction – whether the world the universal maxim implies is even possible. Finally, one must be able to will that such a world exist. By this standard, stealing would be immoral because an individual’s theft implies the maxim “stealing is acceptable for me.” When universalized to state “stealing is acceptable for everyone” it becomes contradictory because it undermines any notion of ownership. It probably contradicts the thief’s own desire for personal property, which is expressed by the willingness to steal.

This is clearly a difficult moral principle to apply in war because it forbids killing. Killing is irrational when universalized according to Kant’s formula. The maxim “it is acceptable for me to kill” would lead to contradiction when restated as “it is acceptable
for everyone to kill” for the same reasons as stealing. The soldier’s duty to kill the enemy is at odds with the moral imperative to refrain from harming others. One might argue that the first maxim should be reformulated as “it is acceptable for me to kill enemy soldiers during a time of war,” as this can be universalized without contradiction. Rehabilitating Kant as a moral guide in combat would require such an argument. However, this seems to go against the spirit of Kant’s argument because the maxim is particularistic. It allows killing for specific people in a specific context, and Kant opposes granting special moral rights for certain groups. Additionally, soldiers usually value their own lives and want to preserve them, so it is doubtful that many would endorse universal acceptance of killing. A universal or particular allowance of killing also violates the categorical imperative by conflicting with the moral agents’ own desires.

It may be possible to redeem Kant’s first formulation of the categorical imperative for military ethics, but this would be difficult and require a demonstration of how killing could be made non-contradictory when universalized. Moreover, it would require that the soldiers fighting have a stronger desire to kill than they do for self-preservation. Even if it could somehow be reconciled with the necessities of war, this moral rule would have limited utility for soldiers in the midst of battle, when there is no time to run through the decision procedure. For this reason, military ethicists who do address the categorical imperative often use it to link Kant to pacifism (Lackey 1998) or object to the place of universalism in military ethics (Toner 2000: 149).

Many philosophers find Kant’s second formulation of the categorical imperative, also called the humanity formulation or the respect formulation, to be his most convincing statement of the rule because it is more flexible and less difficult for moral actors to apply.
in the complex circumstances in which moral problems emerge (Hill 1980). Kant says moral actors must “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (Kant 1996: 80). It is important to remember that Kant does not say that one can never use another person as a means to an end. This would be an extremely high standard. Instead, Kant only thinks that a person cannot only be a means to an end. Thus, it is permissible to use an acquaintance for a ride home, but not if that person’s only value is as a means of transportation.

Respect is the essential difference between these two cases. To treat others as ends in themselves is to treat them with respect. Kant defines respect in an unusual way. In normal discourse, respect is usually described as something earned. It is conferred based on merit. Kantian respect, by contrast, is a universal respect for another person’s humanity. It is something that must be granted unconditionally. As Sandel says, “Kant tied morality to respect for persons as rational beings independent of their particular characteristics” (Sandel 1996: 342). Kant further complicates his notion of respect by arguing that a rational actor’s duty is toward humanity in general and not to particular humans, even though actions can only involve particular people. This implies that individuals must be treated with respect so as not to degrade humanity; the respect for humanity is expressed through respect for individuals. Even though Kant’s rule seems extremely broad because it involves humanity, it places constraints on moral actions at all levels.

Like the first version of the categorical imperative, this one may be problematic when used to judge violent acts. A soldier killing an enemy seems to show little respect either
for that enemy as an individual or as a representative of humanity. The applicability of the categorical imperative will depend on how we understand universal respect and whether it is possible to respect humanity even while killing humans. One approach to the problem is to say that it is possible to kill a person and still be respectful. Some writers describe respectful killing as killing that is done deliberately and without risk to bystanders. Bourke presents snipers as the modern soldiers who have the most respectful experience of violence, because they can kill one at a time enemy and not accidentally hit others (Bourke 1999: 52). Dave Grossman, in his work on the psychology of violence calls this a “noble kill,” and argues that it is indeed possible (Grossman 2009: 196). However, Grossman contradicts himself on this point because he also says that “In order to fight at close range one must deny the humanity of one’s enemy” (Grossman 2009: 199). This hardly a respectful attitude. To overcome this difficulty, Orend makes a strong case for reconciling the categorical imperative with fighting by introducing the possibility of respect for humanity demanding disrespect to certain groups of people.

War-fighting does not necessarily disrespect the humanity in the other person (in the enemy state) because, as Kant says, the justified resort to war treats the regime in the enemy state as being responsible for choosing to commit those unjust actions which ground a violent, even lethal, response.(Orend 2000: 168)

This offers a plausible defense by showing how we might call a just war respectful of humanity even though it requires killing. This coincides with Cheyney Ryan’s point that respect may require defense against one who violates rights (Ryan 1983). It also agrees with Kant’s thoughts on punishment, as he considers punishment justified if it is punishment of someone responsible for an immoral action (Norman 1995 : 186). It is important to remember that Kant does not argue that every individual person must be
treated with respect; the respect is for humanity. It is therefore permissible to cause harm in order to prevent an even greater degradation of humanity. This creates a new challenge of deciding what counts as sufficiently disrespectful of humanity to warrant killing of a person or group, but it at least shows that the categorical imperative can be applied to military ethics, even when violence is involved.

As Woddis correctly points out, the killing done by soldiers is a peculiar kind of killing because it is based on political rather than individual interests Woddis (Woddis 1977: 23). This adds further weight to the argument in favor of respectful killing, as it shows that the intentions that underlie the wartime violence may not be driven by hatred or a desire to deprive enemy personnel of their humanity. This is implicit in the famous Clausewitzian definition of war. If war is a continuation of politics by other means, then there may be discontinuity between the aims of high-level political and military actors that excludes the individuals who are actually charged with fighting the war. This point is routinely supported by studies of combat, which find a lack of hatred between opponents who are charged with killing each other, to the extent that enemies may establish local ceasefires without their commanders’ permission, exchange goods with each other, and even show a high level of respect for captured enemies (Weintraub 2002; Bierman 2004). If this were not the natural attitude for many soldiers, then there would be far less need of propaganda to dehumanize the enemy.

Although the second formulation of the categorical imperative provides a much stronger basis for regulating combat than the first, it remains ambiguous because there are no levels of disrespect that can serve as a basis for comparison. It has much clearer implications for how allied soldiers ought to be treated. In this context, there is no need to
reconcile respect with killing. Kant’s is still a demanding moral code when applied in this way, but strong moral guidelines are desirable in governing the interaction between friendly soldiers. Indeed, in this context, anything less than Kant’s demand for treating others as ends in themselves is blatantly abusive. The limitation of applying Kant’s theory narrowly, as a solution to a specific range of moral problems is that it is particularistic. This is a powerful objection, but there are at least two reasons that it is not decisive. First, particularism that supports more demanding moral rules is far less harmful than particularism that makes exceptions. It is more desirable to have stronger moral guidelines apply to one group than to reduce all relations to the same level. Second, the goal of this essay is to take an initial step in applying Kant’s categorical imperative to military ethics. It makes sense to start with the most plausible cases and then to gauge the extent to which more difficult cases may be guided by the same rules. The argument here should be read as a part of the larger project of finding Kant’s relevance to military ethics.

Using the second formulation of the categorical imperative, rather than the first, provides an answer to some criticisms of Kant’s moral theory. Paskins and Dockrill present Kant and Hume as taking opposing positions on the value of reason and sympathy, with Kant arguing for an extreme rationalism that almost entirely eliminates emotion (Paskins 1979). Yet based on the second formulation of the categorical imperative, this is clearly not the case. The injunction to unconditionally respect others for their humanity does not seem excessively rational, nor does it downplay the role of individual feeling. It only requires that moral sympathy must be universal and not focused exclusively on the people we normally care about. More importantly for military
ethics, the principle is simple enough to be easily grasped and applied. Indeed, one would
hope that each of the violations of the categorical imperative discussed in this essay
would strike readers as intuitively wrong even without knowledge of Kant’s theory.

Kant’s writings on jus post bellum also affirm the value of restraint in war. Kant
thinks that war is only justified as a way of restoring peace when an aggressive country
has upset it. It follows from this purpose of war that all actions taken during a war should
help to reach this goal. Kant argues that “a peace treaty may put an end to the current
war, but not the general warlike conditions within which pretexts can always be found for
a new war” (Kant, 1991: 104). He bases this on the well-known tendency of defeated
countries to be become bitter in defeat and to retaliate against its former enemies
responsible for creating an unjust peace. Kant’s objection is to the persistence of “general
warlike conditions” and in among these should be included the hatred that can develop
when armies wage unrestrained war. This theory of just war implies that all soldiers must
minimize their use of force and act as ethically as possible, as everyone is morally
obliged to work towards a cessation of hostilities that will reduce the chances of future
conflict. Commentators of Kant’s theory of jus post bellum have drawn attention to the
links between it and the second formulation of the categorical imperative. Childress and
Masek argue that combatants must attempt to respect their enemy’s humanity (Childress
1982, Masek 2002: 151). Therefore, these two dimensions of Kant’s moral philosophy
are not only complimentary but also mutually supportive, as one would expect from
someone as committed to philosophical systems as Kant.
Objections to Kantian Military Ethics

Kant defines moral duty more broadly than some may be comfortable with. One of the components of the concept of professionalism is an obligation to work in the service of some group. Usually, an army is seen as only protecting the interests of one country and its allies. Kant would have us define professional responsibility more broadly. Davenport states this duty in terms that Kant would likely agree with. “The paramount duty then of the military professional is to promote the safety and welfare of humanity and this duty, according to military law, takes precedence over duties to clients, who as his fellow citizens are but a particular portion of the human race” (Davenport 1987: 7-8). Of course, this statement of duty to humanity will have no little support among those who consider the military’s primary function to be the protection of a country and its national interests. A Kantian could endorse national defense, but not with any self-interested or nationalistic goals; defensive war would have to be a defense of humanity. Thus, applying Kant’s philosophy to war would require a country to be cosmopolitan and to have a sense of moral responsibility that transcends borders.

One of the most common complaints about Kant’s moral philosophy is that it has little relevance for actors, because it is complex and difficult to apply. Military ethicists also make this point and it has even greater weight given the kind of situations they are concerned with. Toner argues “Rules are therefore very important, but we cannot create military ethics on the basis only of rules, however valid or virtuous they may be, for they are not a moral "logic tree" or an ethical calculator” (Toner 2003). Kaplan goes further. He denies that Kant can have any relevance, saying that “Kant provides little practical advice for dealing with a world governed by passion, irrationality, and periodic evil”
(Kaplan 2002: 113). Although Kaplan’s critique of Kant is part of his critique of universalism and seems to be motivated by a desire to excuse particularistic moral theories, Toner’s objection indicates that he supports the goal of imposing strong moral restrictions on war, but concern that Kant’s categorical imperative may be too difficult for soldiers to apply.

The accusations of impracticality are a serious concern, although it is somewhat easier to follow in the respect formulation than it is in Kant’s first and third formulations of the categorical imperative. In fact, when applied as an affirmation of respect, Kantian moral theory may be easier to follow than utilitarianism. Whereas utilitarianism demands attention to the possible outcomes of different courses of action and requires that one weigh these against each other, the second formulation of the categorical imperative is focused on the present. Acting with respect does not require the same careful analysis of potential consequences that a conscientious utilitarian might undertake. Nevertheless, it does fall short of matching virtue ethics’ practical appeal because it still requires working through a decision procedure. Those who favor virtue ethics can therefore judge both deontological and consequentialist theories too complex for use in war.

Whetham has minor disagreements with Kant and again the concern is with the practicality of Kant’s theory. He argues that Kant’s strict moral duty would hold that there is a duty to take action against allies who do not adhere to universal moral values. This would be counterproductive in wars based on alliances between countries with conflicting value systems. While Whetham disagrees with the philosophical merits of moral relativism, he acknowledges that moral relativism has a limited place, given the need to work with allies and local populations (Whetham 2008: 307). His example of this
is the British and American support of the Soviet Union during World War II. This is a strong example, as the Allies’ success in the war was certainly dependent on Soviet assistance. There was little hope of winning the war without Soviet support and the Soviet military was heavily dependent on American financing and products. A Kantian could argue that the Soviet alliance was necessary to prevent greater attacks on humanity, but given the extent of Soviet war crimes it would be difficult to show that Kant would support such an interpretation of his ideas.

Olsthoorn finds another weakness of Kant’s theory that also highlights the strength to virtue ethics. He says that some moral theories, such as those focusing on personal autonomy, may be poorly suited for use by militaries because they do not say much about supererogatory acts (Olsthoorn 2008: 124). The categorical imperative can say a great deal about what actions are not allowed, but it does not give the substantive guidance on how to perform actions the acts of self-sacrifice and dedication that is the trait of great soldiers. This is the most important limitation of the categorical imperative in the military context. Kant does provide an extremely strong rational basis for defining what acts cannot be performed, but he does not say as much about what acts are not obligatory, but should nevertheless, be performed. A soldier who rigorously follows the categorical imperative may be a relatively poor soldier and one never does anything exceptional to protect other people. One can consistently follow the categorical imperative without performing the supererogatory acts, like risking one’s life for fallen comrades or interfering with the enemy’s plans to attack a civilian target, but someone who chooses to behave in this manner is not a heroic figure, nor even especially praiseworthy in times of war.
Finally, Gross’ discussion of autonomy during war can be read as an implicit criticism of Kant. Autonomy is one of the central concepts of Kant’s work. He considered personal autonomy a prerequisite for being a moral actor, but it is more than just freedom from coercion. Autonomy includes a negative and positive freedom. The former is freedom from coercion. The latter is the ability to live by laws that one chooses for oneself. The third formulation of Kant’s categorical imperative affirms the value of autonomy, stating that every actor must be able to legislate universal law. This substantive view of autonomy has turned out to be one of Kant’s most lasting contributions to moral theory, as Kantian approaches to contemporary moral problems often make extensive use of his concept of autonomy (Habermas 2003). Gross argues that war imposes constraints that constrain autonomy.

While in peacetime we grant overwhelming, if not decisive, weight to an individual’s right of self-determination, the free range that we normally extend to personal decision making shrinks within the confines of a tightly layered hierarchy like the military. In fact, the entire structure of moral decision making changes in light of both the military’s vertical organization and the exigencies of war. (Gross 2006: 327)

Gross’ point in this passage is descriptive rather than normative, but his accurate description of the way that personal autonomy is neglected during war. Given the constraints imposed on military personnel by the conditions of war, autonomy simply is not something that can be guaranteed in the same way it can during peacetime. This could present serious challenges for a Kantian, as one’s ability to be a moral actor depends on personal autonomy to act without coercion.
Conclusion of Part I

As this chapter has shown, the Aristotelian, utilitarian, and Kantian theories each have strengths and weaknesses as moral theories and as guides for military ethics. The three theories presented in this chapter may not be mutually exclusive. Some military ethicists favor a hybrid approaches. For example, Bonadonna proposes combining rule-based ethics with virtue ethics, by using the former to define what actions cannot be performed and the latter to impose additional duties (Bonadonna 1994). Hare’s two-level utilitarianism is another example of a hybrid theory because it incorporates utilitarianism and rule-based theories. However, pure versions of each of the three theories remain the dominant approaches to moral philosophy The next chapter of this dissertation will investigate the extent to which the ethical training used by the United States, United Kingdom, and Israel resemble the theories presented in this section and how well the ethical systems used by these country’s armies overcome the theoretical problems. The third chapter will investigate the behavior of individual soldiers in an attempt to see whether individual actions cohere with one of the moral theories. The conclusion of this dissertation will reconsider the moral theories and judge them in light of the study’s empirical study.
Part II: Military Ethics Doctrine and Training

This part of the dissertation will discuss the ethical doctrines and ethics education programs used by the American, British, and Israeli armies. Each chapter will focus on one army, covering the historical development of its ethics doctrine, the challenges that have shaped its current policies on ethics and ethics training, and the process by which soldiers are trained in military ethics. Throughout each chapter I will draw comparisons between the cases to point out which each army differs in the style of ethical reasoning they favor and in how soldiers are trained. Each chapter will also draw comparisons between each army’s ethics and the moral philosophies discussed in the first part of the dissertation. Although none of the armies explicitly bases its ethics on a particular moral philosophy, each appropriates central ideas from the three perspectives on moral philosophy. The US Army strongly favors virtue ethics, although its set of virtues is continually changing and much different from the virtues favored by Aristotle and other virtue ethicists. The British Army follows an implicit code of ethics that is not clearly developed, but that is evident in the Army’s methods of fighting insurgencies. The BA’s ethics are not based in any theory of morality, but they most closely resemble a deontological style of moral thinking. Finally, the IDF mixes deontological and consequentialist ethics. Its ethics doctrine is primarily framed in terms of deontological moral thinking. However, this is in tension with the consequentialist reasoning that is supposed to be used to mediate conflicts between ethical demands or when the country faces existential threats.
Chapter 4: The United States Army's Ethics

Of the countries included in this study, the US Army is the most self-conscious about its ethics doctrine and training programs. This is reflected in its continual self-assessments and revisions. Although it has at times resisted outside investigation of misconduct by its personnel, such as by refusing to release estimates of civilian casualties during the early years of the Iraq War (Rogers 2006: 67), the US Army has been surprisingly open in recognizing its faults and striving to improve them. The US Army therefore provides a model of how ethical awareness and self-critique develops and why ethical problems persist despite attempts at reform. The US Army’s ethics theory and training is not only important because it illustrates a distinct approach to the subject but also because the US provides direct and indirect training assistance to many countries working to establish more professional armed forces and serves as a model for military ethics training elsewhere (Hude 2008; Huntington 1996).

Each of the armies discussed in this part mixes different types of moral thinking, but in each case one theory plays a more prominent role than the others. The American Army’s approach to military ethics is largely based on virtue ethics. Although it incorporates some rule-based moral thinking to set limits on the range of permissible actions its personnel may take, its ethics is largely based on character formation and the teaching of virtues.
Vietnam and the Renaissance of American Military Ethics

The American Army’s ethics is a heterogeneous doctrine derived from multiple sources: the cultural American values, international laws regulating military operations, the military’s mission, and from the Army’s professional identity (Case, Underwood, & Hannah 2010: 9; Krahmann 2010). Moreover, it is constantly evolving, as the US Army has been highly self-conscious in monitoring the effectiveness of its ethics training and improving it based on new experiences. This makes it important to discuss the Army’s ethics historically, as an evolving doctrine that changes to reflect changes in its mission.

Prior to the Korean War, the Army usually lacked the time necessary to provide recruits with this kind of instruction, as it maintained a small standing Army that was quickly filled with untrained recruits or draftees during times of war (Skowronek 1982: 91-7; Langston 2003: 55). This practice of continually expanding the Army during war and reducing its size during peacetime gave the Army little opportunity to train soldiers in military ethics.

As the introduction discussed, there was also little demand for ethics training for much of the Army’s history. The pre-Vietnam focus on conventional operations involving large units under the supervision of officers made individual understanding of ethics less important than it would become after the Second World War. Moreover, cultural awareness programs that might have introduced the ethics of interacting with civilian populations were underdeveloped, as the Army was primarily concerned with the defense of the culturally similar countries of Western Europe (House 2008: 119).

According to many histories of Army ethics, the Vietnam War marked a turning point in the development of the Army’s military ethics doctrine and training (Brinsfield
Internal studies of military ethics suggest that the Army perceives its own transformation as being largely a result of experiences in the Vietnam War. It helped to initiate “a period of serious introspection as to what are our fundamental values as a profession” (Wattendorf 1986: 1). Before the war, the Army devoted little attention to the subject. There was no official set of virtues and there was no systematic training in ethics.

During the war in Vietnam, the Army followed its usual pattern of expanding rapidly to cope with its responsibilities in Southeast Asia and Europe (Byman 2011: 186). As the conflict intensified, there was limited time for providing new recruits with ethics training (Wilson 2008: 33). In a conventional war, this might have been unproblematic, but in Vietnam there was far more emphasis on small unit operations and interacting with civilians than in the country’s previous wars (Rottman 2006). The Army also had to contend with serious internal problems, including the lack of support for the war, internal dissent (Cortright 2005), and low morale (Young 1991: 256). The practice of rotating soldiers in and out of units, rather than maintaining unit integrity throughout the conflict, contributed to low morale and the lack of oversight by leaders. Without training as a unit, many soldiers felt that they were alone and that their highest priority was surviving the war rather than winning it (Sherman 1999: 37).

The fragmentary organization and lack of training were not the only harmful influences affecting soldiers’ conduct. The Army’s tactics also played a role in the unethical conduct of operations during the Vietnam War. The heavy use of airmobile tactics, with American units moving in and out of contested areas by helicopter, without establishing strong relationships with the local people, added distance between them and
the Vietnamese people, increasing suspicion and preventing the formation of a feeling of moral responsibility toward those people (Cole 2006: 186; Stewart 2005: 350). These tactics were legitimized by the concentration on winning the war by means of attrition (Porch 2006: 107-8).

The Vietnam War showed the damage that a powerful military with poor ethical restraint could inflict. Both policy and personal decision making were often flawed. The US military conducted disproportionate attacks against its opponents, inflicted high levels of collateral damage against civilians and the local infrastructure, and used weapons that caused long-term environmental damage (Austin & Bruch 2000). Soldiers were implicated in a number of war crimes, including the deliberate use of violence against civilians (Nelson 2008).

Despite the lack of formal training in moral reasoning or rules of conduct, the narrative of Vietnam completely transforming the Army’s ethics is somewhat misleading, as the Army did attempt to shape the character of new recruits before the Vietnam War. As Robinson explains, before and during the Vietnam War, the Army’s goal was to remake recruits into warriors embodying the traditions and values of the military.

The traditional way of approaching this matter has been to use a form of osmosis, in which military institutions shaped the characters of their members by unseen and gradual influences. The sheer force of the institutions, via their historical traditions, their atmosphere, and the example and pressure of the soldiers’ peers, would mold the character of the trainee into the desired form without any official ethics training. (Robinson 2007)

The Army lacked an official code of values before Vietnam, but the West Point Honor Code of Duty, Honor, and Country had provided some limited guidance. These values were popularized for the entire Army with the publication of manual Character
Guidance Discussion Topics: Duty, Honor, Country in 1962. In 1968, the Army published another values guide, (DA PAM 16-5), which highlighted the importance of honor, authority, sense of duty, and marriage, as well as the values of duty, honor, and country. These indicate a theoretical commitment to individual virtues. Thus, to some extent formal and informal means of character-based training were already in place before Vietnam. The post-Vietnam Renaissance in military ethics was not a decisive change but an expansion and intensification of character-based training the Army already used. It initiated a series of reforms that made ethics training a higher priority and drove the Army to become a more self-conscious fighting force.

During the final years of the Vietnam War and in the decade that followed, the military was faced with the challenge of restoring its image, confronting the problem of post-traumatic stress disorder, rebuilding morale, and ensuring that it would not undergo such a total collapse of moral responsibility in future conflicts (Coleman 2006). It was surprisingly honest in its self-assessment and recommendations for change. Among General Creighton Abrams’ reforms when he took control of the Army from General Westmoreland in 1968 was to address soldiers’ lack of professionalism and poor ethical performance (Brinsfield 1998). One internal review concluded that there was “a significant difference between the ideal values and the actual or operational values of the Officer Corps” (Cited from Hixson 2000: 157). The Peers Inquiry into the My Lai Massacre provided some of the strongest evidence that the Army needed to reconsider its ethical philosophy and its ethics training programs (Sands 2009: 580). One of the studies that proved to have the most lasting importance was a study of professionalism conducted
between 1970 and 1972 (Study on Military Professionalism 1973). This was followed by twelve years of additional studies by the Army War College (Brinsfield 1998).

Throughout the late 1970s and 1980s, the Army enacted many reforms. Among the top priorities in rebuilding the Army’s image was formalizing its code of ethics and its training procedures. A 1977 report found that Army schools had been conducting ethical training however they wanted, without any guidance or standardization (Wattendorf 1986: 2). The service academies were among the first to address this weakness. During the 1970s, each of the academies developed mandatory classes on morality and war (Tracy 2009: 92). In 1979 Lieutenant Colonel Jack Lane argued in favor of a code of ethics for the entire Army (Tracy 2009: 92-3). This led to the creation of the Army’s formal code of values.

General John Wickham, the Army Chief of Staff from 1983 to 1987, was a leader in redeveloping Army ethics. He opened his campaign in 1985 and continued over the following years (Wickham 1985). He declared 1986 the Year of Values and started several new projects that year, including the creation of an hour long video that all members of the Army, active, reserve, and national guard, as well as all DA civilians, were required to watch. Wickham’s Guideposts for a Proud and Ready Army, presented four soldierly qualities that he considered essential for the members of the US Army: commitment, competence, candor, and courage (Wickham 1985). Later Wickham published The Bedrock of Our Profession in which he affirmed the Army’s commitment to virtue ethics. He made a similar commitment in 1987 with the publication of Values: A Handbook for Soldiers. Wickham developed more sophisticated definitions of the Army’s values than anything that had been stated previously. He also helped to establish
the Army’s style of teaching ethics by telling stories about how historical figures solved their challenges.

Wilson argues that the post-Vietnam ethics reforms marked a turning point in the Army’s understanding of the relationship between personal virtues and military virtues. In the pre-Vietnam era, Maxwell Taylor’s compartmentalized view of character dominated. According to Taylor, being a good soldier did not require personal virtue. In fact, one could be virtuous in a martial sense even while behaving disloyally or indulging in vices in his personal life. All that mattered was that the personal life not interfere with performing military duties (Wilson 2008). However, after Vietnam it was more difficult to maintain such a compartmentalized view of what it meant to be a soldier. The post-Vietnam values were broader and spoke to the need for developing a more complete conception of moral virtue that would go beyond good performance in battle.

The heavy concentration on teaching ethics after the Vietnam War helped the image of the American Army and encouraged a more proactive approach to dealing with ethical problems. (Brinsfield 1998, Romjue 1984: 93). However, the reforms had many limitations. First, their failure to reassess the philosophical foundations of the Army’s ethics was one of the most serious shortcomings. Second, there was little attention to enlisted soldiers and NCOs. Most studies conducted in the aftermath of the war, including the Army’s first study of professionalism, were exclusively interested in officers (Study on Military Professionalism 1973). The new programs for ethics education were largely directed at officers (Kennedy 2002: 78; Bergen 2004: 248).

Another of the distinctive characteristics of the reforms is that they depended on deepening the separation between the Army and the civilian population. As Lock-Pullan
says, “once [the military] was withdrawn from Vietnam in 1973, its rebuilding relied on developing its own and independent norms within the context of the American culture” (Lock-Pullan 2006: 38). General Wickham was determined to define military service as a profession. This proved very influential, as the concept of professionalism remains the basis for the Army’s assessments of its ethics.

New Challenges and the Army's Seven Values

The US military has traditionally devoted little attention to military operations other than war (Yates 2006), but during the 1990s, its primary mission changed from conventional war fighting to counterinsurgency and peacekeeping operations. As Scott points out, “the U.S. military carried out 106 actions on foreign soil between 1990 and 2003. Of these, 101 (95.3%) were evacuations, peace or relief efforts, contingency positioning, or shows of force. The 5 combat actions were all against quasi-military groups” (Scott 2009, McCone, & Mastroianni: 461). Over this time, the Army’s ethics doctrine and training gradually changed in response to these missions.

The Gulf War diverted attention from matters of military ethics. The quick and overwhelming victory overshadowed any faults or room for improvement that might have been discovered. In the following years, the Army’s primary concern was coping with the massive reductions in force, as it experienced a net loss of 133,000 soldiers in the year following Operation Desert Storm (Sullivan & Harper 1996). However, the complacency ended when American forces were sent into the Balkans, as this mission required a much higher level of ethical sensitivity than the more conventional Gulf War. The political
sensitivity surrounding the conflict and the fears that it might turn into another Vietnam-style conflict added to the pressure to avoid harming noncombatants (Rogers 2006: 27).

Several of the interviewees who were consulted for this dissertation noticed significant shifts in ethics education around the time of the American intervention in Bosnia. One First Sergeant said that before Bosnia, most training was policy oriented. It dealt with the Law of Land Warfare, the Geneva Conventions, and the Code of Conduct. He recalled a clear commitment to protecting civilians, but said that this duty was not clearly formulated except insofar as it said that civilians should not be harmed. After Bosnia, the treatment of civilians became far more important and soldiers were encouraged to think more critically about their decisions. They were told to consider the strategic effect that individual decisions could have and to avoid any actions that may have harmful secondary consequences. Another interviewee reported that ethics training has become far more intellectual and varied. In the past, soldiers were trained to perform tasks specific to their specializations. Each person had a specific role to perform and there was not much need for some soldiers to go beyond learning the tasks associated with their rank, especially for enlisted personnel. However, he reported that training now teaches soldiers to perform a variety of roles to make them more flexible in a counterinsurgency environment and to prepare them for making independent decisions in the field. This is reflected in the 1999 revision of the Army’s values.

The 1999 list of seven values continues to be used to the present. These values are loyalty, duty, respect, selfless service, honor, integrity, and personal courage (Army Field Manual FM 22-100 2006). This list is abbreviated using the acronym LDRSHIP, which is both a helpful way of remembering the values and a way of emphasizing the
connection between the values and good leadership. One of the most noteworthy characteristics of these values is that they are defined in terms of personal decisions and actions – a strong indication of the influence of virtue ethics. Loyalty is defined as “allegiance to the US Constitution and its ideals, to the Army, to your unit, to your fellow Soldiers and subordinates, and to yourself as an Army professional.” Duty includes “professional, legal, and moral obligations” and “prohibits engaging in illegal and immoral actions.” It also “requires your disobedience of unlawful orders – those that run counter to the Army’s doctrine, standard practices, and values.”

These values are defined in many places, but the most complete descriptions of them is found in the Army Field Manual FM 22-100. This manual also states their underlying intent. They are not merely meant to ensure that soldiers act appropriately, but that they do the right thing for the right reason and that they have the right kinds of beliefs and the right character. Several passages in the manual explain this.

Beliefs matter because they help people understand their experiences. Those experiences provide a start point for what to do in everyday situations. Beliefs are convictions people hold as true. Values are deep-seated personal beliefs that shape a person’s behavior. Values and beliefs are central to character. (Army Field Manual FM 22-100 2006: 4-57)

Ethical conduct must reflect genuine values and beliefs. Soldiers and Army civilians adhere to the Army Values because they want to live ethically and profess the values because they know what is right. Adopting good values and making ethical choices are essential to produce leaders of character. (Army Field Manual FM 22-100 2006: 4-64)

Finally, the manual echoes Aristotle by describing values training as something that shapes a person's character. "Consistently doing the right thing forges strong character in individuals and expands to create a culture of trust throughout the organization" (Army Field Manual FM 22-100 2006: 4-62)
These are important points, as they establish that the purpose of the Army's ethics education goes beyond training soldiers to obey orders or to refrain from abusing their power. It clearly states that the Army's intention is character formation, a goal that is evident in its training programs.

**Enlisted Training**

The US Army was initially slow to adapt to the challenges of counterinsurgency warfare in Afghanistan. In 2002, a report found that the Command and General Staff College and the Army War College were still concentrating on conventional operations and neglecting counterterrorism, counterinsurgency, and humanitarian operations (Johnson 2002). Early reforms were largely devoted to changing combat doctrine and developing cultural awareness programs, but the prominence of illegal actions, public opposition to the wars in Afghanistan and Iraq, and the Abu Graib prisoner abuse scandal showed the need for improved ethical training and led to a number of changes to its training programs.

It is important to distinguish the different training programs for officers and enlisted soldiers, as the former continue to receive far more formal training in ethics than the latter. Enlisted personnel begin their time in the Army with Basic Combat Training (BCT), which lasts ten weeks and includes a short values component. Training can vary somewhat by location, but the values component of the training is relatively consistent across locations.

Beginning in 2007 all active duty enlisted personnel were required to undergo initial ethics training within 90 days of entering active duty or within 180 days for newly
enlisted personnel (Cohen 2007). The formal classroom training on military ethics focuses on the Army values. Students receive a series of seven lectures, each lasting around one hour, that discuss each of the values and how they can be applied. Recruits also receive a course in general military ethics that covers the many rules soldier must follow. This course covers the Standards of Ethical Conduct for Employees of the Executive Branch and the Standards of Joint Ethics Regulation (Cohen 2007). Most of the formal training in ethics and values takes place during the first phase of basic training, the Patriot Phase or red phase. This is followed by the Gunfighter (white) and Warrior (blue) phases that focus on basic infantry skills and physical fitness. During these later phases, informal mechanisms of punishment and reward reinforce a set of core values, and in-depth philosophical training is kept to a minimum (Robinson, 2008). Finally, to encourage personal identification with the Army values, recruits carry value cards, with the seven listed on them, and are punished for being caught without them (Lagouranis 2007: 233). Training staff routinely check to ensure that recruits have their cards and that they can recite the list of Army values from memory.

BCT ends with the training exercise Victory Forge. This 72-hour tactical training exercise is designed to force recruits to apply the values they learned during BCT through a series of team-building exercises. However, the exercises are more a test of whether recruits can be courageous and skillful as they negotiate obstacles than of how well they can apply the Army Values to resolve ethical dilemmas – a sign that the moral and military implications of these values continues to be blurred, at the expense of the former. After completing BCT, soldiers go on to Advanced Individual Training (AIT). It is more difficult to generalize about ethics training received at this stage, as AIT varies according
to location and specialization, but it generally focuses on the Army Values and on the
ethics of professional conduct. Once they are on active duty, soldiers may periodically
receive additional ethics training to reinforce the lessons of basic training or to teach new
regulates. At a minimum, this includes annual ethics training. Beyond this, training is
largely at the discretion of commanding officers (Cohen 2007).

The training materials associated with recruit training, for enlisted and officer ranks
typically include lists of the Army Values as well as a discussion of the steps for ethical
decision making and the fourteen principles of ethical conduct. The four steps of ethical
decision making are rule-based, rather than character-based, ethical guidelines that
consist in four steps that soldiers are encouraged to consider when they are faced with a
difficult decision. These are:

1. What problem am I facing?
2. What are my choices?
3. Which choice is most consistent with Army values and regulations?
4. Make your decision and execute your plan. (Foundations of Leadership 2008: 72)

The fourteen principles of ethical conduct are short statements about the Army values
that were first defined by Executive Order 12731 (Foundations of Leadership 2008: 47).
Most of these principles concern the relationship between the military, the rest of the
government, and the civilian population. They affirm that soldiers act as part of an
organization, that their duty is to uphold the constitution, and that their position should
never be used for individual gain.

The four steps for ethical decision making and fourteen principles of ethical conduct
are rule-based additions to the Army’s character training, which suggest a deontological
way of thinking about ethics. However, their influence seems to be limited. The fourteen
principles of ethical conduct are only guidelines for maintaining military professionalism
and loyalty to civilian leadership. They do not provide any recommendations for how soldiers should behave in combat and therefore offer little guidance when it comes to many of the serious ethical challenges soldiers may encounter. The four steps for ethical decision making may be more useful in combat, but they are clearly an insufficient guide, as the most instructive step (step 3) advises soldiers to seek guidance from values and regulations and not from the decision making steps themselves.

Officer Training

Most officers in the Army are commissioned through two or four year ROTC programs at public universities. These are unusual programs by international standards, as most countries only train officers in military academies (Neiberg 2001). Those who receive a commission through ROTC programs complete between two and four years of military science coursework that covers military leadership and the basic tasks they will be expected to complete when they are officers. Students also undergo military training during the summers. Although officers receive more ethics training than enlisted recruits, it is still only a small part of their overall training programs.

A recent review of the Army’s Reserve Officer Training Corps (ROTC) curriculum revealed that more than 90 percent of the curriculum focuses on developing competency while less than 10 percent concerns character education. Additionally, only about 5 percent of Training and Doctrine Command (TRADOC) instruction in both the Officer and Non-Commissioned Officer Education System focuses on ethics and leadership. (Doty & Sowden 2010: 39)

The training officers receive in ROTC programs is heavily virtue-based. Many of the ROTC textbooks include chapters on military ethics, which, like enlisted training materials, focus on the Army Values. These textbooks typically discuss ethics in two
stages. First, they discuss how a person or unit should act in abstract terms. Second, they illustrate these moral abstractions (which are usually framed as personal values) with historical examples that show how they can be applied in a real situation. This case study method of demonstrating good or bad conduct is the most common way of teaching ethics at all levels (Robinson 2008: 9-10). Many texts also include relevant quotations from famous commanders that distill a lesson’s central ideas. This style of teaching by linking abstract values to real situations and people who can be emulated fits perfectly with virtue ethics, as it always treats the values as something embodied in individuals. By providing historical examples, the books give new recruits role models that can provide an enduring reference point.

The language used in officer training materials is also strongly Aristotelian, as it calls attention to the importance of good character and of intuitive understanding of moral challenges.

It’s often said that human beings have a “moral compass” inside—an invisible mechanism that automatically points people toward the right thing to do. You can certainly ignore your moral compass; sometimes circumstances shake it so badly that, for a time, it no longer points true. But when you reflect on your values, the compass needle always seems to return to the right course. That’s where Army Values help. They give each individual, team, platoon, company, division, and the Army an orientation for moral decisions in everyday life, especially during stressful situations. (Foundations of Leadership 2008: 146)

The wording used to explain the Army values and military ethics often emphasizes the difference between soldiers and civilians. For example, one ROTC textbook says, “Soldiers must live these values more intensively and professionally than most others live them in civilian life, because Soldiers serve to protect this nation and the values upon which it was founded” (Foundations of Leadership 2008: 139). This follows from the belief that the Army’s ethics is specific to a profession and not a generally acceptable
code of conduct. It reflects the relativism of Aristotle’s ethical theory, as the virtues depend on one’s status and do not have the same meaning for all people.

The Aristotelian form of ethical training is even clearer for officers who attend the United States Military Academy at West Point. Perhaps the most intensive ethical training carried out in the military is done by USMA and the service academies (Milburn 2009). The combination of military activities and serious academic study provides a perfect situation for applying rigorous methods to the study of life in the armed forces. The Center for the Army Profession and Ethic (CAPE), which was created in 2008 to perform self-assessments, is also based at the school (Center for the Army Profession and Ethic 2011).

The USMA’s honor code – duty, honor, country – not only provides cadets with the values that they are supposed to uphold but has also served as the model for the Army’s values. Although some have described West Point’s honor code in deontological terms (Wilson 2008: 36) it and the means used to teach cadets are distinctly Aristotelian (Miller 2004). Much of the ethics training is carried out through education in military history and contact with senior leadership. As Miller explains, the character education at military academies is more than just a set of rules, as the rules are always embodied by individual character traits. To reinforce this idea, USMA gives cadets role models to emulate. Many of these are historical figures while others are soldiers currently in service who can provide advice. “Cadets spend their days surrounded by noncommissioned, senior company-grade, and field-grade officers, all of whom are told repeatedly that their job is both to instruct and to serve as role models for cadets” (Miller 2004: 204-5). By learning
about ethics in this way, officers also learn a method of teaching their future subordinates, for whom they must act as role models (Barnes & Dotty 2010: 90).

Although much of the ethics training is conducted through informal means, USMA does require cadets to undergo classroom training in ethics. Much of the formal instruction in ethics comes from West Point’s “values education training” classes, which presented cadets with moral dilemmas then taught them the right ways of solving them. Miller argues that these classes, while well intentioned, may have been counterproductive because of the way they were taught (Miller 2004). Rather than facilitating dialogue between students and faculty, they were used as a means of teaching students the right answer to each dilemma. This only encouraged conformity, rather than rational thinking about the problems.

Perhaps more disturbing, though, are the reports of officers who use VET classes as a bully pulpit for their own idiosyncratic views. Cadets in one company reported that an officer spent one entire VET class warning cadets of the dangers of allowing women to join the Army (Miller 2004: 207)

Miller is skeptical about how effective such classes can be. He argues that even with a code of ethics and positive role models, virtue is not guaranteed. Cadets must also intend to do the right thing. It cannot be merely out of habit. Nevertheless, the West Point graduates interviewed for this dissertation all found this training to be very useful. One interviewee reported that these involved a broad range of scenarios covering contingencies that might occur in garrison life or in the field and that they were very similar to real problems that she encountered as an officer. According to her, the main value of the classes was in telling cadets what counts as an ethical dilemma – something that is not always clear because the rules governing Army life are stricter than those
civilians are used to dealing with – and encouraging the students to think carefully about the problems long before they had to confront them in practice. Other ethnographic studies have also found that cadets generally found values education training to be a helpful introduction to the dilemmas they would encounter once entering active duty (Torrance 2000: 110).

**Warrior Training**

The Soldier’s Creed, Warrior Ethos, and Warrior Tasks and Battle Drills provide more examples of the Aristotelian influence on the Army’s ethics. The Soldier’s Creed was established in 1998 and was reformulated in 2003 as part of the Warrior Ethos program. The new version of the creed removed complex sentences such as “As a soldier, I realize that I am a member of a time-honored profession—that I am doing my share to keep alive the principles of freedom for which my country stands” from the original. It now consists of a series of short declarative statements like “I will never quit” and “I am an expert and I am a professional.” The short, simple directives of the new version of the Soldier’s Creed offer simpler and more personal statements of purpose. The creed also makes two indirect references to guiding ethics. First, the affirmation of being an expert and professional signals a commitment to the Army’s professional standards and fits with the ongoing effort to define the Army’s ethics as a professional code of conduct. Second, “I serve the people of the United States, and live the Army Values,” is a more direct ethical claim, which establishes the primacy of the Army’s seven core values as guiding principles.
Four lines of the Soldier’s Creed have been given the distinction as constituting the Warrior Ethos. These are “place the mission first, never accept defeat, never quit, and never leave a fallen comrade” (Riccio et al. 2004: 5). Other official publications refer back to the Warrior Ethos and describe it as the most fundamental statement of an Army soldier’s identity. For example, the Foundations of Leadership says that “The Warrior Ethos embodies the professional attitudes and beliefs that characterize the American Soldier. This ethos is a reflection of our nation’s ideals and values by the profession charged with protecting those very values” (Foundations of Leadership 2008: 145). The Warrior Ethos has an important place in Army training and is taught using the nine “Warrior Drills,”: react to contact, avoid ambush, react to ambush, react to indirect fire, react to chemical attack, break contact, dismount a vehicle, evacuate injured personnel from a vehicle, and secure a halt (Riccio et al. 2004: 13). It also serves as the basis for the Warrior Tasks and Battle Drills (WTBD).

The WTBD were introduced in 2003 and formalized in 2005 (Lowe 2010). The Army developed these drills and tasks to train soldiers to act instinctively, despite the confusion and stress of the battlefield. In the words of one textbook, they are “trained responses” or “reflexes” (Foundations of Leadership 2008: 319). This goal fits with the virtue ethics model, as it seeks to make the drills so deeply engrained in soldiers that they act correctly out of habit.

The 2005 list included 12 battle drills, 32 tasks, and 207 subtasks grouped into five categories: shoot, communicate, move, fight, and urban operations, but said little about ethics (Alley 2010). This list was revised in 2010 because many of the skills soldiers were being trained to perform were too specific to the infantry and because they
neglected the general skills that every soldier should know how to perform (Lowe 2010).

The new list is simpler, consisting of four battle drills, 15 tasks, and 76 subtasks that are grouped into the categories shoot, move, communicate, survive, and adapt (Alley 2010).

The battle drills include react to contact, establish security, perform actions as a mounted patrol, and evacuate a casualty. A comparative look at the two lists shows the extent to which the Army changed its doctrine to reflect its counterinsurgency mission and its growing awareness of the ethical component of its operations.

**Warrior Tasks as of 2005**

<table>
<thead>
<tr>
<th>Shoot</th>
<th>Communicate</th>
<th>Joint Urban Operations</th>
<th>Move</th>
<th>Fight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualify with assigned weapon</td>
<td>Perform voice communications</td>
<td>Perform movement techniques during an urban operation</td>
<td>Determine location on ground</td>
<td>Move under direct fire</td>
</tr>
<tr>
<td>Correct malfunctions with assigned weapon</td>
<td>Use visual signaling techniques</td>
<td>Engage targets during an urban operation</td>
<td>Navigate from one point to another</td>
<td>React to indirect fire (dismounted and mounted)</td>
</tr>
<tr>
<td>Engage targets with M240B MG</td>
<td></td>
<td>Enter a building during an urban operation</td>
<td>Move over, through or around obstacles</td>
<td>React to direct fire (dismounted and mounted)</td>
</tr>
<tr>
<td>Engage targets with M60 or M249 MG</td>
<td></td>
<td></td>
<td>Prepare/operate a vehicle in a convoy</td>
<td>React to unexploded ordnance hazard</td>
</tr>
<tr>
<td>Engage targets with M2 Cal. 50 MG</td>
<td></td>
<td></td>
<td></td>
<td>React to man-to-man contact</td>
</tr>
<tr>
<td>Engage targets with MK-19 MG</td>
<td></td>
<td></td>
<td></td>
<td>React to chemical/biological attack/hazard</td>
</tr>
<tr>
<td>Correct malfunctions of a MG</td>
<td></td>
<td></td>
<td></td>
<td>Decontaminate yourself and individual equipment using chemical decontaminating kits</td>
</tr>
<tr>
<td>Engage targets with weapon using a night vision sight</td>
<td></td>
<td></td>
<td></td>
<td>Maintain equipment</td>
</tr>
<tr>
<td>Engage targets using an aiming light</td>
<td></td>
<td></td>
<td></td>
<td>Evaluate a casualty</td>
</tr>
<tr>
<td>Employ mines and hand</td>
<td></td>
<td></td>
<td></td>
<td>Perform first aid for open wound (abdominal, chest, and head)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Perform first aid</td>
</tr>
</tbody>
</table>
Each of the 2003 list’s tasks is further divided into subtasks. They make no mention of the ethical component of the operations they describe. This is understandable for some tasks, but is a serious shortcoming of tasks related to combat activities. For example, the task of maintaining and employing a weapon system includes subtasks such as engaging targets with the weapon and using night optics to engage targets, but it does not include a subtask dealing with the discrimination while using the weapon or ensuring that it is used proportionately. This is also true of the subtasks addressing the use of other weapons.

The ethical component of the revised list of warrior tasks is still limited, as ethics are not part of the shoot category that addresses the use of weapons. However, many new guidelines appear in the adapt category, which is by far the longest of the categories included in the list. The shoot category includes ten tasks and no subtasks. By contrast, there are fourteen adapt tasks and eighteen subtasks. The tasks for this category include: employ progressive levels of individual force when confronting civilians, comply with

<table>
<thead>
<tr>
<th>Shoot</th>
<th>Move</th>
<th>Communicate</th>
<th>Survive</th>
<th>Adapt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain,</td>
<td>Perform individual movement techniques</td>
<td>Perform voice communications</td>
<td>React to chemical or biological attack/hazard</td>
<td>Assess and respond to threats (escalation of force)</td>
</tr>
<tr>
<td>employ,</td>
<td>Navigate from one point to another</td>
<td>Use visual signaling techniques</td>
<td>Perform immediate lifesaving measures</td>
<td>Adapt to changing operational environments</td>
</tr>
<tr>
<td>engage with</td>
<td>Move under fire</td>
<td></td>
<td>Perform counter IED</td>
<td>Grow professionally and personally</td>
</tr>
<tr>
<td>assigned weapon systems</td>
<td></td>
<td></td>
<td>Maintain situational awareness</td>
<td></td>
</tr>
<tr>
<td>• Employ hand grenades</td>
<td></td>
<td></td>
<td>Perform combatives</td>
<td></td>
</tr>
</tbody>
</table>

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the Laws of War and the Geneva and Hague Conventions, Overview of Operational Law, train Standing Rules of Engagement (ROE) principles, comply with the requirements of the code of conduct, search an individual, conduct combat operations according to the Law of War, interact with news media, understand law of land warfare, see yourself culturally, learn and understand the culture of other societies where you are deployed or assigned, and perform in operational environment effectively. The last three tasks of adaptation include subtasks: understand the concept of culture, how it works, and how it motivates, grasp how American and military cultures shape your decision, learn basic language phrases to perform your mission, understand the basics of the foreign culture, including religious factors, social influences, and cultural behaviors, know appropriate tribal and ethic considerations, know necessary geographical and historical information, avoid cultural and social taboos, win civilians’ hearts and minds; build rapport, and acculturate and perform mission understanding and consequences of actions.

The adapt category also includes tasks that deal with ethics in a less mission-specific way, but that have implications for the soldiers’ character. These include: continue to inculcate the Army Values and Warrior Ethos, live the Soldier’s Creed, develop and expand moral character with each new experience, and assignment, and strengthen beliefs, principles, and values. The range of tasks included in the category are evidence of an attempt to elevate ethical and cultural tasks to the same level as those soldiers must perform in combat. The fact that the revised list of Warrior Tasks are supposed to shape soldiers’ character shows the expansion of the Army’s virtue ethics education and a stronger attempt to link the development of good moral character to soldiers’ other activities.
Laws and Rules

Although the American Army's ethics are primarily Aristotelian, rule-based thinking also plays a part in placing constraints on the range of actions that are permissible. Soldiers are taught to follow a hierarchy of rules. In order of importance the sources of ethical rules are:

1. The United States Constitution
2. Uniform Code of Military Justice (UCMJ)
3. Various intelligence laws
4. International treaties governing war, such as the Geneva and Hague Conventions, anti-Torture statutes, BWC, and CWC
5. The Army Code of Conduct
6. Rules of Engagement

These rules are not always listed in this formulaic way, but they are often mentioned in training, training documents, and Field Manuals. They are frequently stated in conjunction with character-based ideas. For example, the Soldier’s Blue Book describes these as rules that a person with good character follows. “Our leaders conduct operations in accordance with laws and principles set by the U.S. Government, and those laws together with Army traditions and Values require honorable behavior and the highest level of individual moral character” (*The Soldier's Blue Book: The Guide for Initial Entry Training Soldiers*: 4). This description links the virtue ethics that pervades the Army’s ethical theory with rules that also help to regulate soldiers’ conduct.

Despite the importance of laws and rules of engagement, the influence of the deontological perspective is limited because soldiers usually do not need to think about the statements of rules on each level. Those on the lowest level on the hierarchy, the rules of engagement, are usually more strictly formulated than any of the higher rules. These rules are meant to account for legal requirements and to apply any additional rules that
are necessary in a given context. During peacetime soldiers are given standard rules of engagement (SROE) that they should rely on if they ever encounter unexpected hostile situations. When a decision is made to engage in combat operations on any scale the combatant commander of the theater, a general or admiral, works with lawyers from the Judge Advocate Generals Corps create the operational rules of engagement. These rules must be approved by the Secretary of Defense and the Department of Defense General-Counsel. This oversight usually results in some changes to the rules, but not to the extent that they will interfere with the commanders’ intent for the operation. Once the rules of engagement pass the Secretary of Defense and go into effect, they remain classified, but must be known by soldiers at all levels and rigidly followed. Lower level commanders may also issue their own rules of engagement to govern the use of certain kinds of actions. For example, to provide special instructions for air or naval units may need special instructions that differ from those given to ground forces.

Along with the ROE, soldiers are supposed to follow the Escalation of Force Sequence. This guides them in increasing the severity of their reaction to potential threats from non-lethal force and displays of force to lethal force. The EOF is shout, show, shove, shoot. Shout can include any kind of warning from verbal warning to horns and sirens. Show is a display of weaponry and intention to use it. Shove is physically restraining or pushing a person to a figurative shove by firing flares or issuing warning signals. The shoot step can be subdivided into firing warning shots, shooting to disable an enemy person or vehicle, and finally the use of deadly force. Shooting is also regulated by the jus in bello idea principles of proportionality and discrimination. The shooting must focus on the enemy threat and be aimed to avoid bystanders, involve no more
destruction than necessary, end as soon as possible, and efforts must be made to avoid destruction of civilian property.

These various rules place restrictions on how soldiers can act and show that virtue ethics is not the Army’s only ethical perspective. Virtue ethics is by far the most prominent, but it is constrained, as it can only direct soldiers' actions within the limits set by the law and the ROE. As Swain points out, the rules are so closely related to the Army's virtue ethics that they can be regarded as having an implicit virtue ethic. They require and encourage virtues like obedience to the rules, loyalty to the authorities that make them, and duty to follow the absolute limits they set (Swain 2007: 8-9). These are compatible with the Army's program of character development.

The Army's Ethical Challenges

Despite the many signs of improving ethical conduct, such as continually revising training standards, adopting honor codes, and modifying its ROE, the US Army faces an ethical crisis. This is evidenced by the many incidents of improper use of force and prisoner abuse in Iraq and Afghanistan, studies of military personnel’s attitudes, and the high levels of internal misconduct. Soldiers and marines in Iraq and Afghanistan have been implicated in many legal and illegal attacks on civilians and their property (Hammond 2010). The goal of keeping friendly casualties low encourages an overreliance on disproportionate and indiscriminate weapons and tactics (Downes 2006, 2007, 2008; Merom 2003; Tirman 2011). “Because of the opponents they face, there is very strong pressure to use the firepower advantage, but this inevitably leads to large numbers of civilian deaths and injuries” (Rogers 2006: 140).
The wrongful killings and destruction of property in Iraq and Afghanistan attest to the need for more ethical awareness, but they are far from being the only challenges. Some of the most serious problems for the US military have occurred outside of combat (Hajjar 2010). Although these are outside this dissertation’s focus, they reflect poorly on the moral character of military personnel. Foremost among the internal problems is the high rate of sexual assault among military personnel (Benedict 2007, 2010, 2010; Holmstedt 2008). This is extremely damaging for morale, unit integrity, and individual performance. This problem lies outside the scope of this dissertation, but this kind of ethical violation might indicate deeper problems. Sexual abuse is particularly troubling from an Aristotelian perspective, which requires looking beyond how one makes decisions in a particular situation to how all of that person’s actions reflect and reshape their character.

The way women are used instrumentally to perform certain functions is also worrying from a Kantian standpoint, as it shows a tendency to disrespect women by treating them only as a means to an end. Just as in Abu Ghraib, women are often willing and unwilling participants in the humiliation of male prisoners (Davis 2005; Danner 2004: 13). Oliver argues that the use of women as interrogators is a militarization of sexuality that seizes upon an old female sexuality as threatening and transforms that idea into a weapon (Oliver 2007: 5). The instrumental use of women as interrogators, in searches of Iraqi women, and as guards, is not necessarily using them only as means to an end, but some reports from women in the military suggest that they are disrespected by the way they are employed (Davis 2005).
Surveys of military personnel also offer strong indication that there is enormous potential for future misuses of force. One study conducted the Army Surgeon General’s Office found that of the 1,767 military personnel surveyed:

Only 47 percent of soldiers and 38 percent of Marines agreed that noncombatants should be treated with dignity and respect. More than one-third of all soldiers and Marines reported that torture should be allowed to save the life of a fellow soldier or Marine, and less than half of the soldiers or Marines said they would report a team member for unethical behavior. Also, 10 percent of the soldiers and Marines reported mistreating noncombatants or damaging property when it was not necessary.(Wood 2007)

Another study involving interviews with 12 officers who served as brigade commanders in Iraq and Afghanistan found a general consensus that the Army does not do enough to train soldiers in morality and ethics, that classroom training in these subjects is ineffective, and that they regretted not devoting more attention to these subjects before deployment (Doty & Sowden 2010: 40). Similarly, Timothy Challans, a professor of philosophy at the School of Advanced Military Studies (SAMS), reports that many of his students hold disconcerting beliefs.

The vast majority of military students I have personally taught in the classroom have many malformed moral beliefs. For example, most justify the exorbitant degree of collateral damage. They also justify harsh and coercive interrogation measures, even after understanding the manifestly illegal nature of such actions.(Challans 2007: 24)

There is a great deal of evidence suggesting that the Army needs to do more to ensure that its soldiers behave ethically, but it is difficult to locate the source of its current troubles. Soldiers' perspectives on ethics will be discussed in the next part of the dissertation, but for now it is important to consider several of the most popular scholarly explanations and how well they can explain soldiers’ misconduct.
One problem may be the source of ethics training. Along with the Judge Advocate General’s Corps, the Chaplain’s Corps plays a major role in providing moral education (Challans 2007: 46). Challans considers chaplains a harmful influence on soldiers because they encourage soldiers to think and act in ways that are in tension with the Army's diverse makeup and its missions in foreign countries (Challans 2009, 2007). As he says, “a dangerous recent trend in military ethics is the merging of ethical thinking with religious thinking, a kind of moral fundamentalism evolving from the twin roots of political and moral authority” (Challans 2007: 44). Religion encourages soldiers to disrespect enemy combatants – to see them as inferior and unworthy of being treated as morally equal to Americans. He argues that it may even be time to eliminate the Chaplains Corps because it is inappropriate to use religion as a source of guidance at a time when the terrorists that the United States is fighting draw on religion for justification (Challans 2007). He considers Al-Qaeda a prime example of religion’s harmful influence on moral decision making and evidence that the Army should become more secular.

Wester contests Challans’ assessment of the Chaplains (Wester 2009). He argues that Chaplains have many positive influences on the soldiers, even those that have different moral values. He also says Challans’ focus on the negative influence of religion is misleading because it overlooks the positive role religious leaders have played in promoting peace and tolerance, and in teaching the ideals of the just war tradition to soldiers.

Different religious traditions or interpretations of religious doctrine may serve as more or less positive influences on military personnel. Wester is correct in pointing out the influence of theology of the just war tradition. However, Challans’ point is a strong
one, especially with the Army engaged in conflicts that are religiously sensitive, as those in Iraq and Afghanistan are. Strong religious influence on a military’s ethics compromises its inclusivity and threatens relationships with foreign populations with religious differences. The extent of this problem is evidenced by the internal problems of religious discrimination that have emerged over the past decade (Klingenschmitt 2010).

Another explanation is that the crisis is not so much the fault of the military as it is of the politicians who are responsible for military policy. This argument is based on the idea that it is the politicians, especially those of the Bush administration, who implemented illegal and immoral policies such as the legalization of torture and that this policy shift is what was responsible for the incidents of prisoner abuse in Iraq, Afghanistan, and Guantanamo Bay (Sands 2009; Dershowitz). This argument probably has a degree of truth, as evidence suggests that the decisions to engage in ‘enhanced interrogation’ were made at the highest levels of the Bush administration. Nevertheless, even if one assumes that the orders for unethical conduct all originated in the civilian administration, there remains a strong indication that the military is partly at fault. After all, soldiers have a duty to refuse illegal and immoral orders, regardless of their origin. Soldiers’ willingness to engage in torture is just as much an indication of a lack of morality in the ranks as if the soldiers had themselves decided to torture prisoners.

Another possibility is that the source of American military ethics problems since the Vietnam War is role uncertainty. Conventional armed forces engaged in counterterrorism and counterinsurgency operations face considerable role strain, as they struggle to determine how to reorganize to meet new challenges. The blurring line between military and police forces can cause each to lose its distinct identity and force each to operate in
unintended ways (Shemella 2006: 133-4). This could explain why the Army had trouble adapting to its roles in the early years of the occupations of Afghanistan and Iraq. The extent to which this may be the source of the Army's problems must be seen in comparison with the British and Israeli militaries, which have more experience fighting insurgents.

The crisis of ethical conduct could also be the result of unit subcultures with their own sets of values are responsible for contradicting those of the US military or the civil society. Dick Couch makes one of the clearest statements of this argument (Couch 2011). Couch, a former Navy SEAL officer with extensive experience in the subcultures of elite units, argues that initial entry training programs across the armed forces give recruits a strong understanding of the values of the US military, but that the units they are assigned to may have different cultures that promote contrary values. Unit subcultures are often dangerous because they can be far more coercive than the larger military culture. Recruits in training are numerous, undergo training as a large group, and are closely supervised. In this environment, they may resist harmful influences, but they are more susceptible to peer pressure when they are one of the new members in the unit and outnumbered by veterans. For newcomers who are alone, outranked, and desperate to fit in the costs of failing to conform or of reporting misconduct are high. Couch argues that moral insurgents may pressure other members of their units join their misdeeds or that they may succeed in mobilizing tacit approval for them.

Pryer reaches a similar conclusion, and uses the Abu Ghraib prisoner abuse scandal as evidence (Pryer 2009: 8). He argues that those responsible for the incidents were ethical insurgents who not pressured other members of their units to cooperate with them, and, in
doing so, spread moral corruption. This explanation has the strength of accounting for why unethical conduct continues in spite of the Army’s efforts to provide new soldiers with a strong sense of their professional and ethical duties. The interviews conducted for this dissertation also show that this a significant problem. One interviewee who taught ethics said that he had trouble making older soldiers care about their ethics classes and that popular soldiers who ignored the lessons influenced others to do the same.

Problems with the Army's Virtue Ethics

A final possibility may be that the source of trouble is with the Army's ethics theory or how it conducts its training. Challans criticizes the theoretical basis for the Army’s values. He argues that some are inappropriate, that the emphasis on values is insufficient as a guide for military ethics, and that they are superficial. These are related problems, as the inappropriateness and insufficiency of the virtues arises from the lack of deep reflection about what the Army’s values should be. As Challans says, “Most discussions about values remain utterly vacuous because people do not reflect upon them enough to figure out what they really are and what metaphysical assumptions they are positing” (Challans 2007: 81). He is correct in pointing out that it is misguided to assume, as the Army seems to, that having values is good regardless of what the values are. Many values can have terrible consequences when they are applied. Similarly, Toner says that the core values are insufficient because one can exemplify them and still act immorally (Toner 2000: 52-3).

Imiola and Cazier argue that the Army’s definitions of virtues are insufficient to serve as guiding principles. “While values are essential to morality, expressions of values are
too vague by themselves to provide guidance for action. For example, the value of “respect” provides no guidance unless it is further articulated and developed” (Imiola & Cazier 2010: 15). Although the authors admit that these virtues are more completely explained in certain places, the analyses of them are evidence that the virtues themselves are insufficient. They must always be explained and contextualized, which raises the question of why it matters to have the rules of conduct stated in terms of a set of values.

Doty and Sowden argue that the Army’s lists of virtues do not really give soldiers an idea of what a virtuous person should be like. “The primary problem is that the Army does not have a model for character and leader development. We have a piecemeal, catch-as-catch-can training checklist that attempts to teach Soldiers character and ethics” (Doty & Sowden 2010: 40) Existing instructional techniques are relatively passive and encourage memorization of abstract principles and consideration of scenarios without any real engagement in the ideas. They suggest that the Army should attempt to find a truly Aristotelian solution for the crisis of military ethics (Doty & Sowden 2010: 41). This would primarily consist in training soldiers by engaging them in role-play activities in which they must practice acting ethically. Doty and Sowden argue that this approach will not train soldiers in performing specific skills, but that it will develop their character and make them highly adaptable.

Among the practical limitations of the virtue ethics style of military education is that it may come too late in recruit’s lives to produce any significant change in how they think. Some studies have reached the conclusion that ethical thinking is largely an automatic process that is heavily dependent on socialization (Leavitt & Sowden 2010; Reynolds, Leavitt, & DeCelles 2010). It is therefore not the kind of thinking that can be
easily modified, especially when the modification comes late in life. At best, military training man only be able to make slight adjustments to existing attitudes (Leavitt & Sowden 2010: 87). Williams argues that “the content and methods of IET seem to have a limited and superficial effect on the moral character of soldiers” (Williams 2010: 53). As evidence of this, he cites the American Civil Liberty Union’s investigation of over 100 possible war crimes committed by American military personnel in recent years.

Studies of military academies provide some evidence of the extent to which recruits can be reshaped by existing training programs. One study of first year West Point cadets found that incoming cadets’ values were much closer to career military personnel than to civilians, suggesting that they had these traits before entering the school (Hammill, Segal, & Segal 1995). Other studies of military academies have shown that a mixture of self-selection and socialization is at work (Bachman, Blair, & Segal 1997; Priest, Fullerton, & Bridges 1982; Stevens, Rossa, Gardner 1994) Studies of the entire military have reached similar conclusions (Franke & Heinecken 2001; Franke 1999). This does not mean that virtue ethics training is always ineffective, or even that the Army’s training programs cannot work. The lack of clear results may be due to the kinds of training recruits receive.

Despite some attempts at integration, ethics training remains compartmentalized and treated as a distinct subject that has little effect on soldiers’ daily work. This is reflected in the tendency to treat ethics as a single subject apart from its applications and to only address it periodically. Current training is heavily based on the use of PowerPoint slideshows and virtue cards (Pryer 201: 9; Tarcza 2001; Scott, McCone, & Mastroianni 2009). Such a passive method of instruction may be adequate for some subjects, but it is certainly at odds with Aristotle’s belief that virtues can only be learned through imitation.
As Brigadier General Ed Cardon, the deputy commander of Fort Leavenworth College said “‘It can’t be, ‘Today we’ll do ethics training and that will do for the year. ‘It has to be ingrained in everything we do, on and off duty’” (quoted from Milburn 2009).

Many of those who argue for integrated training do so from the Aristotelian perspective. The argument is usually stated as a critique of existing programs for not going far enough in reshaping the way soldiers live and act. “You cannot teach someone in a class via PowerPoint how to recognize a moral dilemma, weigh the potential effects of a decision, and behave in the morally correct way. The only way you can do this is by developing—changing—a person.” (Doty & Sowden 2010: 39) Similarly, Robinson makes a strong case in favor of combining moral education with other kinds of training to give soldiers a sense that all of their actions should be judged by ethical standards (Robinson 2009). However, he cautions that when integrating training, it is important to ensure that other training does not overshadow ethics training.

It is particularly important to reassess virtue-based training as the Army changes. The demographics of the US army have changed dramatically over the past half-century. Although many still describe the army as being an inclusive “all volunteer force,” its composition hardly reflects the mix of peoples that make up American society. There remains a deep ambiguity about the status of reserve and national guard personnel; the identity of these services and the extent to which they are considered part of the military profession is continually changing (Griffith 2011: 261). The mechanisms for providing Aristotelian training are also declining. Recruits join later, more live off post, and associations are less popular than in the past (Robinson 2007). This leaves the military with fewer opportunities to shape the character of impressionable young recruits and
increases the demand for training that can quickly and effectively teach soldiers the values that might encourage them. Faced with these challenges, it is important to reassess the Army's training light of the lessons learned by other militaries and soldiers’ own experiences.
Chapter 5: The British Army's Ethics

The US Army’s ethical self-consciousness and attention to training raises the question of why training falls short of guaranteeing ethical behavior. The British Army (BA) introduces the opposite problem of how an army with limited ethics training and a theoretically weak doctrine can perform as well as it does. Like those of the US Army, the British Army’s ethics shows multiple influences. However, the predominate influence is deontological moral thought. The BA’s respect for other cultures, its willingness to find political solutions to military problems, and its universalism are evidence of a strong, though almost certainly accidental, similarity to Kant’s moral philosophy.

Public Life, Cosmopolitanism, and Tradition

American military ethics relies heavily on clearly defined doctrine and training programs. British Army ethics, by contrast, are only loosely defined. Its transmission depends far more on the informal mechanisms of socialization. For this reason, it is important to discuss the BA’s ethics in terms of its cultural characteristics and how these socialize new recruits. Among the most ethically significant of these characteristics are the liberal attitude toward public and private morality, the BA’s diversity, and the BA’s sense of tradition.

The British Army draws most of its personnel from a society that tends to compartmentalize public and private life. The Millian attitude that everything done in the privacy of one’s own home is permissible, as long as no one else is hurt, is widespread in Britain (Christopher 1998). Even in the military, which goes further than most
occupations in regulating its members’ lifestyle, the liberal assumption of separate public and private lives is prevalent. As Deakin points out, the British Service Test upholds this separation and only justifies interference in soldiers’ lives when their private life interferes with their performance while on duty (Deakin 2008: 24). The division of public and private moralities favors a utilitarian perspective on morality. John Stuart Mill linked this division to his utilitarian morality by arguing that the greatest happiness for the greatest number is best achieved when individuals are free to act however they want when their actions have no adverse effects on others (Mill 1989, 1993). It is far more difficult to justify dividing private and public moralities based on axiological or deontological ethics. Aristotle argues that any actions that reflect on a person’s character are morally relevant, wherever they occur. Kant would likely oppose this distinction because it offers a way for particularistic interests to enter into moral calculations that should be based on universalizable rules. It is therefore interesting that the American and British societies and their militaries reflect this bias towards utilitarianism, which is the moral theory that least fits their official ethics doctrine.

Britain’s liberal values have a broader influence in determining how the military is used (Deakin 2009), and at this level they favor the deontological perspective. British counterinsurgency doctrine emphasizes the primacy of political solutions and the need to subordinate military operations to political operations. Civilian control is even taken to mean that politicians should determine the military’s campaign strategy and that it should be able to overrule military necessity when it is essential for reaching political solutions to conflicts (Deakin 2009: 126).
Diversity and Tolerance

The British military has long been a diverse institution, as it has had to compensate for the small size of its domestic population by incorporating foreign personnel. In his classic study of military sociology, Janowitz found that “as of the 1950s, of the twenty-eight leading generals, the inner nucleus of the British ground establishment, less than half were born in England, Scotland, or Ireland, while the majority had been born and spent their formative years in the colonies” (Janowitz 1960: 83). Over half a century later, the BA continues to be a diverse institution (Dandeker & Mason 2007; Crawford 2000). As in its colonial past, the BA maintains auxiliary forces recruited from local people that help with counterinsurgency efforts (Army Field Manual FM 22-100 2006; Study on Military Professionalism 1973: 119). Auxiliaries are generally used either to supplement regular British forces in order to increase their numbers or as local specialists who can perform roles for which British soldiers are poorly suited. In some ways, the BA has become even more cosmopolitan in the 21st century, as it has taken steps to be more secular and inclusive (Deakin 2009). For example, it has ended the practice of classifying recruits without religious preferences as members of the Church of England and has expanded the number of career paths open to women.

The BA has also developed in a way that has made it highly conscious of foreign cultures. Its colonial operations gave it extensive experience in cultivating civil-military cooperation. Because of its small size and its dispersed territories, forces stationed in the colonies were often forced to rely on local assistance (Kennedy 2008; Newsinger 2002). This required commanders to be adept at understanding the people, their cultures, and their ways of fighting. In many of its colonies, the British exploited existing divisions or
created new ones, in order to mobilize part of the population in their support (Kennedy 2008). Although this approach has created lasting divisions in former colonies, it has given the British military a great deal of experience in cooperating with foreign groups, in understanding foreign cultures, and in creating governing structures (Soeters 2005: 2). This experience has been put to more positive use in the BA's counterinsurgency missions in the second half of the 20th century, as its cultural sensitivity is more often used as a way of building relationships than of exerting control.

The cultural diversity of the army shapes British Army ethics. It must rely on an inclusive, secular concept of morality that is compatible with Judeo-Christian values, but that people from a variety of religious backgrounds can accept. They must take care to impose constraints on action without alienating any of its members or foreign populations. This is part of what makes the moral theories discussed in the first part of the dissertation useful. They are much easier for people from different cultures to follow than value systems that require one to accept metaphysical systems in addition to moral theory (Torrance 2000).

The Aristocratic Legacy

Despite its progressive stance on promoting diversity in the ranks, the BA, like all militaries, tends to be a conservative institution that is highly sensitive to tradition (Creveld 2008). Militaries may readily change to new and better weaponry, but the culture and institutions remain decades and even centuries after the initial reasons for them have disappeared (Katzenbach 1973). There is emotional attachment to ways of fighting and these can be difficult to change. It often takes war to force a shift in
organization or strategy. This is why soldiers in most militaries continue to spend a great deal of their training time marching and drilling, even though none use the massed infantry tactics that once made these essential to battlefield success.

The British Army is a highly traditional organization (Clayton 2006; Mallinson 2011). It is important to understand the role of tradition in sustaining the BA’s culture and ethics, as it relies heavily on tradition as a means of socialization. The British Army has a long history of waging wars against numerically superior opponents, of adapting to radically different conditions around the world, of building relations with foreign armed forces, and of maintaining the integrity of its regiments. This has led to a strong sense of identity that continues to shape soldiers’ thoughts. As Strachan says, “to an extent unparalleled elsewhere it enjoys the benefits of continuity” (Wattendorf 1986: 3). The BA doctrine similarly states “The British attitude to conflict and warfare derives from a deep national martial tradition and a pragmatic fighting culture that stretches back centuries, in both narrative and popular sentiment” (Army Doctrine Publication: Operations 2010: 2-14). It goes on to say that the British attitude toward the military has been to see it as an honorable profession that is morally and legally responsible.

The British and American militaries are similar in their traditionalism, but it is important to note that they draw on very different kinds of traditions. The US military has some experience fighting unconventional wars, but its most celebrated conflicts, and those which play the greatest role in shaping its identity and culture, have been large-scale conventional wars, especially the Second World War and the prospective war against the Soviet Union. The British Army, by contrast, has been engaged in many more
unconventional wars and it has fought these so frequently that they have had a strong
effect on its culture and institutions (Bulloch 1996).

Thomas Nagl praises the flexibility of the British institutional culture, when acting in
a counterinsurgency role (Nagl 2002). He argues that the BA’s experience with small
wars led it to place greater weight on learning and adapting during a conflict than on
training and simulation. This adaptive learning style has also given the BA a “slightly
anti-intellectual tilt” (Nagl 2002: 36), which is evident in the British approach to military
ethics. Similarly, Mileham argues that the lack of attention to moral philosophy is a
product of the British military’s constant engagement around the world. It is simply too
busy fighting and training for combat activities to conduct training on abstract moral
theories (Mileham 2008: 47).

Tradition also affects the BA in other ways. Like most European countries, Britain
has a long history of aristocratic control of its armed forces. Until Cardwell’s reform of
1871, commissions could be bought and sold, making rank a sign of wealth and status
rather than of merit (Cannon 1984: 119). The BA’s tradition was shaped by aristocratic
institutions like the sale of commissions, and although many of these institutions have
been abandoned, the BA retains some of its aristocratic character. It is especially strong
in the culture and moral sensibilities of the officer corps (Razzell 1963).

First, officers are acutely aware that anything they or their subordinates do affects their
reputation and status (Gardner 2003: 25). In the past, honor dictated the way officers’
behaved. It was such a deeply held value that it could justify refusals to comply with
orders and other serious affronts to commanders and colleagues. “Within the British and
French traditions, the military officer has not only the right but even the obligation “to
resign over questions of honor” (Kern 1994: 119). Although honor has become less
important as the officer corps has become more meritocratic, it remains a prominent
motive and makes officers conscious of the importance of making decisions based on
abstract values that cannot be compromised. This directs it towards virtue-based or
deontological moral thinking and conflicts with the more pragmatic consequentialist
morality.

Second, the regimental system is a remnant of the BA’s aristocratic past and continues
to be one of the BA’s primary means of ensuring the continuity of its traditions (Griffith
1996). Regiments have traditionally been relatively autonomous formations composed of
people from a particular location and who spend their entire career together. Although the
system has declined as the BA has formed larger regiments, regimental membership
continues to be important for many British soldiers (French 2005). It provides a
connection to the past and an interest in the unit’s future. Soldiers whose identity is
connected to that of the regiment have a stake in maintaining the regiment’s reputation
and avoiding any misconduct that might lower its prestige. Most soldiers remain in the
same regiment for their entire time in the military and maintain close connections with it
even after they retire (Army Doctrine Publication: Operations 2010: 2-16).

Third, the BA’s aristocratic past directs attention away from formal education in
military ethics and other subjects. As Guttieri points out, military education of all types is
less important in the “traditional-aristocratic model of civilian control” than in other types
of armed forces (Guttieri 2006: 241). This is one of the points at which the American and
British armies differ most clearly. The American army has long been the most
enthusiastic user of simulations, war games, and formal training for its soldiers (Millett &
Maslowski 1994), whereas the British army has preferred to train soldiers by deploying them and forcing them to learn from members of their units and through more direct experience. It has been able to do this because of its persistent engagement in small wars. As the following sections will show, the different training imperatives have carried over into each force’s ethics training.

Finally, the BA’s aristocratic past has led to a unique sense of what constitutes military professionalism. Professionalism has long had a negative connotation in British military culture. A professional is someone who works for pay, and who therefore takes part in work out of necessity rather than for enjoyment of the activity or civic duty. The amateur that is glorified in British culture is one who works for noble motives. Whereas being an amateur in the US means being unskilled, in Britain it is a sign of wealth and prestige, as only the independently wealthy can work without concern for money and practical skills (Buckley 1998: 339). As will be shown later, the ideal of the amateur leads the British Army to draw a far more permeable boundary between itself and the civilian population than the American Army. It also contributes to the BA’s aversion to formalized training in ethics and to the idea that ethical sensibilities arise from one’s status, rather than being a product of military character formation.

Learning from Experience

Britain has taken part in 21 conflicts since 1946 (Mileham 2008: 45). Since the Second World War, the BA has fought in Northern Ireland, Kenya, Cyprus, Yemen, Oman, and Malaya. Many of its units have experience acting in a police role or supporting police. As Benest argues, the supposedly novel type of fighting that
characterizes counterinsurgency is one that the British Army has been fighting for decades. “Asymmetric or low intensity conflict was the norm for the British Army for nearly every year of the twentieth century, this despite recent assertions that it is a hallmark of the twenty-first” (Study on Military Professionalism 1973: 115) Because it was heavily engaged in small wars throughout the second half of the twentieth century, the BA put high value on small, mobile formations that could be deployed quickly and act independently. The 1980 attack on the Iranian embassy in London led the Army to devote more attention to its special operations forces (Character Guidance Discussion Topics: Duty, Honor, Country, Series VII, Department of the Army Pamphlet 16-11: 166). Since then, the Special Air Service and other elite units have continued to receive a great deal of experience in small wars (Buckley 1998).

Of course, the experience in small wars was not uniform across the BA. Cultural differences emerged during the 1960s and 1970s between British soldiers tasked with much different roles. Those who went to Northern Ireland and other small wars around the world became skilled in counterinsurgency, counterterrorism, and civil-military operations. Those in the British Army of the Rhine (BAOR) continued to train for conventional fighting and did not learn the same lessons of counterinsurgency as other British units (McInnes 1996: 53-75). Those serving in special operations forces and in units involved in counterinsurgency operations are likely to have more experience in thinking about ethical challenges than personnel assigned to the less active conventional units. Thus, the learning has been uneven, but still significant in shaping the BA’s culture and institutions.
Mockaitis’ study of British counterinsurgency in the early and mid-twentieth century, shows that the British usually employed minimal force, made civil-military relations their primary concern, and encouraged small-unit initiative (Mockaitis 1995). Wherever it operates, the British military takes British common law as its legal standard (Study on Military Professionalism 1973: 117). This helps to establish ethical constraints on how soldiers act, but common law is an incomplete guide. During the early 1970s, soldiers in Ireland found that there was often a contradiction between the need to use violent force and their accountability to civil courts. Evelegh reports that the fundamental problem was treating soldiers as if they were ordinary citizens, even though their jobs had them performing exceptional tasks that went far beyond what an ordinary citizen would be asked to do (Study on Military Professionalism 1973: 138).

The incompleteness of common law as an ethical guide became evident during the BA's operations in Northern Ireland, as soldiers were implicated in attacks on civilians. The 1972 Bloody Sunday incident in which members of British Parachute Regiment shot nonviolent protestors, killing 13 and wounding 18, was probably the most important event in raising awareness about the importance of building an ethically conscious military force (Pringle & Jacobson 2002). Cooker argues that the event was especially traumatic because Northern Ireland is part of the UK (Pryer 2009). The fact that such a clearly disproportionate use of force could happen within the home territory made the need for a change much clearer than if it had happened in a distant country. Since the 1970s, ethics has taken a greater place in British operational doctrine.

The British Army doctrine states that its fighting power depends on three components: the conceptual component, the physical component, and the moral
component. The first encompasses the procedures that direct the use of force at all levels, educational programs, and understanding of conflicts. The second includes manpower, equipment, training, sustainability, and development capabilities. The moral component includes motivation, moral cohesion, and ethical foundations. As the manual point out, this is “the least predictable aspect of conflict – the human element” (Army Doctrine Publication: Operations 2010: 2-10).

**Values and Standards**

Despite the increased attention to ethics, British ethics doctrine remains characteristically anti-intellectual. In the place of a theoretical account of ethics, the BA bases its ethics on a sense of corporate identity and on the values that support collectivity. This is clear in the BA doctrine’s definition of morality as “the ability to act in accordance with a shared view of what is right” (Army Doctrine Publication: Operations 2010: 2-11). It clarifies this by explaining that this shared sense of what is right is based on a democratic sensibility, as it finds morality in what is generally considered to be right and wrong. Ethics provides the professional code of conduct that is an organizational morality. The doctrine explains that ethics are “often unwritten” (Army Doctrine Publication: Operations 2010: 2-11). Thus, this establishes that value sharing is the defining feature of morality and, by stating that these need not be written, it shows its anti-intellectual, pragmatic approach to defining morality.

The clearest formal statements of the BA’s ethics come from the BA’s doctrine and the *Values and Standards of the British Army*. Each states the same basic commitments and the same list of values. Moreover, each stresses the corporate identity of the Army, in
both its contemporary and historical manifestations, and speaks of the necessity of acting in a way that upholds the reputation of the British Army. They undertake lengthy discussion of soldiers’ duties, but usually in language that does not reveal the doctrines’ theoretical foundations. Mileham says of these manuals that “none of them appear to draw on any external sources of moral philosophy” (Mileham 2008: 51). This is an accurate description; the statements of ethics draw their legitimacy from tradition rather than theory.

The *Values and Standards of the British Army* appeals to the soldiers’ sense of tradition and honoring the BA’s history as the reason for good conduct (*Values and Standards of the British Army* 2008). In doing so, the manual affirms the BA’s identity as a traditional force. It describes joining the ranks of the BA as a kind of exchange. The Army’s reputation, it says, depends on the acts of every soldier. Soldiers maintain the institution. Each soldier has the chance to become part of a prestigious institution, and in return, the Army expects a high level of self-discipline and professionalism that will uphold its standards.

The army's standards are embodied in its six core values: selfless commitment, courage, discipline, integrity, loyalty, and respect for others. This gives the appearance that the BA uses a version of virtue ethics. However, upon close inspection, the values only bear superficial resemblance to virtues in the Aristotelian sense. Most are stated as collective values and none provides specific advice that would help to resolve ethical dilemmas.

The first of the values, selfless commitment, is one of the most personal values on the list, yet it provides no specific guidance for resolving ethical dilemmas. Instead, it states
that soldiers accept that they must follow whatever orders they are given, even when these are unpleasant or dangerous. This establishes the importance of loyalty and limits the range of decisions a soldier can make, but without giving specific instructions for how to act.

The definition of discipline reiterates many of the same points as the description of selfless commitment. It explains that the Army can only be an effective force when commanders can trust that their orders will be followed and when soldiers can trust their comrades. The description of discipline is also somewhat strange because it says that self-discipline is “innate rather than imposed” but that “the Army draws it out through education and training” (Values and Standards of the British Army 2008: §11). This description of a value as both innate and capable of development raises the question of whether it is an innate ability common to all people or whether it is something that only some people possess. In either case, the definition is unclear and offers little guidance for action.

The description of courage is somewhat more informative. It states that soldiers must be willing to use lethal force, but that this force should be controlled and restrained, even when restraint increases the risk to oneself and one’s comrades. It also explains that moral courage – “the courage to do what is right, even if it is unpopular” – may be more important than physical courage in battle (Values and Standards of the British Army 2008: §10). The description of moral courage does offer some guidance for soldiers. However, it is problematic, as it is at odds with the other values, which emphasize collectivity, and because it goes against the British doctrine’s definition of morality as
“the ability to act in accordance with a shared view of what is right” (Army Doctrine Publication: Operations 2010: 2-11).

Integrity is defined as a person’s willingness to subordinate their needs to the needs of the group, to minimize their conflicts with their comrades, and to build trust. It “requires adherence to a code, based on common values and standards, and honesty” (Values and Standards of the British Army 2008: § 12). Again, the value stresses the shared identity of BA soldiers and encourages individuals to look for guidance from other members of their unit. Trust is recurrent in the definition of integrity – the ability to trust others, to earn others’ trust, and to build a community that encourages mutual trust. This is essential to overcoming the discomfort and challenges of military life, as even small problems can have disastrous effects on unit integrity.

Loyalty restates the same commitments as the preceding values. It explains that loyalty is what unifies the Army and builds trust between soldiers. However, whereas selfless service was described in terms of bottom-up commitment of soldiers to the state, the definition of loyalty explains that the value is also characterized by a top down commitment of commanders to their subordinates. As with integrity, trust is central to this definition. Effectiveness in war depends on trust at all levels. Each member of the Army must be able to trust that all others will obey their orders and complete their objectives.

Finally, respect for others states that soldiers must respect those in their chain of command and people in general. It is a matter of “putting others first” (Values and Standards of the British Army 2008: § 15). It expresses the need to act as members of a team and trusting others. It also explains that soldiers must care for wounded people on
both sides, prisoners, and civilians, humanely. This is one of the rare places in the
definitions that there is a clear statement of what kinds of actions the value entails. The
value of respect is also stated in a way that gives it a Kantian dimension, as respect is
something that is supposed to be granted to all people. It is not a conditional respect that
depends on merit or even one’s nationality.

With the exception of respect for others, the BA’s values are even more vague than
the American Army’s. Aside from courage, the definitions are nearly interchangeable.
Each discusses the importance of trust, of interpersonal relationships, and of loyalty.
There are small differences in whether the trust is for people in general, for superiors, or
for other soldiers, but there are few differences aside from these. The similarity of the
values is an indication that they do not fit with the virtue ethics model. They are too
limited to cover the broad range of activities in which a person would need to
demonstrate good character.

Most of the values are stated in very broad terms that do not give any specificexamples of what the value might mean in practice or how one could apply it. At some
points, the definitions say how the organization or “each soldier” should act, but tell
soldiers little about what to do in a given situation. The collective figures much more
prominently in the definitions than the individual. For example, the description of
integrity offers some advice on how individuals can build trust within a unit, but it
explains that integrity is a group value rather than an individual value. It is something that
arises in a community, and not a characteristic of a person. This makes it much different
from the personal virtues Aristotle described and makes it difficult to classify as virtue
ethics. The BA’s values may shape an individual’s character, but it is clear from the
descriptions make it clear that most are values that can only be demonstrated collectively and that are therefore not part to any one person’s character.

**Strengths and Limitations of the British Army's Ethics**

The BA’s informal approach to ethics training reflects the unphilosophical tone of official publications and the Army’s spirit of traditionalism. The BA conducts little formal ethics training and does not use the major schools of moral philosophy as a guide for the training it does conduct (Robinson 2007; Mileham 2008). The emphasis of training is teaching soldiers how to fight and how to perform the specialized tasks they are assigned. The unphilosophical discussions of ethics in training manuals and other official documents, the anti-intellectual character of the Army, and the lack of formal training in ethics would seem to be signs of an Army with limited ethical sensitivity – one that would place little value on goals like protecting noncombatants or use proportional force. However, this is far from the case.

The British military places great weight on acting with restraint, so much that its doctrine shows a willingness to sacrifice military success or to risk higher casualties for the sake of minimizing risk to noncombatants. For example, it says that in conventional operations the BA seeks to surprise the enemy to gain the advantage, but in unconventional operations it observes strict rules of engagement that preclude this and other strategies that may endanger noncombatants or threaten good civil-military relations (Wattendorf 1986: 10). This raises the question of how an Army with limited ethics training and a theoretically underdeveloped code of ethics shows a relatively high
level of restraint in its doctrine and whose soldiers seem to commit relatively few serious ethics violations as compared to other major military powers (Mileham 2008, 2005).

To some extent, the BA’s performance may be attributable to its counterinsurgency doctrine, which places limits on the level of force soldiers can employ and encourages officers to find nonmilitary solutions to their challenges. The BA devotes little attention to training individual soldiers in moral theory or attempting to reshape their character, but it does set firm boundaries that constrain how soldiers can act. Although the US Army and BA both use rules of engagement to set rules for soldiers, the BA’s rules often prescribe much different kinds of behavior.

The Iraq War provided an excellent comparative look at how American and British soldiers behave and the extent to which doctrine can shape actions. They were assigned to regions with different sets of problems and different opponents, but the circumstances of their deployment were similar enough to permit a comparison between the countries’ methods of fighting insurgencies. In the weeks following the invasion of Iraq in 2003, the British Army was far more willing to abandon their material and technological advantages in order to build trust with local people. While the American Army remained in its conventional war posture, the BA made a clear change from conventional to unconventional operations.

On 8 April the British began to adopt a postwar mode. Anxious to reassure the Shi’a population that they had come to stay, they took off their helmets and flak jackets, dismounted from their armoured vehicles and began to mingle with the crowds. Soon afterwards General Brims withdrew his armoured vehicles from the city centre altogether, leaving his soldiers to patrol on foot, with orders to smile, chat and restore the appearance of normality. (Keegan 2005: 182)
The British were also eager to rehabilitate the areas under its control by restoring the status quo as much as it could (Keegan 2005: 208; Cordesman 2003: 142). This was consistent with the BA’s doctrine of waging limited war, which calls for more moderate action than the US Army’s doctrine of waging war for total victory (Aylwin-Foster 2005: 8). The restraints on BA personnel did not determine how they would act, but it did limit their means of action in such a way as to make abuses of power less likely. Without heavy weaponry or armored vehicles, soldiers were prevented from using many of the heavy weapons that lead to collateral damage. Moreover, the direct contact with the people encouraged a greater level of mutual understanding than the American strategy of consolidating forces in large bases and remaining somewhat distant from the local population (Ricks 2006). Placing these kinds of restrictions on soldiers constrained their actions more than rules of engagement alone. Rules of engagement can be ignored or forgotten, but soldiers cannot use weapons that they do not have nor can they afford to alienate local people when their survival depends on cooperation. Therefore, to some extent the conduct of British soldiers may have been due to the doctrine of restricted war that was established by senior leaders.

Pressure from other soldiers may also play a role in making soldiers conform to the Army's standards. Peter Olsthoorn argues that one of the main reasons that soldiers act virtuously or badly is that they are pressured by the judgments of those around them (Olsthoorn 2011). There is an intense desire to have a good reputation, especially when it comes to showing courage. Soldiers from any country may feel the pressure to live up to their comrades’ expectations, yet the feeling may be especially strong in the British
Army, given the strong sense of community and tradition that was discussed in the previous sections.

As the descriptions of the BAs values suggests, ethics training comes from its senses of collectivity and continuity. The BA does not mirror the American approach of reshaping recruit’s character. Rather than putting the weight of moral actions on the individual, the BA emphasizes the individual’s place within an enduring community (Deakin 2010: 149). This requires them to act according to certain values, but these values do not presuppose any transformation in character. The values are based on a person's membership in the group. Individuals in the community have the responsibility to uphold its values and protect them, but the values are collective, not individual. They do not require members to undergo character formation.

Torrence describes the BA’s ethics in terms of Alasdair MacIntyre’s philosophy (Torrance 2000). MacIntyre argues that morality arises from communities and that it is inseparable from the ways of life that give rise to them (MacIntyre 2007). The BA's military culture has promoted a distinct kind of moral community that is further reinforced by the BA’s emphasis on preserving its tradition. Torrance’s comparison with MacIntyre is apt given the extent to which the BA understand itself within the context of its traditions and group identity, but it also suggests that the BA's ethics are virtue based. In this, he coincides with Robinson, who argues that The Values and Standards book is a contradictory mixture of virtue ethics and utilitarianism because it favors a virtue ethics approach, but then urges soldiers to use a utilitarian service test. He concludes that “Consultation with a moral philosopher could have avoided this contradiction” (Robinson 2007). Robinson’s guess that no moral philosophers were consulted when writing the
book is likely true given the many other contradictions in the BA’s statements of ethics and its anti-intellectualism. However, his characterization of the BA as caught between virtue ethics and utilitarianism overlooks the fact that the code of ethics only has a superficial resemblance to virtue ethics.

The cultural values of the BA are distinctly deontological because of the extent to which it embodies the Kantian value of respect. Respect is evident in the BA’s cosmopolitanism and willingness to accommodate a diverse range of people, including foreign auxiliaries, within its ranks. Throughout its long history of interacting with foreign civilian populations, foreign auxiliaries, and personnel from different backgrounds it has accumulated a great deal of experience about how to accommodate different perspectives and ways of acting without compromising its mission. It has experienced problems because of cultural misunderstandings within the ranks, such as in the Sepoy Mutiny. It has also had many problems interacting with other civilians, especially in Northern Ireland. However, these experiences have contributed to the BA’s power to work with other groups and to wage counterinsurgencies through nonmilitary means. The different ways American and British forces have conducted themselves in Iraq provides further evidence of this.

Whereas the American military in Iraq had a strong ideological program of promoting democracy, the British military was not strongly committed to reshaping the country or its people (Keegan 2005). It was characteristically pragmatic and uninterested in accomplishing any significant political or culture transformation, except insofar as it had to follow the United States’ plan for postwar Iraq. One of the chief complaints of British soldiers was that Americans were insufficiently sensitive to the Iraqi people and their
culture. Aylwin-Foster, a Brigadier in the British Army, said that “whilst they were almost unfailingly courteous and considerate, at times their cultural insensitivity, almost certainly inadvertent, arguably amounted to institutional racism” (Aylwin-Foster 2005: 3), and that “despite its own multi-cultural nature, the Army was not culturally attuned to the environment” (Aylwin-Foster 2005: 6).

The BA describes itself as being shaped by a military covenant that binds its members to each other and to the citizens of the United Kingdom. A key part of this covenant is mutual respect.

British servicemen should be able to expect the Nation, and their commanders, to provide them with the means and ways to achieve the ends set, to treat them fairly, to value and respect them as individuals, to sustain and reward them and their families with appropriate terms of service, and to provide long-term support in the event of death, injury or poverty (Army Doctrine Publication: Operations 2010: 2-15).

The BA's universalism is further evidence of deontological thinking. The American Army’s statements on values reflect the same actor relativism as Aristotle’s virtue ethics by continually referring the differences between soldiers and civilians and describing soldiers as being unique and bound by different rules. The American Army's ethics are based on the identity of being a professional who is apart from the general population. By contrast, the BA’s values are rarely described as being uniquely military and never as being contrary to civilian values (Values and Standards of the British Army 2008: §3). By drawing its legitimacy from tradition, the BA does not have to rely on professionalism as a mark of identity or to mark itself as being fundamentally different than the civilian population. Instead, its ethics emphasize the continuity with the values of the larger British society and soldiers’ place within British culture.
The BA promotes consistent adherence to abstract values, but these are presented as rules that its personnel must follow. They do not require that the soldiers’ undergo transformations in character, as they would in a virtue-based system, nor are they values that can be superseded in extreme circumstances, as they would be in a military guided by utilitarianism. Again it is useful draw on a British officer’s impressions of the difference between the American and British military cultures. Alywin-Foster finds that American soldiers are far more willing to distance themselves from the civilian culture than their British counterparts. “Some individuals almost seem like military caricatures, so great is their intent on banishing all traces of the civilian within” (Aylwin-Foster 2005: 10). Adopting this different status is consistent with virtue-ethics, but it is at odds with universalistic moral thinking. Alywin-Foster’s apparent shock at the American soldiers’ attitudes is evidence of his own bias toward a military culture that is much close to the civilian culture.

Challenges for the British Army

Despite the many differences between the US and British Armies, they have faced many of the same kinds of ethical challenges. The BA has been engaged in unpopular wars in Iraq and Afghanistan that have strained relations between the military and civil society and that pose the risk of driving the civilian and military cultures apart (Aoi 2011: 209-213). The soldiers fighting those wars have also been involved in the same kinds of ethical breeches as American personnel, including sexual misconduct, prisoner abuse, and misuses of force against civilians. British soldiers engaged in sexualized torture similar to what was done in Abu Ghraib, starting shortly after the invasion in 2003. Like the American guards, the British guards photographed things like prisoners wearing
women’s underwear on their heads or being restraint in uncomfortable positions (White 2005). British soldiers have been linked to sexual assaults on Iraqi men and women (Dodd 2009). In some cases, the victims have been very young. One boy was only fourteen when he was forced by soldiers to perform oral sex on other prisoners (Johnson 2008). What made the incident especially shocking is that the he was not even suspected of terrorism or political violence; he was caught stealing milk. Thus, even though the BA often serves as an example of how an army with little formal attention to ethics can be ethically conscious, it has a great deal of room for improvement. It can therefore benefit from continued attention to its ethics doctrine and its soldiers' decision making.
Chapter 6: Ethics of the Israel Defense Forces

The IDF is culturally and organizationally very different from the American and British armies. Many of its differences can be traced to Israel's enduring security threats. The constant threat of attack plays a prominent role in the IDF's doctrine and shapes its military ethics. It has led the IDF to take a consequentialist perspective on ethics, according to which the moral worth of actions is primarily determined by their consequences. The ultimate goal that the IDF prioritizes is the protection of the state of Israel of the Israeli people. Even the IDF's formal code of ethics, which was written with the goal of philosophical neutrality in mind, has a consequentialist tone because it states the primacy of the "obligation to execute the mission and to win in the war" over other values (Main Doctrine 2011).

The IDF's consequentialism is closely related to utilitarianism, but is slightly different in that it is more particularistic. Whereas utilitarianism judges the moral worth of action by the extent to which they promote the greatest happiness for the greatest number of people, the IDF's consequentialism is based on promoting the greatest happiness for the citizens of Israel first and then promoting the happiness of foreign citizens. Of course, every military force prioritizes the protection of its home state, allies, and friendly civilians. This is not unique. What sets the IDF apart is that it openly declares that the price of defeat is so high that military victory must be won at all costs, even if that means other values must be subordinated to military necessity. This consequentialist outlook is reflected in the sociology of the IDF. It is organizationally and culturally a pragmatic force that is concerned with military effectiveness above all else, and which therefore has
less interest in character development or the defense of tradition than the American and British armies.

**The IDF's Mission**

Israel is often described as a nation in arms because of its use of conscription and because of the persistent internal and external threats to the country’s existence. Almost every Israeli, male or female, serves in the IDF and some point and around a fifth of the country’s workforce is engaged in a defense industry (Katz 1991: 17; Mintz 1985). Persistent security threats have had a profound influence on the development of the Israel Defense Forces (IDF) and caused it to develop a much different culture and institutional structure than the militaries of the United States or United Kingdom. The US and UK have been able to train and organize its ground forces with relative ease because of the geographical barriers that prevent these countries from being seriously threatened by land forces. The IDF, by contrast, came into existence on May 26, 1948, shortly after the establishment of the state of Israel, as the country came under attack from a coalition of Arab military forces. Since its founding, it has fought a war or insurgency every decade, while also contending with persistent terrorist threats. The IDF won a major conflict in each decade of the 20th century following its founding (Kasher 2009: 135). These victories serve as an important common reference point for soldiers and make up for the lack of deeper traditions that give older military forces their identities.

Despite the challenges the IDF faced during its formation, and the ongoing, continually changing threats to the country’s security, the IDF has performed very well in its conventional wars. However, like the American and British militaries, it has found
counterinsurgency and counterterrorism far more difficult. As in those armies, the ethics challenges facing the IDF have much to do with the changing nature of the conflicts it is involved in. The changing mission from conventional fighting to counterinsurgency has brought soldiers into greater contact with civilians, politicized military, and giving junior leaders more responsibility (Creveld 2002: 346). Moreover, the IDF’s success in conventional wars has done much to harm the image of the IDF. As Creveld says its victories have transformed it “into an occupying force, complete with all the corrupting moral influences that this entails” (Creveld 2002: 199).

Starting in the mid-1980s the IDF’s priorities shifted from fighting conventional wars to counterinsurgency and counterterrorism. This shift was triggered by the extended low-intensity fighting of the First Lebanon War (1982-1983) and the First Intifada (1987–1993) (Ben-Shalom & Fox 2009: 110). The Intifada was especially challenging. Earlier conflicts with Arab states had been fought in the open terrain of the Sinai and the Golan Heights, which allowed Israel’s superior air power and armor to prevail over poorly equipped and poorly organized conventional forces. During the first weeks of the Intifada, the ethical difficulties associated with fighting against insurgents became clear, as Israeli soldiers were involved in the killing of civilians, including some young children.

As Bregman explains, the misuses of force had much to do with the IDF’s method of dispersing crowds, which was poorly suited for operations in urban areas. “The high toll amongst children was the direct result of them taking an active part in the revolt, but it was also because the practice of Israeli troops was to shoot at the legs of the demonstrators in order not to kill them – which for small children was lethal” (Bregman
The IDF’s image has suffered considerably during its counterinsurgency wars and it has come under greater international scrutiny for how it conducts these wars. The change of priorities and the heavy criticism the IDF faced both at home and abroad led to a change in its perception of its moral responsibilities during the 1980s and 1990s (Kasher 2004: 117). Just as in with the American and British armies, greater involvement in unconventional warfare led to more attention to ethics.

The Organization and its Conscription

Although the IDF is similar to the British and American armies in many respects, such as its technological sophistication and conventional fighting capacity, there are many significant differences between them. Among the differences that seem to have the strongest effect on the IDF’s ethics and that may affect the way its soldiers make ethical decisions are its unified organizational structure, its use of conscription, its meritocratic values, the frequency with which IDF units must be deployed in ad hoc formations, the relationship with the civil-society, and the country’s persistent existential threats.

The IDF is a unified organization. Air, naval, and ground forces are all branches of the Israel Defense Forces and not distinct services as they are in the US and Britain. This facilitates joint operations between air, ground, and naval forces. It also gives the IDF a unified code of ethics, rather than a different code of ethics for each branch as the United States has. This unity may be a strength, as it identifies a single common ideal that all military personnel can aspire to. This is in contrast to the more fragmentary ethics of the American and British militaries, which can vary a great deal between
branches. Moreover, in addition to being a single organization with a common ethics doctrine, the IDF has a more clearly defined code of ethics than the British and American armies. While American Army has multiple different, and at times conflicting, statements of its ethics, and the British Army’s ethics are poorly defined, the IDF has a single, clearly stated ethics doctrine provided by *The Spirit of the IDF*.

Another significant difference from the US and British militaries is that the IDF is largely made up of conscripts. All Israeli citizens over 18, except for Arabs and those who meet other exemptions, are required to perform military service. Most Israelis are assessed for military service at a conscription center when they are seventeen. They undergo physical and psychological testing to determine which unit they are best suited for. Upon entering service when they turn 18, the recruits are again assessed by placement officers who make the final determination of which branch and unit they will be assigned to. These new recruits then undergo basic training called Tironut (טיורונות), which varies dramatically by unit. Different units have their own training programs that focus on specialized preparation for the role that the recruit will have to perform. Like basic training in the US and UK, Tironut is meant to make civilians into riflemen capable for acting as infantry soldiers. Those completing Tironut are ranked according to their capabilities and, if necessary, they may conduct additional training before they are assigned to the units.

Women make up a larger portion of the conscript force than in the all-volunteer armies of the UK and US, but they make up a similar portion of the active duty force. In 2006 around 33 percent of conscripts and 16 percent of career personnel were women (Eran-Jona 2011: 21). They also have shorter terms of service. Males soldiers
are required to serve for 36 months, while females are only required to be in the
military for 24 months (Cohen 1997). Female soldiers have a comparable role to
women in the American and British Armies. They are generally excluded from combat
and from combat arms specializations (Dar & Kimhi 2004). Therefore, women make up
a greater portion of the IDF than of the American or British militaries, but the
difference is slight and unlikely to have a significant difference for the IDF’s ethics.

Although conscription is a denigrated practice in countries that pride themselves on
voluntary service, it offers several advantages over the volunteer system. Foremost
among these is that it gives the military much higher quality recruits than it would
otherwise have (Cohen 1995). Voluntary forces must struggle to reach recruiting goals
and to appeal to the altruistic values of potential soldiers, many of whom have
prospects of higher pay and a more comfortable life in civilian employment. With the
power to select from an entire country’s population, the IDF can create a more skilled
force than if it relied on voluntary service to fill all positions. During the 1990s, it was
even able to increase its standards and become more selective, as it began screening
candidates for predispositions for mental problems that might interfere with their
capacity to operate in combat (Cohen 1997). The high quality of recruits is one of the
reasons the IDF has been so consistently successful in responding to attacks (Gal 1986).
It is also be a strength from an ethics standpoint, as the soldiers who are selected for
higher ranks can be carefully chosen among those who best embody the institution’s
values and who do not seem to have a disposition for psychological problems.

Conscription leads to a much different relationship between the military and the
civilian population, as it blurs the boundary between the civil society and the military in
such a way that the civilian and military viewpoints are more difficult to distinguish than in the US and Britain (Perliger 2011). Conscription ensures that civilians can usually understand the military’s culture and soldiers’ unique challenges. In the US, only around 1.4 million people are members military, and since most of them are drawn from similar backgrounds, few civilians have direct contact with military personnel (Segal & Segal 2004; Ricks 1998, 1997). In Israel, by contrast, a military background is normal. “On average, an Israeli (Jewish) male devotes five to six years of his life to military service” (Ben-Dor, Pedahzur, & Hasisi 2002: 234). Even those who have no personal experience in the IDF are likely to have some indirect contact with it through friends and family members.

Conscription has the effect of liking civilian and military values and making the two spheres more similar than they would be in a country with an all-volunteer force. Scholars have found that the influence works in both directions. Guttieri says that “Israel is the archetype of a nation-in-arms, whose highly militarized culture permeates society as much as it indoctrinates the armed services” (Guttieri 2006: 240). Similarly, Cohen says that Israeli soldiers “have always been citizens temporarily in uniform” (Cohen 2008: 1) and Micewski argues that this “guarantees a constant exchange of values and permanent interdependence between the armed forces and society at large” (Micewski 2006: 209).

The close relationship between the military and civilian population makes it difficult to distinguish soldiers from support personnel (Ben-Eliezer 1995). During a conflict, many of those people operating in support capacities are potential combatants, who could be quickly mobilized and sent into combat. This makes the distinction
between the soldier and civilian far more fluid in Israel than it is elsewhere. This ambiguous line between combatants and noncombatants complicates the matter of military ethics by making it more difficult to specify who can be held responsible for following a code of ethics and whose actions can be judged as indications of the strength of that code of ethics. The relationship is further complicated by the proximity of military and civilian cultures and the extent to which military service functions as a mechanism of nation building.

Because of the imprecise line between civilian and soldier, the IDF is a poor candidate for a virtue-based system of ethics. As the discussion of the US Army showed, virtue ethics requires substantial efforts at character formation and the creation of a distinct identity around which a set of virtues can be based. It is best suited to a military force that has long periods of voluntary service in an insular organization, and not for an open organization whose members serve for short periods. However, conscription does not favor either the deontological or consequentialist perspectives; either of these can be reconciled with the IDF’s sociological characteristics.

The Military and Society

The IDF has a much higher social status in Israel than the military does in the US and UK and it is more closely linked to the civil society. Although military service is compulsory, it is very popular and prestigious. The IDF is seen as a protector of national security and of the national identity (Cohen 2008: 1). Many recruits are enthusiastic about competing for membership in the most elite units; membership in one of these units is mark of prestige that stays with a person long after they leave military service. Poor
performance is likewise an indication of one’s prospects in the civilian world. As Katz explains, “Military service is such a focal point in Israel that for one who does not perform well or honourably in the IDF it is almost impossible to succeed in the civilian sector” (Katz 1991: 17). The social value placed on military service acts is a way of promoting conformity in the ranks. It is a mechanism that could encourage or discourage good conduct among soldiers, depending on what standards soldiers are held to.

Although the IDF has a higher social standing and a more active role in promoting national identity than the British or American armies, it has a similar relationship with the government. It is subordinate to civilian control – a subordination that is continually affirmed in the organization’s values. The prominence of subordination to civilian authorities in the IDF’s official publications, especially in The Spirit of the IDF, may be a sign that the balance between civil and military authority is more tenuous in Israel than in the US and Britain (The Spirit of the IDF). Indeed, Asa Kasher, one of the creators of The Spirit of the IDF, describes the Israeli political culture as one in which democratic values are vulnerable because they are widespread, but not strongly held (Kasher 2004: 121). Thus, the IDF faces a much stronger challenge than the American and British militaries in remaining depoliticized and detached from contentious issues in domestic politics.

While the American and British militaries can maintain high morale despite the widespread public opposition to the countries’ wars in Afghanistan and Iraq, the IDF has been prone to drops in morale as public opinion shifts against the conflicts it is engaged in (Creveld 2002). The IDF has proven more stable than the Israeli society, as it is rarely disrupted by even the most contentious debates dividing the country, but there is some risk that public opinion could influence soldiers’ conduct (Cohen 2008: 3).
Another consequence of the close relationship between civilian and military authorities is that the IDF has been given an important role in constructing a national identity. The IDF is a mechanism for social integration that serves as a means of building a collective national identity among the country’s diverse immigrant population (Cohen 2000: 236). For this reason, the IDF goes beyond teaching military skills to provide language training in Hebrew for those who do not know the language, professional skills, civic education, and access to university education (Sadeh 1997: 74). It performs many of the functions of identity formation that constructivists associate with the formation of nationality (Anderson 1983). As the next section will show, the construction of national identity is critical because the IDF affirm that the protection of the state of Israel is the highest of the IDF’s ethical priorities.

In addition to building nationalism, the IDF also attempts to impart a military identity on its members. Given the close relationship between civilian and military spheres, this task is closely related to building a sense of national identity. Much of the values-based training of Tironut consists in lessons on the history of the IDF. These lessons are one of the similarities between the various training programs. The uniformity of this part of training is important, as it is supposed to establish both a corporate identity that unifies IDF personnel and also a common reference point for the soldiers to draw on and to serve as the basis for the organization’s identity.

Despite the prominence of identity formation, the kind of identity the IDF attempts to construct has changed over time. As Perliger explains, for much of the IDF’s history, constructing an identity meant promoting Zionism and drawing a distinction between
segments of the Israeli population in such a way as to perpetuate divisions that lead to conflict.

Reserve service became a mechanism for drawing the boundaries of the Israeli collective. Since the adherence of the political leadership of Israel to the democratic idea generated a legal and constitutional system that granted citizenship rights to all the country’s residents, including non-Jews and non-Zionists, new mechanisms were needed to distinguish between the Zionist Israeli collective and other less prominent segments of Israeli society. Serving in the IDF, especially in the reserve forces, was a prominent one through which Israeli citizens affiliated themselves to the dominant Zionist collective. The political system enforced these boundaries of the collective by constructing governmental mechanisms that gave special privileges based on individual inclusion in the reserve forces. (Perlig 2011: 221)

However, according to Cohen the IDF is becoming more open and diverse and accepting of minority groups.

Random reports suggest that the IDF is adopting an increasingly liberal attitude with regards to the military service of non-Jewish minorities. Although the overwhelming majority of Arab citizens, male and female, are still excused the draft, the proportion of Druze, Bedouin and Circassian troops steadily grows, especially in the professional segment. In 1995 alone, the IDF publicized the appointment of a Druze officer to command of a Division (with the rank of brigadier-general) and the graduation of the IDF's first Arab Christian second lieutenant. (Cohen 1997: 31)

The relatively limited space given to religion in *The Spirit of the IDF*, is evidence that the IDF is becoming more open and that the Zionist influence may decline as soldiers are socialized into a more open military. Religious identity may be a relevant difference between Israel and the US and UK, but, as will be shown later, this is no longer a difference that is no longer inscribed in the IDF’s doctrine. Strong religious beliefs persist among the soldiers, but these are personal affiliations that do not reflect the IDF’s official doctrine or its approach to teaching military ethics (Cohen 1999; Creveld 2002). This is important because religious openness and diversity may be an
indication of greater cultural respect, which would complement a Kantian moral theory. By contrast, a strong commitment to divisive religious values would make Kant's idea of respect for humanity difficult to apply when dealing with those adhering to different religious beliefs.

**Meritocracy and Equality**

The IDF places much less emphasis on tradition and the usual signs of military decorum than the US or British militaries. Whereas American and British soldiers have been forced to spend hours shining boots, ironing uniforms, learning how to march, and engaging in other activities designed to instill discipline through the performance of repetitive tasks, the IDF takes a pragmatic approach that abandons many of the formalities of military life. The IDF’s emphasis is on practical skills and not in the many extraneous, ceremonial parts of military life.

The IDF is also a highly egalitarian and meritocratic force that reflects the common experience of its soldiers. Egalitarianism is especially strong in combat units. Members often address each other informally, even calling each other by first names (Perliger 2011). This level of familiarity is uncommon in the British and American militaries, except in some elite units (Bowden 1999). This egalitarian spirit is evident in the way punishment is imposed on recruits in training. The image of basic training in the US is of drill instructors berating frightened recruits and forcibly reshaping them into soldiers through abuse and intense physical activity. While IDF training staff use punishments, such as extra exercises, they are not supposed to yell at recruits or demean them (Katz 1991: 18). To the extent that there is a character formation process, it is not based on
destroying the recruits' civilian identity as is often the case in more disciplinarian training. The IDF therefore shows a great deal of respect for recruits as autonomous actors.

The culture of the Israeli officer corps is evidence of the extent of the IDF’s meritocratic values and the way these are encouraged by the organization’s structure. In the US and British militaries many junior officers are the same age as or younger than many of their subordinates because officers may earn their commissions by attending military academies or ROTC programs at civilian colleges. Most new officers start their careers with less experience than the soldiers they command. However, in the IDF, one can only become an officer by advancing through the enlisted and NCO ranks. This system is meant to ensure that only soldiers who have demonstrated their leadership skills will be put in command positions. Moreover, the officer corps is not as separate from the enlisted ranks as it is in other armies. No vast gulf separates the two groups. Instead, officers have close relationships with their subordinates.

Through its system of promotion and its continual engagement in wars, the IDF ensures that those personnel who hold leadership positions will be experienced. As Kasher says, “every career officer and NCO has participated in intensive military activity during a war, an ongoing conflict or an operation, as have numerous conscripts and most reservists” (Kasher 2009: 135). This level of leadership experience and the organization’s egalitarianism hold strong implications of the IDF’s ethics. First, the continuity of ranks and minimal ceremonial distinctions between them makes it difficult to draw a clear line between officer and enlisted soldier competence. Such a distinction can be drawn, but it must be largely based on experience, rather than education, wealth, or class. Second, the
experience of senior leaders means that they may be in a stronger position to serve as moral leaders. Their experience grants them greater insight into the kinds of moral problems that their subordinates are likely to face. Their time in lower positions gives leaders insight into the problems their subordinates may face and allows them to serve as more effective role models.

Perliger argues that the promotion system was not only a way of developing an experienced officer corps, but also a way of minimizing the influence of civilian institutions (Perliger 2011: 222). The commissioning systems used by British and American forces reflect a long tradition of elite, educated officers leading uneducated subordinates, thereby making the military a reflection of social inequalities. By contrast, the IDF’s meritocratic system of promotion helps to ensure that social status will have little effect on a soldiers’ advancement. This has strong ethical implications. Whereas the aristocratic legacy in the British officer corps leads the officers to import British social values into military activities, the IDF’s meritocracy encourages career soldiers to judge themselves and others by the standards that the IDF uses to judge its members.

The Effects of Existential Threats

Another of the significant differences between the IDF and the British and American militaries is that when Israeli units are deployed they often lack the same group cohesion. In the literature on military culture, cohesion is usually described in terms of an ineffable connection between members of a clearly defined unit who work tougher for an extended time (Siebold 1999; Shils & Janowitz 1948; Boer 2001). Group cohesion can provide a strong motive to fight, increase morale, and promote selfless acts. However, it can also
encourage soldiers to hide or take part in crimes committed by other members of their units (Couch 2011). As the section on the US Army discussed, one of the theories for why soldiers commit immoral actions is that they are pressured into doing so by their peers.

The IDF is organized into units that have a high level of cohesion, but soldiers are often forced to fight in ad hoc formations because of the suddenness of the threats facing the country. During the Yom Kippur War soldiers were rushed into action to respond to the surprise attack from Egypt and Syria (Rabinovich 2005). Again during the Al-Aqsa Intifada, soldiers were formed into units to deal with threats as they emerged. These units defied the commonly held belief that unit cohesion is essential to good performance, as most performed very well in accomplishing their military objectives, but it is unclear what effect it had on soldiers’ willingness to act ethically (Ben-Shalom, Lehrer, & Ben-Ari 2005). To the extent that group pressures encourage or discourage ethical action, IDF personnel may act differently depending on whether they are deployed in their regular unit or an ad hoc force that is responding to a crisis.

The underlying reason for many of the IDF’s distinctive traits is that Israel faces persistent existential threats. The British and American militaries rarely fight wars that must be won at all costs. They are usually deployed to protect political and economic interests in faraway places. Only a few times in their histories have they been forced to fight in defense of their own territory. The IDF, by contrast, must bear the burden of fighting in confined spaces, usually without the ability to even mount tactical retreats, and with the knowledge that it cannot afford to lose. The IDF’s doctrine affirms that “Israel cannot afford to lose a single war” (Main Doctrine 2011).
Israel’s existential threats have led the IDF to use a number of controversial strategies, such as targeting killings, preemptive attacks, using lethal force against protestors, and destroying the homes of terrorists’ family members (Byman 2011; Gross 2008: 13). The IDF has reportedly used many tactics that show little regard for noncombatant immunity or for prisoners (Berry & Philo 2004: 77). B’Tselem, an Israeli human rights organization, has reported many incidents of IDF soldiers assaulting unarmed Palestinians (Catignani 2008: 150) The United Nations criticized Israel for using cluster bombs and disproportionate attacks during the Second Lebanon War and against Palestinian settlements in the Gaza Strip.

Studies of state attacks against civilian casualties show that one of the primary reasons for pursuing a strategy of intentionally harming civilians or of using tactics that may lead to high levels of civilian collateral damage is desperate to win (Downes 2006, 2007, 2008; Slim 2010). The IDF’s insistence that Israel cannot lose a war suggests that it is in a perpetual state of desperation to win, and the prominence of this belief in the IDF’s doctrine further suggests that this is the primary motive for Israel’s controversial strategies in war (Gross 2008: 8).

Although the IDF does affirm other values besides Israel’s survival, this clearly has primacy over all other values. The IDF’s willingness to do whatever it must to win wars has given its military doctrine a utilitarian quality for two reasons. First, it gives precedence to the particularistic value of national interest rather than respect for humanity or the demands of virtue. Although this could be consistent would virtue ethics, which is particularistic, it is at odds with universalistic codes such as Kant's deontological moral theory. Second, it excuses attacks on noncombatants and their property when these are
necessary for protecting the state and its citizens. Again this could be consistent with virtue ethics but is unthinkable by Kantian standards.

**Formal Ethics Doctrine**

In December 1994, the IDF adopted a formal code of ethics. It has become the basis for ethics training across the IDF and is especially prominent in officer training (Hazony 2001: 52). The new code of conduct for the IDF was published in the manual *The Spirit of the IDF*. The first version of this document was made up of eleven values and 34 basic principles. In 2001 an updated version was released that was composed of thirteen values with simpler descriptions. *The Spirit of the IDF* was developed by a committee headed by the civilian academic Asa Kasher, a professor of philosophy at Tel Aviv University (Hazony 2001: 53). The committee’s other three members were IDF officers. The code the committee developed reflects the many challenges the IDF has faced in while changing its mission from conventional war to counterinsurgency during the intifada. Cohen says of the effort to draft a code of ethics that

> In immediate terms, the process owes its origins to revelations of deviant and/or criminal Israeli troop conduct vis-a-vis Palestinian civilians during the course of the intifadah, which resulted in the instigation of over 200 judicial proceedings against individual soldiers and their immediate superiors. Probably just as important a stimulant, however, was a less tangible (but even more profound) sense that instances of IDF misconduct during the intifadah might constitute just an extreme expression of a fundamental change in values which had begun to affect numerous other areas of army life. (Cohen 1997)

Kasher confirms Cohen’s assessment, as he says that the code of ethics was designed to be a guide in the sensitive interactions between the IDF and Palestinian organizations (Kasher & Yadlin 2005: 4). He also says that it was influenced by the need to define how
a democratic state could react to terrorism, and suicide bombing in particular. Thus, it should be judged as a way of guiding soldiers through the ethically sensitive operations they have to perform when interacting with civilians and fighting an elusive enemy.

Hazony argues that the most significant characteristic of The Spirit of the IDF was that it was neither Jewish nor Zionist (Hazony 2001: 53). “The acceptable ends of all Israeli military operations are reduced to the preservation of three objects: the state, its citizens, and the principles of democracy. What is missing is also abundantly clear: The Jewish people, the land of Israel, Jewish national values” (Hazony 2001: 54). For this reason, The Spirit of the IDF was not well received by those who saw themselves as members of a Jewish army or servants of a Jewish state, as it abandoned Zionist concepts like “love of the land,” which remained meaningful for many of those in ranks (Hazony 2001: 55).

In place of religious values, The Spirit of the IDF promotes nationalism. “The soldier will act with utter devotion to the State of Israel and all its citizens, in accordance with IDF orders, within the framework of the laws of the state and the principles of democracy” (The Spirit of the IDF). This statement of loyalty to the civilian government and citizens, as well as the laws that regulate them, is similar to the statements of duty in American and British training documents. However, the nationalistic sentiment does include more reference to religion than Hazony acknowledges. It says that “at the core of service in the IDF stand the love of the homeland and the commitment and devotion to the State of Israel – a democratic state that serves a national home for the Jewish People – its citizens and residents” (The Spirit of the IDF). The claim that the allegiance to Israel is an allegiance to a Jewish state does show a limited Zionist influence. Nevertheless,
aside from this statement, The Spirit of the IDF is a secular document that promotes decision making according to the rules of a secular ethics.

The values stated in the 1994 version of The Spirit of the IDF consists in eleven values: tenacity, responsibility, integrity, personal example, human life, purity of arms, professionalism, discipline, loyalty, representation, and camaraderie. Each of the values has a short definition and a long definition. The short definitions state the values as rules of individual conduct, as each begins with the phrase “The IDF soldier will.” For example, the short definition of the value of human life is “The IDF serviceman will, above all, preserve human life, in the recognition of its supreme value and will place himself or others at risk solely to the extent required to carry out his mission” (The Spirit of the IDF). The long definitions describe the values in more abstract terms, which still operationalize the value, but as an institutional or general value rather a personal value. Thus, the long definition of the value of human life is:

The sanctity of life in the eyes of the IDF servicemen will find expression in all of their actions, in deliberate and meticulous planning, in safe and intelligent training and in proper execution of their mission. In evaluating the risk to self and others, they will use the appropriate standards and will exercise constant care to limit injury to life to the extent required to accomplish the mission. (The Spirit of the IDF)

The updated version of The Spirit of the IDF distinguishes between basic values and values. Basic values include the IDF’s duty to defend the State of Israel and its citizens, loyalty to the state and its citizens, and a duty to protect human dignity because “all human beings are of inherent value regardless of race, creed, nationality, gender, status or role” (The Spirit of the IDF). These are not stated as character traits that an individual could embody or as guides for action but as organizational values. There is no reference to the individual’s responsibility or the individual’s role in making realizing them. Thus,
these values are more akin to those in the UK's code of values than the more personal virtues the American Army promotes.

The other values are listed apart from the first three. These include: tenacity of purpose in performing missions and drive to victory, responsibility, credibility, personal example, human life, purity of arms, professionalism, discipline, comradeship, and sense of mission. These values overlap with the ones stated in the original document, but their descriptions are much shorter. Instead of providing two different types of definitions, one directed at individual behavior and one more general definition, the values are only defined once. The abstract definition, which states the reasons for upholding the value, is omitted. These values are also stated as rules rather than virtues or character traits. For instance, "personal example" is defined as "The IDF servicemen and women will comport themselves as required of them, and will demand of themselves as they demand of others, out of recognition of their ability and responsibility within the military and without to serve as a deserving role model" (The Spirit of the IDF). Without the theoretical clarification of the original document, this is too vague to serve as a model for character development. Moreover, the values only describe how soldiers should act and not to what they should be. They rules, rather than virtues.

Further evidence that The Spirit of the IDF should not be seen as a statement of virtue ethics comes from an essay written by Kasher, the primary architect of both versions of the document and Amos Yadlin, the head of Israel's military intelligence (Kasher & Yadlin 2005). Kasher and Yadlin argue that the values in The Spirit of the IDF are not meant to be used by soldiers in the field, but that they should guide the rules of engagement that soldiers follow (Kasher & Yadlin 2005: 64). This clearly excludes the
virtue-ethics perspective, since virtue ethics would demand that the values be able to shape soldiers’ characters and guide all of their actions.

*The Spirit of the IDF* difficult to categorize into one of the three moral theories discussed in the first chapter. This difficulty is intentional; *The Spirit of the IDF* was designed to defy classification. As Kasher explains, military ethics is seen as a distinct subject that only relies indirectly on moral philosophy, thereby “circumventing philosophical debated between different schools of moral philosophy” (Kasher 2009: 140). Avoiding these philosophical debates may be advantageous for an ethical doctrine. However, it is not necessarily an advantage if it comes at the expense of incoherence or oversimplification.

Kasher attempts to provide a solid foundation for ethics by relying on guidance from political and cultural values. As he says, “officers do not have to take sides in philosophical debates, but have to apply the moral foundations of the democratic regime in which and for the sake of which they serve as officers” (Kasher 2009: 140). However, this does not avoid the debate between philosophical schools as Kasher seems to think. Appealing to social and political moral values only raises the question of what kind of moral thinking those embody and whether it is philosophically sound. It also complicates issues of military ethics because it requires an interpretation of what the social and political moral values are, and these are generally stated in vague terms that are difficult to put into action.

Kasher also has a concerning disregard for the responsibility ordinary soldiers have for resolving ethical challenges. In an interview, he said that *The Spirit of the IDF* eliminates the need for reflection on ethical dilemmas by eliminating the dilemmas
themselves. “The advantage of The Spirit of the IDF is that there aren’t any dilemmas anymore. A soldier has to understand that even when he comes across certain dilemmas, he doesn’t need to think or philosophize anymore. Someone else already sat down, did the thinking, and decided. There are no dilemmas” (Quoted from Hazony 2001: 56). The extent to which Kasher and the others who wrote The Spirit of the IDF have actually accomplished the goal of freeing soldiers from the responsibility of making moral decisions can only be judged by interviewing the soldiers who are tasked with putting the IDF’s values into action. This will be discussed in the next chapter. However, for now it must be said that Kasher's claim seems implausible. No matter what rules senior leaders establish, soldiers have an ethical responsibility to determine which rules pertain in a situation, whether the rules are fair, and how to manage conflicting ethical demands.

Despite Kasher’s insistence to the contrary, The Spirit of the IDF does have an implicit moral philosophy. Many of the values do not favor any particular moral theory because they are stated as pragmatic rules of conduct that do not rely on any deeper philosophical presuppositions. However, there are many signs of consequentialist thinking. The strongest mark of consequentialism comes from the advice in resolving conflicts between values. The Spirit of the IDF acknowledges that value conflicts are likely to occur and provides some guidance for resolving them. It says that when conflicts “raise problems of judgement about the proper balance needed between theory and practice,” soldiers should seek to take the course of action that ensures military victory. "The obligation to execute the mission and to win in the war will be the compass in every effort to arrive at a proper balance within the system of values and basic principles of Spirit of the IDF" (The Spirit of the IDF). This provides a way out of ethical dilemmas,
but it does so by employing moral reasoning. Instructing soldiers to judge the worth of actions by their consequences invokes the most basic characteristic of the consequentialist style of thinking.

**Conclusion of Part II**

Although none of the armies discussed in this chapter strictly follows a particular ethical code, each shows strong tendencies toward one of the three types of moral thinking described in the first chapter. The American Army follows a program of character formation that draws heavily on virtue ethics, the British Army's culture, from which it draws its informal ethical values, has a strong Kantian tendency because of the extent to which it affirms universal respect, and the Israel Defense Forces apply a consequentialist way of thinking that reflects its persistent external and internal security challenges. The next chapter will assess the way soldiers in each of these armies make moral decisions and the extent to which the different perspectives on ethics influence soldiers' ethical decision making.
Part III: Ethics During War

Introduction to Part III

The chapters in this part of the dissertation will discuss the factors that influence how soldiers make ethical decisions, the types of ethical dilemmas soldiers in the three armies encountered, the differences between how soldiers from each army think about ethics, and the strengths and weaknesses of different systems of ethics. These judgments will be made based on data collected from interviews, soldiers’ written narratives of their experiences, and secondary material on military ethics. The following chapters will discuss five significant findings about ethics in war.

First, the ethical decisions soldiers made while they were actively engaged in combat were generally solved based on the extent to which the soldier’s safety was threatened. Soldiers from each military said that they placed a high value on protecting noncombatants and fighting according to the laws of war. They also said that almost all of their fellow soldiers held similar values. However, the commitment to protecting noncombatants could be overridden by serious threats. Those who perceived an immediate danger to their survival usually responded using whatever means necessary to defend themselves, even when doing so put noncombatants at risk. This was true for soldiers in each military. This finding is consistent with each of the armies’ ethical codes, as each army allows its members to use whatever means necessary to defend themselves. There was one clear exception to this. When the soldiers encountered child soldiers or when children were bystanders, they usually chose to sacrifice their right to self-defense
and avoided doing anything that might endanger the children. Those that did choose to
use force against children did so in ways that would not kill them, such as shooting at
their limbs.

Second, the challenges that soldiers considered the most difficult were usually not
countered during combat. These decisions were not about how to use force in combat
but rather when to initiate hostilities, how to interpret threats, and how to interact with
people in the occupied areas while they were not fighting. This includes a broad array of
different challenges, including whether to shoot at unidentified vehicles at checkpoints,
how to respond to uncooperative or hostile civilians, how to conduct searches, and how to
show cultural sensitivity. These types of decisions can best be described as ethical
decisions about the escalation of force and the treatment of noncombatants, as opposed to
ethical decisions in combat.

Third, it was in the decisions about the escalation of force that the differences
between different militaries were clearest. The three armies’ distinct ethical systems had
a strong influence on how soldiers perceived these challenges and how they resolved
them. American soldiers thought about these ethical challenges in terms of their warrior
ethos and a unique set of military values that separate them from civilian outsiders. This
system of virtue ethics has the advantage of being a comprehensive ethical framework
that can be applied in different types of situations. It also comes at the cost of strained
civil-military relations – both at home and in occupied areas. Of all the soldiers
interviewed, the American soldiers generally had the most trouble understanding foreign
cultures and other value systems. Members of the IDF followed a rule-based system of
conduct. When they acted based on deontological rules, they were very consistent.
However, these rules were sometimes inadequate when they had to be applied to real-life situations, leaving soldiers without any clear guidance. The rules are also implicitly challenged by the IDF’s mission statement and *The Spirit of the IDF*, which refer to existential threats that require consequentialist thinking to supersede deontological thinking. British soldiers’ ethics were not as closely associated with a particular moral philosophy as the American and Israeli soldiers. They were closest to a deontological style of ethics because of their political and military minimalism, relatively disinterested view of the conflicts they were fighting, and desire to respect foreign civilians. This resemblance to deontological moral philosophy seems to be unintentional. The British Army’s ethics were also in conflict with Kantian moral philosophy because the soldiers were motivated by pragmatic rather than moral reasons.

The differences between soldiers from each country were a sharp contrast with the surprising degree of consistency within each army. Soldiers varied in how they thought about and acted on specific situations, but generally thought about their ethical challenges in the same ways. In other words, two American soldiers might have different opinions about how a virtuous soldier should act in a particular situation, but generally agreed that acting according to the Army’s values was the correct way of acting. The high level of uniformity within each army demonstrated the power these organizations have for shaping their members’ views of their ethical responsibilities.

Fourth, there was no clear better or worse army with respect to ethical decision making. Rather, the soldiers of each army seemed to have strengths and weaknesses characteristic of how they made decisions. The American soldiers were generally good at improvising solutions to unexpected ethical problems, provided these were not radically
different from the roles they were trained to perform. For example, members of combat arms units found it very difficult to adapt to the challenges of interacting with civilians during searches, but were quick to respond to unexpected ethical dilemmas that occurred during combat. American soldiers also had the most trouble determining when a situation qualified as an ethical problem. Few seemed to think of ethical dilemmas as being distinct types of problems that should be solved with a special type of thinking.

Soldiers in the IDF had a strong sense of their ethical obligations and were very consistent in defining them. They showed a high degree of uniformity in how they identified and overcame ethical challenges. However, the greatest limitation of their rule-based ethics was determining how to act when the soldiers encountered unexpected challenges. This is not to say that these soldiers acted wrongly in these situations, only that they were uncertain of how to act when their rules were vague or did not specify a precise course of action. Almost without exception, the decision was not to escalate the level of violence. This was a safe approach – one that avoided unnecessary violence – but it seemed to be based on uncertainty about how to act rather than on personal moral deliberation about how to act.

The British system of ethics was broadly applicable, like the American virtue ethics, while also being far more conducive to good civil-military relations because it was not premised on a sharp division between soldiers and civilians. Its ethics encouraged the use of minimal force and minimal interference in local affairs. The weakness of the British system of ethics was that its basis in tradition and accumulated experience made it unreflective and resistant to change. When the weaknesses of the British counterinsurgency doctrine were revealed in Iraq and Afghanistan, the BA was slow to
reassess its ethics. Rather than retraining soldiers or adjusting its counterinsurgency strategy, and the ethical system that is part of that strategy, the BA often stayed in its bases and relied on local police forces and militias to perform the activities that were mostly likely to give rise to ethical challenges.

Finally, the interviews with soldiers supported the claims made in Part II about each country’s ethics doctrine. The American soldiers exemplified many of the characteristics of a virtue-ethics style of thinking. Members of the IDF followed a mixed ethical system that is highly rule-governed and deontological in many respects, but that also includes consequentialist elements. Finally, the BA’s ethics loosely corresponded to deontological ethics, although the reasons for this were pragmatic rather than moral.

Chapter seven will discuss the nonmoral factors that shape soldiers’ perception of ethical challenges and that can interfere with their abilities to resolve these challenges. These are classified as external or circumstantial constraints, such as friction and fog, and the internal or psychological constraints, including the acute stress of combat, chronic stress, and sleep deprivation. These constraints are relatively constant in war and were reported by most of the soldiers interviewed. Firsthand accounts of combat and research on the experience of combat frequently describe the role these have in shaping soldiers’ actions. Based on the interviews, most of these constraints influenced decisions, but did not determine them. The exception to this was in cases of extreme uncertainty when soldiers lacked the information necessary to make an ethical judgment. In these situations, soldiers were often forced to guess at the right course of action without being able to rely on ethical standards for assistance.
Chapter eight will discuss some of the challenges soldiers encountered in combat. Most of these had to do with civilians on the battlefield and encounters with child soldiers and suspected child soldiers. Soldiers from the American, British, and Israeli armies usually resolved these dilemmas in the same ways. One of the surprising results of the interviews was that most soldiers reported encountering the most difficult decisions outside of combat. These were decisions about when to initiate combat and how to interact with foreign civilians. It was also in these situations that the differences between each of the militaries were most evident. Chapters nine, ten, and eleven will characterize the ethical perspective of the soldiers in the American, Israeli, and British armies, paying special attention to the similarities and differences between each of the cases. Finally, the conclusion will explore the implications of these findings.

Data Sources

The characterization of soldiers’ moral decision making in this part of the dissertation is based on three sources: interviews with American, Israeli, and British soldiers, focus groups conducted with American soldiers, and existing collections of soldiers narratives and interviews. The interviews I conducted are the primary source of information. I interviewed 34 soldiers from the US Army, 25 from the IDF Ground Forces, and 12 from the British Army. All of these soldiers had been deployed in a recent or ongoing conflict and reported encountering ethical dilemmas while they were deployed. The American soldiers interviewed had been deployed to Iraq, Afghanistan, and Bosnia. The British soldiers interviewed were veterans of the wars in Iraq and Afghanistan. The IDF veterans were involved in Operation Cast Lead, security operations in the Palestinian
territories, and security operations along the borders with Lebanon and Syria. Thirteen of the participants were women (6, 4, and 3 from each country respectively). Although women are formally excluded from combat roles in each of the countries being studied, the women interviewed reported being involved in combat operations, usually as members of military police units. The participants also came from a range of different ethnic groups, religious backgrounds, and occupational specialties that will be discussed later.

The number of participants does not permit a reliable generalization for how all soldiers in the three militaries make decisions. The interviews therefore do not show conclusively what style of moral reasoning soldiers of each military tend to employ. However, the interviews do offer insight into the types of challenges soldiers must confront, the subjective experience of making ethical decisions during war, how soldiers justify their decisions, and how differences in culture and training may affect reasoning.

Gaining access to most of the soldiers interviewed was difficult, but this difficulty was informative in itself. Many of those interviewed, as well as those who declined to be interviewed, expressed concern about addressing the question of ethics and a reluctance to talk to researchers. The concern that the interviews might be used for anti-war purposes seemed especially strong among US personnel. Several even asked if I was attempting to emulate a famous *Rolling Stone* article about General Stanley McChrystal, which exposed the general’s negative views of President Obama (Hastings 2010). The reluctance to talk to researchers supported the vast literature describing a divide between civilian and military cultures (Feaver 2001, 2004, 2005; Davidson 2010). This will be discussed at length in Chapter 9. Almost all of the participants from the IDF said that
they were aware of being under careful scrutiny by the media. Most also seemed to hold a negative view of reporting on the IDF, as they thought that most journalists and academics studying the IDF were primarily interested in finding evidence of Israeli soldiers acting immorally.

Despite the widespread skepticism about talking to outsiders, there were a few soldiers who said they were glad to help outsiders understand the military. A few even thought that outside scrutiny is one of the reasons each of the militaries has become more ethically conscious. One US Army officer said that the media attention to soldiers’ crimes has a positive influence because it encourages the Army to raise its standards and to become more self-aware of its faults. She argued that more transparency and outside analysis forces the Army to confront its problems and to deal with them immediately in order to minimize damage to the Army’s public image. In other words, the media attention may be an essential component of the Army’s improvements to its ethics training. This was a minority viewpoint, but was shared by several of the participants from the IDF and British Army.

The second source of information was focus groups with American soldiers. While conducting interviews with American soldiers, I was allowed to attend Army focus groups that were part of the Army’s internal review of ethics and professionalism. These were conducted by the Center for the Army Profession and Ethic with soldiers from the 82nd Airborne Division at Ft. Bragg, North Carolina. The focus groups only included soldiers of the same rank, so as to encourage openness, and included soldiers from various occupation specialties. Around 20 soldiers took part in each focus group. I attended 8 focus groups with soldiers from enlisted, NCO, and junior office ranks. The
focus groups were designed to investigate the soldiers’ feelings about what it means to be part of the Army and the extent to which military service constitutes a profession. A great deal of the discussion concerned experiences of ethical challenges, the role of the military culture in shaping decision making, and experiences in Iraq and Afghanistan.

Finally, I drew on existing collections of interviews and personal accounts of soldiers’ experiences in recent wars. Many American and British veterans have written narratives about their experiences (Mullaney 2010; Bellavia 2007; Tupper 2010; Tootal 2009). These sources offer in-depth discussions of soldiers’ experiences and attitudes, making them a valuable supplement to the interview research. Few of these sources discussed ethics explicitly, but some descriptions of events include explanations of how soldiers made ethical decisions.

One of the most significant challenges when conducting interviews and reading soldiers’ accounts of their experiences was dealing with radically different perceptions of the wars the soldiers were engaged in. The responses were frequently polarized. Some interviewees and authors of war narratives describe the wars in which they were engaged in favorable terms. They defend the occupations of Iraq and Afghanistan or the operations to defeat Hezbollah in Southern Lebanon. Others expressed deep concerns about the conflicts they participated in and even some regret about their own involvement in the conflicts. It was very difficult to gain a general sense of how soldiers felt about these operations. It seems unlikely that anyone who took part in one of these conflicts could have a neutral or objective viewpoint, especially when the conflicts are as controversial as those the interviewees took part in. The sources were therefore necessarily biased.
Many of the existing collections of interviews suffer from the weakness of being extremely one-sided. For example, Chris Hedges and Laila Al-Arian interviewed forty-seven people for the book *Collateral Damage*, but all participants were recruited through anti-war organizations such as Iraq Veterans Against the War (IVAW). Similarly, *Breaking the Silence* publishes reports from IDF veterans. These are valuable accounts of soldiers’ experiences, but the organization focuses on veterans who have negative views of the IDF and its operations. It is difficult to judge the extent to which the interviews conducted for this study or those conducted for other studies are reflective of attitudes about conflicts or the forces that engage in them.

The soldiers interviewed for this study included ardent defenders of the wars they were involved in and those who became anti-war activists after leaving military service. When an interviewee’s perception of the war seem to influence their view of the military culture, of their ethics training, or of the ethical dilemmas they encountered, I made sure to discuss this influence. Attitudes about the wars did have a strong influence on how soldiers interpreted the ethical challenges they confronted. Those who were critical of the wars they fought were far more likely to report experiencing unsettling moral challenges. However, attitudes about the war had a limited influence on how soldiers’ described their ways of assessing and resolving these ethical dilemmas. Soldiers who were critical of the war characterized the ethical dilemmas they experienced in more negative terms than the pro-war soldiers, but critical and pro-war soldiers from the same military usually applied similar methods of making ethical decisions. This suggests that view of the war influenced soldiers’ perceptions of the ethical dilemmas they experienced, but that it did not govern their behavior when they were engaged in overcoming these dilemmas.
Chapter 7: Constraints on Ethical Decision Making

Before discussing the specific moral challenges that were reported by soldiers, it is important to consider some of the nonmoral constraints that affected soldiers’ decision making capacities. An ongoing debate in psychological research on moral decision making is between those who argue that people employ rational criteria for assessing their actions (Turiel 1991) and those who think that moral decision making is more intuitive and based on contextual cues (Valdesolo 2007, 2008, 2006). Some researchers have argued that moral behavior is largely determined by the situation (Doris 1998; Harman 2003). Lammers and Stapel, who favor the latter view, say that “people do not reach a moral judgment as a result of private moral reasoning. Instead, they rely on some gut feeling that quickly and automatically determines their moral decision and that is often influenced by contextual cues, such as social or cultural circumstances” (Lammers 2009: 280). The interviews suggest that Lammers and Stapel are right to consider context a significant influence, but that soldiers are usually capable of exercising moral reasoning that goes beyond an uncritical reaction to a problem.

External (situational) and internal (psychological) constraints were present to some extent in each of the scenarios described by interviewees and in soldiers’ narratives. External constraints have had a prominent place in military scholarship since Clausewitz, who captures these with his concept of friction (Clausewitz 2009). The internal constraints on decision making in war have only been recognized more recently. These constraints emerged as an area of research following Marshall’s study of combat effectiveness in WWII (Marshall 2000). Growing reports of soldiers experiencing post-traumatic stress disorder (PTSD) have led to expanded research on the psychological
effects of war (Finley 2011; Jones 2005). Among the common psychological impediments to decision making are the stress of being in combat, chronic stress that soldiers experience over the course of their deployment, sleep deprivation, and the experience of killing other people (Ben-Shalom 2009; Grossman 2000; Miller 2012; Grossman 2008).

The psychological and external constraints affecting soldiers in combat are not deterministic. They do not force soldiers to act in a particular way, nor do they make moral reasoning impossible. However, they are significant barriers to moral reasoning that may be more or less strong depending on the circumstances. These constraints should therefore be seen as background conditions that may influence what kind of ethical reasoning soldiers employ and how effectively they are able to apply it to the situation.

**External Constraints**

Many of the moral dilemmas soldiers described in interviews occurred because of what Clausewitz calls ‘friction’ and ‘fog.’ Clausewitz had little concern with the morality of war (Bellamy 2006: 93) and did not explore the moral implications of fog and friction. However, these concepts can help to explain the external constraints on moral decision making. Friction and fog are general problems that affect any type of group interaction (House 2008: 81); they become more problematic during wartime because of the high costs of making mistakes.

Friction refers to the tendency for small disruptions to occur and to become magnified as they affect other parts of an organization or plan. These disruptions occur even when there are no serious mistakes or miscalculations. It is a natural byproduct of operating in a
complex environment with many interdependencies. Clausewitz borrows the concept of friction from mechanics because he thinks that it is something not only intrinsic to war but intrinsic to all physical processes (Echevarria 2007: 93). He emphasizes the extent to which friction in war, like friction in physics, is omnipresent, affecting all activities and at all times. “This tremendous friction, which cannot, as in mechanics, be reduced to a few points, is everywhere in contact with chance, and brings about effects that cannot be measured, just because they are largely due to chance” (Clausewitz 2009: 120). Friction arises from all the events that are outside personal control, including the enemy’s unexpected decisions, the weather, weapons malfunctions, unreliable subordinates, or anything else that might be considered a matter of luck. Barry Watts argues that Clausewitz discusses eight distinct sources of friction:

- Insufficient knowledge of the enemy, rumors, uncertainty about one’s own strength and position, the uncertainties that cause friendly troops to tend to exaggerate their own difficulties, differences between expectations and reality, the fact that one’s own army is never as strong as it appears on paper, the difficulties in keeping an army supplied, the tendency to change or abandon well-thought-out plans when confronted with the vivid physical images and perceptions of the battlefield. (Watts 1996: 6)

Friction does not have a determinate influence on the context of ethical decision making. Its effects vary widely according to the type of friction and it will not necessarily cause soldiers to act more or less morally. The effect of friction is to complicate the context in which decisions must be made. First, it may increase the costs of misjudgment. The problems of friction tend to build on each other, causing one event to produce other mishaps (Smith 2004: 77). Cases of small and seemingly unimportant events having terrible consequences are common in wars and well documented in reports of accidental killings (ACLU). For example, an armored vehicle that takes a wrong turn down a
crowded street may run someone over or a poorly maintained weapon may misfire and hit someone by accident. Second, friction makes it difficult to judge the possible consequences of one’s actions. One soldier I interviewed was guarding a checkpoint at night and fired warning shots at an approaching motorcycle only to find that the motorcycle was actually a car that was missing a headlight. The warning shots that were intended to go past the vehicle had gone through the car’s windshield and nearly killed its occupants. A small problem – a missing headlight – led the soldier to mistakenly fire into a civilian vehicle and almost kill its passengers.

Third, friction causes a special type of uncertainty called ‘the fog of war.’ Fog is a component of friction, but it is often described as a distinct problem (Strachan 2007). It is the type of friction that is responsible for many of the external conditions that give rise to ethical challenges during war. It also interferes with soldiers’ ability to resolve them. Fog refers to the uncertainty of war. One rarely knows the enemy’s intentions or capacity. Even allied units or subordinates can act unexpectedly, become lost, or create confusion. There is much debate about whether new technologies have eliminated fog and friction, but as many Clausewitz commentators point out, new technologies tend to introduce new forms of fog and friction (Smith 2004). Fog is especially troublesome in counterinsurgency conflicts, as insurgents intentionally mislead their opponents by blending in with the local population and evading detection. Their attempts to create uncertainty may even be calculated decisions to lead counterinsurgency forces into committing attacks on noncombatants or damaging religious sites (Hassner 2006). Its effects are especially harmful to attacking forces, which may have limited knowledge of the territory and its people (Sumida 2007: 178).
Fog raises innumerable ethical challenges and had some influence in almost every one of the stories told by interview participants. Many discussed scenarios in which they were forced to make serious decisions involving matters of life and death with insufficient information. Fog was especially problematic for soldiers who guarded convoys or worked at roadblocks, as these soldiers were continually faced with the challenge of determining how to respond to vehicles whose occupants could not be identified.

One interviewee who frequently worked as a checkpoint guard provided some especially strong examples of how much fog can impede judgment. Because he was assigned to the 50 caliber machine gun – his unit’s most powerful weapon – he had the task of disabling any vehicles that approached the checkpoint too fast or that refused to stop. He was responsible for making decisions about the use of force that were of life and death significance for every member of his unit and for anyone approaching their checkpoint. The soldier said that he experienced many instances in which he was forced to decide whether to shoot based on little information about who was in the approaching car. In one particularly memorable incident, the soldier saw a car speeding toward the checkpoint and attempted to stop it using the normal escalation of force procedure: Show, Shout, Shove, Shoot. He used a megaphone to order the driver to stop, and when this was unsuccessful fired warning shots past the vehicle. By the time the soldier was finished warning the driver to stop, he only had a few seconds to decide whether to fire at the vehicle, or to allow it to reach the checkpoint. The soldier said that he could not identify the vehicle’s driver or passengers and that he could not bring himself to fire because of his uncertainty about whether they were hostile. His commander gave the order to kill the
vehicle’s driver, but the soldier’s uncertainty led him to freeze. When the vehicle reached the checkpoint, the soldier saw that it was a family with children. The father had sped toward the checkpoint even after being fired upon because he thought his family was under attack from the insurgents. Many other soldiers reported similar events in which uncertainty made it difficult or even impossible to determine how to act.

The effects of friction and fog on ethical decision making can vary in intensity. Extreme fog can make ethical judgments impossible by reducing decisions to a guess between unknown alternatives. As the preceding example shows, when soldiers must make decisions with virtually no information, they find it difficult to apply deontological, consequentialist, or axiological modes of decision making. Each of these presupposes that soldiers have some knowledge of the situation in order to apply the reasoning procedure effectively. Fog is especially problematic from a consequentialist perspective, as even low levels of uncertainty make it difficult to judge potential consequences. One of the central problems with consequentialism is that it is difficult to weigh uncertain outcomes against each other (Sandel 2009: 24; Sandel 2005: 164). The interviews I conducted revealed that this becomes even more difficult in war. Some soldiers did apply utilitarian reasoning when they faced clear ethical challenges with fairly certain outcomes, such as when weighing the costs and benefits of shooting at insurgents against the risk of harming civilian bystanders. However, most soldiers found it difficult to engage in utilitarian calculations when they faced uncertain outcomes.

To some extent, moral problems arising from friction and fog can be overcome with training that prepares soldiers for combat conditions. This depends on replicating the conditions in which soldiers will have to make decisions and teaching them to overcome
the problems. The United States Army has been especially eager to do this; it devotes far more attention to simulation than any other military. However, some kinds of friction are more difficult to reproduce than others. Some may even be impossible to simulate in training (Kleemeier 2007: 109). The epistemic challenge presented by fog is among the conditions that can be simulated, yet that seems impossible to eliminate. Soldiers’ descriptions of how strongly the circumstances in which they made ethical decisions were shaped by fog and friction confirmed this. Even those who had undergone multiple deployments and extensive combat training were unable to overcome the challenges of making ethical decisions when they had little or no information about the potential costs of their actions.

**Internal Constraints**

**Acute Stress**

The most immediate internal constraint soldiers experience on the battlefield is the acute stress from being under fire. Soldiers describing the experience of battle often characterize the magnitude of this stress and the overall experience of battle as something that is impossible to describe (Evans 2000; Gray 1967). Spiller says that “when a soldier moves forward against fire, he steps beyond the boundaries of anything we understand” (Quoted from Maslowski 2004: 201). Nevertheless, firsthand accounts can provide some sense of the intense fear that soldiers endure when they are in combat. David Bellavia gives a detailed description of the fear he felt when fighting insurgents in Fallujah (Bellavia 2007). Bellavia’s squad was ambushed while searching a house and he became isolated. Alone and without a clear exit, Bellavia decided to clear the house by himself.
He admits to feeling intense fear as he moved to the second level of the house, where insurgents were waiting for him. “Crouched on the stairs, I wait. Waves of fear rock me. I feel unsteady and totally vulnerable” (Bellavia 2007: 246). He goes on to describe the difficulty of comprehending the events occurring around him and his intense focus on immediate threats at the expense of his awareness of events happening beyond his view. His descriptions of combat repeatedly emphasize the intensity of the fear he felt and the effects it had in limiting and distorting his perception of the event.

Bellavia’s experience is consistent with what many other soldiers have reported, and is part of the natural psychological response to intense stress (Steadman 2011; Grossman 2000). This stress of combat can at times lead to debilitating fear. Reactions to stress hinder soldiers’ abilities to perform tasks that require complex cognitive tasks, such as ethical decision making. Extreme stress causes the redirection of blood and glucose to the parts of the brain that are responsible for perception, and movement decreases the resources that are available for cognition. “When the limbic system is heavily engaged, as it is during the high-threat stress of combat, it will quite literally steal fuel from the prefrontal cortex, thus handicapping a leader’s ability to combat the situation with cognition” (Steadman 2011: 52). “The prefrontal cortex cannot generate new ideas while stressful events constantly bombard its working memory.” (Steadman 2011: 56). Vision, motor skills, and cognition all suffer from the hormone-induced rapid heart rate that soldiers experience when they are in life-threatening situations (Grossman 2000: 14).

Acute stress can have positive psychological and physiological effects, including higher pain tolerance, increased strength, and increased endurance. However, these are only positive effects in the sense that they improve soldiers’ capacity to fight. They may
interfere with soldiers’ abilities to make decisions by leading soldiers to continue acting even when they are unable to think critically about their actions. Grossman argues that “individuals under stress are far less capable of doing anything other than blindly running from or charging towards a threat” (Grossman 2000: 15). Whether this blind reaction to stress improves or degrades a soldier’s ability to fight, it seems likely to have a negative influence on ethical judgment.

The literature on acute stress in combat suggests that stress will impair moral decision making and limit cognitive capacity, but that its influence varies and that its effects can be minimized. The extent to which stress hinders moral decision making depends on a soldier’s rank, position in the fighting, and the perceived threat of injury or death. The impairment of judgment has much to do with proximity to the battlefield. Higher ranking officers have more distance from the battlefield and are usually not directly under fire, so they can perform more cognitively demanding tasks during battle (Steadman 2011: 53). Much of the existing literature on leadership encourages commanders to distance themselves from the battlefield, if not physically, then at least psychologically, in order to manage the unit more effectively (Steadman 2011). The effect of stress also changes over time. Some studies have found that inexperienced soldiers may be less fearful than veterans because they have not yet witnessed death and retain a feeling of invulnerability (Rhea 2007). Others suggest that veterans may be better able to cope with stress because their experience has given them confidence (Williams 2010; Manton 2000: 190).

The effects of stress in combat are still poorly understood, so it is difficult to say who will be affected and how. However, much of the current literature on acute stress in combat finds that effects of stress are not so strong as to make moral decision making
impossible for soldiers who are active participants in combat. The qualification “active participant in combat” is an important distinction. Some soldiers are so overwhelmed by stress that they are unable to function; they refuse to fight, run away, or are incapable to take any action at all (Marshall 2000; Chambers II 2003). These soldiers may be incapable of making ethical judgments, but their inaction also means that they will not be called upon to make ethical judgments. Acute stress therefore interferes with moral decision making, but does not make moral thinking impossible. Even for those whose proximity to the fighting leads them to experience very high levels of stress can be capable of overcoming their emotions and thinking critically about ethical challenges that may arise (Grossman 2008). This was confirmed by the interviews I conducted and in soldiers’ narratives.

Bellavia’s description of the fear he felt while fighting in Fallujah is not only a good illustration of the power of stress but also evidence that people are able act despite it. Although Bellavia was not faced with any significant ethical challenge when he felt the intense fear described earlier, he was able to overcome his fear and to continue acting; he also continued making distinctions between enemy combatants and allied soldiers, which indicates that he retained some ethical reasoning abilities. The soldiers I interviewed commented more directly on the relationship between the stress of combat and the capacity for moral decision making. None reported feeling that stress had a deterministic effect on their actions or the actions of other soldiers. However, some who witnessed intense fighting or who encountered unexpected conflicts noticed that as stress increased, soldiers were more prone to revert to learned behaviors rather than thinking critically about a problem. This reliance on learned behaviors could have a positive or negative
influence on moral decision making depending on the circumstances. Soldiers from each military reported that their training in rules of engagement led them to avoid using more force than necessary, but found that soldiers could overreact to relatively minor threats when they were under stress.

A military police officer I interviewed provided an example of how soldiers could become overwhelmed when acting in a role they were unprepared for and how the stress of not being able to deal with a challenge could lead them to overreact. In 2003, she and two other female military police officers were assigned to work with a cavalry unit that was guarding an Iraqi government welfare office. They were tasked with providing security for the building, which was distributing paychecks to Iraqi civilians who received government support. The three female police women were needed to search Iraqi women entering the building – something male soldiers were not supposed to do. Although the building was well-protected and encircled with barbed wire, the Americans guarding it felt that they were in serious danger. Thousands of Iraqis waited to enter the building and when the doors failed to open, they became angry. After several hours of waiting, the crowd was informed that the building would not open that day because it had insufficient funds to pay them. The anger intensified and the people in the back of the crowd began pushing forward, driving those in the front into the barbed wire around the building.

The Americans found themselves in a very difficult situation. They were being pelted with rocks and their perimeter was in danger of being breached as the crowd pushed into the wire. The cavalry soldiers responded violently. They began beating the Iraqis in an attempt to drive them back. This was unsuccessful, as most of those in the front of the
crowd were being pushed forward against their will. The MP reported that for her and the other MPs, who were trained in riot control, the situation looked manageable. Whereas the cavalry soldiers’ response to the threat was to immediately escalate their level of force, the military police saw that there was a better means of dispersing the crowd. They called in reinforcements from their quick reaction force, which was composed of military police trained in riot control. They directed the reinforcements to break up the crowd, thereby eliminating the force driving the front rows into the barbed wire.

The soldiers who had the task of providing security for the welfare office were confronted with a very stressful task for which they were unprepared. Their inexperience in dealing with crowds and of interacting with foreign civilians magnified their level of stress and, with no relevant training to draw on, the soldiers overreacted to the threat in a way that not only failed to solve the problem but also led them to attack noncombatants. This story shows that stress may have a very strong influence on soldiers’ responses to threats and how quickly they can overreact to a threat that they have not been trained to deal with. This is supported in studies of task-induced stress. Warfe describes stress as occurring when the demands of a task exceed a person’s capacity (Warfe 2000: 85). Horner reaches a similar conclusion and reports that stress increases “if the individual’s role is ambiguous (i.e. if there is a lack of clarity in work objectives)” and when “there are conflicting job demands, or if different superiors make different demands” (Horner 2000: 136). The military police officers were probably under the same level of stress as the soldiers that overreacted, but their training allowed them to take a more proportional course of action.
**Chronic stress**

Whereas the stress of combat is a psychological and physiological reaction to an immediate threat, chronic stress is a result of a past experience of combat, of the anticipation of being attacked, and of the poor conditions of the battlefield. This kind of stress has become more publicized since the Vietnam War, but is a phenomenon that has been reported at least as early as the First World War (Paulson 2007). Chronic stress is closely related to the stress of being in combat, as it can be caused by acute stress and may in turn magnify acute stress (Williams 2010). It is distinct because it persists over time and may slowly erode soldiers’ physical and psychological abilities even when they are relatively safe. This type of stress is also distinct from acute stress because it can also be caused by experiences other than combat, such as the culture shock soldiers may experience when they are deployed for long periods (Azari 2010).

Chronic stress increases as a soldier spends more time in combat or exposed to attack. Studies have shown that soldiers become accustomed to the conditions of war during their first two weeks of deployment and that they become confident in their own abilities to confront challenges (Williams 2010). During the confidence period, soldiers tend to be effective at managing their stress responses in combat and capable of making complex decisions. This is the time in which soldiers should be most capable of making ethical judgments. However, prolonged exposure to war without time to recover leads confidence to decline. As confidence declines, physical and mental performance also decreases, producing effects like those associated with acute stress (Williams 2010: 42). "Phenomena such as tunnel vision, auditory exclusion, the loss of fine and complex motor control, irrational behaviour and the inability to think clearly have all been
observed as byproducts of combat stress.” (Grossman 2000: 13). There is widespread agreement in the literature on military psychology that moral decision making and other cognitive abilities degrade as soldiers spend more time on the battlefield (Williams 2010; Kellett 1990).

Stouffer et al. find several major sources of stress: fear of injury or death, physical discomfort, isolation, loss of friends, uncertainty, loss of privacy, boredom, anxiety, lack of individual goals, restricted movement, low individual value, visions of injury or death, and lack of other social outlets (Stouffer 1949). Tupper, an American veteran of the war in Afghanistan, describes additional factors that weigh on soldiers and contribute to chronic stress (Tupper 2010). These include poor nutrition, heat, sleep deprivation, and poor hygiene. Griffith finds that the number of psychiatric casualties is strongly related to the intensity of fighting, but that exposure to any kind of fighting can lead to psychiatric problems (Griffith 2000). Hoge et al. report a positive linear relationship between the number of firefights someone has engaged in and their chances of experiencing PTSD (Hoge 2004). However, there is no clear objective measure of the rate at which soldiers’ ability to effectively make decisions declines (Manton 2000: 190).

Dave Grossman proposes that chronic stress has less to do with fear or exposure to risk, as most studies of military psychology maintain, than with the proximity to the enemy and the experience of killing at close range (Grossman 2000). He gives stress an ethical dimension by linking it to the experience of the types of situations that are ethically demanding. In support of this, he cites studies of civilians subjected to bombings and to soldiers who come under indirect fire. People in these circumstances are, he argues, much less likely to experience a psychological breakdown than soldiers on
the front lines, even if the risk of death is the same or greater; their enemy is distant and may be no more than an abstraction borrowed from propaganda posters. By contrast, soldiers who fight enemies at close range are faced with the choice of killing people whose faces they can see. He argues that the experience of attacking another person is deeply dehumanizing; it goes against instincts and social conventions, and can therefore cause long-term psychological damage. Brough makes a similar point, as he says that the experience of killing someone causes a profound transformation:

They share with their people the most superficial characteristics (race, language custom), but are really isolated from them by the experience of combat. Encountering killing close-up does (or can do) something to humans, separating them from the larger society; killing another human being, it is often said, “changes you forever. (Brough 2007: 158)

Whatever the mechanisms that give rise to chronic stress, it is a serious ethical concern, as it may impair soldiers’ ability to judge situations and respond appropriately. Like battlefield stress, chronic stress acts as a constraining influence on moral decision making – making it more difficult to think critically about problems and to resolve them. In extreme situations its effects may be so strong that they render soldiers unfit for service and potentially dangerous. The recent incident in which SSG Robert Bales reportedly killed 17 civilians in Afghanistan may have been an instance of a soldier being overwhelmed by stress accumulated over multiple deployments (Yardley 2012).

Soldiers’ narratives have linked the effects of chronic stress to the decline of moral reasoning abilities. In his first-person account of fighting during WWII, John Babcock reports that fighting had a transformative effect on many soldiers. “Some formerly clean, upright, and thoroughly ethical American soldiers occasionally took a shot at an enemy medic; our guys beat up or shot prisoners once in a while; enemy wounded were
occasionally left untended for long periods, sometimes out of spite.” (Babcock 2005: 139). He attributes these moral lapses to the battlefield’s degradation of compassion. However, Babcock also says that many of the soldiers’ “fundamental values and moral qualities” survived long periods of exposure to violence and high stress to emerge at critical moments when they were needed (Babcock 2005: 193).

Chronic stress is something that is probably impossible to eliminate, but which, like acute stress, can be mitigated. It can be reduced by positive influences, such as good leadership, unit cohesion, self-confidence, and confidence in commanders (Shaw 1987; Steiner 1978). Babcock’s claim that soldiers were still able to make critical ethical decisions after being exposed to the intense fighting of the Second World War offers strong evidence that this stress does not make ethical judgment impossible. Soldiers who participated in interviews echoed this sentiment. Many had been involved in deeply troubling incidents – including killing other people and seeing close friends die – yet all said that they were able to overcome these experience and to make important ethical decisions when they had to.

**Sleep Deprivation**

A final psychological impediment to decision making, which may interfere with soldiers’ abilities to make ethical judgments, is sleep deprivation (Miller 2012; Olsen 2010). Sleep deprivation does not always interfere with soldiers’ ability to make decisions; soldiers may face ethical challenges when they are well-rested. However, sleep-deprivation is extremely common during war, especially for soldiers who are stationed in small patrol bases and other positions that are exposed to attack. Even when soldiers have ample opportunities to rest, they may be unable to sleep because of fear that
they may be attacked or because of stress. In his study of a platoon outpost in Afghanistan, Junger reports that few soldiers were able to sleep without the help of prescription sleeping pills (Junger 2011).

Studies of sleep deprivation have shown that lack of sleep leads to significant declines on cognitive performance (Wescott 2005; Campise 2006). The most boring or complex tasks are the ones hardest to perform (Manton 2000: 188-9). Error is especially likely when soldiers are performing routinized tasks or when they are faced with novel challenges. “Sleep-deprived members lose the ability to plan, to improvise, to shift targets, and to concentrate on more than one assignment simultaneously, all critical aspects of surviving combat.” (Campise 2006: 227). Sleep deprivation is not an isolated problem. It is both a cause and an effect of chronic stress. It contributes to stress by preventing soldiers from fully recovering from stressful experiences and it is aggravated by stress, which may prevent soldiers from sleeping (Picchioni 2010). Sleep deprivation may therefore impair ethical reasoning and also contribute to other factors that do have this effect.

As with the other internal constraints, the extent to which soldiers reported suffering from sleep deprivation varied. Some of the written narratives of combat describe cognitive decline because of sleep deprivation after long periods of fighting, but most of the soldiers interviewed did not report that they encountered this problem. When it was reported, it impaired reasoning abilities, but it did not have a deterministic influence. Thus, like the other internal constraints, sleep deprivation may interfere with soldiers’ abilities to think ethically without making ethical thought impossible.
The Significance Constraints on Decision Making

As this chapter has shown, external and internal influences shape the context in which ethical decisions are made, but usually do not have a deterministic influence. They are best understood as impairments that can make ethical decision making difficult and that can affect soldiers to varying degrees depending on the context and the soldier’s psychological state, but that can usually be overcome. Based on my interviews the most problematic of these constraints is fog. It was the only one that soldiers thought made ethical reasoning impossible in some situations. There is an essential level of information that is necessary to make ethical decisions; extreme uncertainty can be debilitating. This is especially problematic for consequentialist theories, which generally require that actors have the ability to judge the possible consequences of different courses of action. Rule-based consequentialist theories, such as rule utilitarianism, may be able to mitigate the problem, but only to the extent that they rely on rules rather than consequentialist judgments to serve as the basis for ethical judgments. The interviews conducted confirmed this in two ways. First, few soldiers applied consequentialist reasoning when faced with decisions that involved uncertainty. They only reasoned about potential consequences when these were fairly certain and immediate. Second, most soldiers who described their ethical challenges emphasized the uncertainty of the situation and the likelihood of unanticipated consequences. Those who made decisions in these types of situations, rather than simply freezing or refusing to act, said they acted based on their good intentions – a deontological style of reasoning – rather than considering potential consequences.
Chapter 8: Ethics in Combat

Most of the ethical challenges that soldiers encountered while actively engaged in combat were resolved based on the basis of the soldiers’ perceptions of threat and the possibility of experiencing long-term guilt. When the level of perceived threat was high, soldiers usually suspended competing ethical obligations and reacted violently to the threat unless they anticipated a high likelihood of feeling guilty about the decision later. This was most clearly demonstrated by two types of cases. The first were situations in which soldiers decided to use force against opponents even when doing so would harm noncombatants. The second were situations in which soldiers refused to respond to threats because of the risk of harming children.

Civilians in Combat

Soldiers from each military tended to encounter the same kinds of moral challenges when they were actively engaged in combat. Most of these were related to the presence of civilians on the battlefield. Protecting noncombatant immunity is one of the primary goals of just war theory, international law, and military ethics. Of the two primary criteria of *jus in bello* one, discrimination, is primarily directed at protecting noncombatants from being attacked and the other, proportionality, is concerned with reducing the levels of force used so as to minimize collateral damage that could harm noncombatants. Despite these strong prohibitions, civilians are routinely involved in wars (Wolfendale 2011), and are at especially high risk in urban fighting (Joes 2007). Soldiers fighting insurgencies have a much different relationship to civilians than soldiers fighting in other types of wars. Their missions tend to be population-centric (Joes 1992; Kilcullen 2009, 2010).
They involve winning the support of a local population, isolating insurgents from civilians, and building government institutions. The extensive contact with noncombatants and the legal and ethical responsibility to protect them raises the challenge of minimizing risk to noncombatants in combat.

Dexter Filkins reports hearing a conversation in which two marines discussed when it was appropriate to return fire against enemy personnel hiding behind noncombatants (Filkins 2003). They said that in these situations it was best to apply a consequentialist style of reasoning. They decided that they could return fire and risk harming the civilians, but only if doing so was necessary for self-defense and only a few civilians were at risk of being harmed. If the marines were not directly threatened or if there were many civilians who might become collateral damage in a gunfight, they would avoid shooting at insurgents. The marines described the decision to shoot as one that is made in an instant, but that is nevertheless informed by a guiding moral rule. One of the marines said that "If the risks outweigh the losses, then you don't take the shot" (Filkins 2003). The marines applied consequentialist reasoning, as they concluded that the decision to use force should depend on the number of civilians they would have to harm in order to defend themselves.

It is important to note that this example supports the point made in the previous section that consequentialism may be applied in situations in which the costs of different courses of action are clear. The marines in the example applied consequentialist reasoning to solve a situation in which the costs and benefits were clear. However, these types of ethical challenges were relatively uncommon among the soldiers interviewed and in soldiers’ published narratives.
A similar type of dilemma arises when civilians on the battlefield are openly hostile and deliberately expose themselves, but when they do not present a serious threat. During the Battle of Mogadishu in 1993, members of Task Force Ranger came under fire from Somali militants using human shields. Bowden describes the soldiers being faced with a clear dilemma of whether they should follow their rules of engagement and principle of noncombatant immunity or whether they should return fire even at the risk of killing civilians.

The Rangers were bound by strict rules of engagement. They were to shoot only at someone who pointed a weapon at them, but already this was unrealistic. It was clear they were being shot at, and down the street they could see Somalis with guns. But those with guns were intermingled with the unarmed, including women and children. (Bowden 1999: 19).

Firsthand accounts of the battle reveal that soldiers were conflicted about the right course of action (Bowden 1999; Eversmann 2006). Initially, most held their fire in order to avoid harming the civilians. However, attempts to disperse the crowds with nonlethal means, such as low-flying helicopters and flash-bang grenades, failed. As the crowds pushed closer to the American positions and the intensity of the fire from the Somali militias increased, the Rangers and the helicopter gunships supporting them began firing into the crowds. They attempted to target the armed militia fighters, but also hit many noncombatants. Accounts of the battle present the decision to use force as a deliberate decision made in the interest of self-defense (Bowden 1999; Eversmann 2006).

The soldiers and marines in these examples had to decide how to weigh their own self-interest against the principle of noncombatant immunity. In both cases, they attempted to defend themselves without risking the noncombatants’ safety by issuing warnings and using nonlethal means of deterrence. When these attempts failed, they were
left with two relatively clear alternatives: attack the enemy combatants despite the high likelihood of collateral damage to noncombatants or risk being killed. The potential costs of each course of action, to noncombatants, to the insurgents, and to the soldiers themselves, were fairly clear. The soldiers had sufficient relevant information in which to make sound judgments about how to act. In both cases, the soldiers were also aware that they faced ethical dilemmas.

These examples are dramatic illustrations of how soldiers may disregard the principle of noncombatant immunity when threatened. Few of the soldiers I interviewed reported being forced to shoot at noncombatants in self-defense. Instead, soldiers from each country reported that when they were engaged in combat and noncombatants were in the area, they were usually not under immediate threat. Although they were under fire, the soldiers in each army usually had a strong advantage over the insurgents when they were in combat, including superior weaponry, armor, numbers, and sometimes prepared defensive positions. These advantages minimized the need to attack civilians in self-defense. With one exception, the interviewees said that they did not see anyone deliberately shoot a noncombatant or harm one in self-defense. Only one soldier, an American infantryman, reported seeing a soldier deliberately target someone who qualified as a noncombatant while in combat. During a patrol in Baghdad, the soldier’s squad was ambushed. One of the insurgents shot and killed one of the Americans, and then dropped his rifle. According to the rules of engagement, the man was a noncombatant because he dropped his weapon. However, one of the members of the squad shot and killed the attacker. The interviewee reported that the soldier who violated the rules of engagement was arrested and sentenced to several years in jail for targeting a
noncombatant without cause. Noncombatants were regularly shot and even killed in other incidents the interviewees described, but this was usually because of accidents or misidentifying civilians as insurgents. These accidental killings rarely occurred in combat. These types of incidents will be discussed in more detail in the following chapters.

**Child Soldiers**

Perhaps the most difficult challenges that arise when civilians are present on the battlefield are those that involve children. When they are unarmed, they represent a special class of noncombatant, as they are usually seen as being more vulnerable and innocent than adult noncombatants. When children are armed or cooperating with insurgents, they pose an enormous ethical challenge. Soldiers who are threatened by child combatants have the same right to self-defense as they do when confronting adults on the battlefield. However, acting in self-defense may come with a much higher price than if a soldier were defending against an adult; harming them may come with heavy psychological repercussions for the soldiers and damaged relations with the local people (Brown 2007: 77). Many of the soldiers who saw child soldiers or children on the battlefield reported that they could not attack children, even in self-defense.

Bellavía describes a situation in which an Iraqi child was unarmed but aiding an insurgent attack. A convoy he was a part of came under attack from rockets and small arms fire, and the soldiers realized that a child near the road was directing the fire. As Bellavía describes the encounter, two soldiers reached different conclusions about whether to shoot the body:
“Sergeant Grady swings his machine gun around. It is obvious that the boy is signaling the Mahdi militiamen how many American vehicles and soldiers are present. As Grady racks the bolt on his machine gun, Newell realizes what his gunner has in mind. “Don’t shoot the child,” he orders. “Sir, the kid is giving our position away,” says Grady, his voice nearly drowned out by the swelling volume of incoming fire. “Don’t shoot the child,” Newell reiterates, his voice is stern. Grady gets the message. Our colonel possesses a black-and-white sense of morality. The kid, no matter what he’s doing, will not be targeted. At times, our battalion commander’s adherence to such niceties frustrates us, but I know in time we will thank him. Nobody wants a child on his conscience.” (Bellavia 2007: 10).

Conscience can be a powerful motive to not act, although in this situation it seems that few realized the guilt they might feel if they shot him. Colonel Newell’s decision may have saved the boy and his subordinates’ consciences, but the story suggests that their first impulse was to shoot without thought of the potential consequences of doing so. Newell’s decision to override this impulse was, according to Bellavia, based on a deontological style of thinking. He was unwilling to permit an attack on a child under any circumstances, even if it threatened him or his subordinates.

Two American soldiers I interviewed described similar incidents in which children seemed to pose a threat to them. One said that he had to decide whether to shoot at a young boy who pointed a gun at the soldier while he was on patrol in an Iraqi neighborhood. The soldier said that he would rather be shot than attack the boy because he worried that he would not be able to live with the guilt of having killed a child. Once he made the decision not to shoot, the child fled. The soldier chased the child and disarmed him only to find that the gun was a realistic toy gun. There had been no real danger of harm, but the soldier made the decision not to shoot when he was faced with a plausible threat. The second soldier was faced with an almost identical dilemma, except
that the boy was holding a real gun. The soldier chose to use force and disarmed the boy by shooting him in the hand. The soldier reported that he was satisfied with his decision afterwards, as it allowed him to protect himself without killing the boy. Like the first soldier, the second said that he would not defend himself if it meant killing the boy because this would weigh too heavily on his conscience.

Making a decision based on conscience is a consequentialist judgment, as it involves a calculation of whether it would be better to live with the guilt of killing a child or to risk being killed. These examples once again show how soldiers apply consequentialist reasoning when they are faced with choices that offer relatively clear outcomes. In these scenarios, the soldiers saw themselves as having a simple binary choice – shooting or not shooting – that offered consequences that seemed fairly certain. In these cases the soldiers judged the potential consequences in terms of what Bernard Williams calls agentic regret: the regret for a state of affairs one caused or failed to cause (Williams 1981). As Williams argues, and as these stories confirmed, the experience of agentic regret plays an important role in our moral thinking. When the anticipated agentic regret was extremely high, it had the power of overriding soldiers’ interest in self-preservation.

**Ethical Reasoning Styles in Combat**

Soldiers in each of the armies encountered the same types of ethical challenges in combat. Only a few described ethical dilemmas as extreme as those involving a choice between killing civilians and survival. Almost all of the ethical dilemmas that occurred during combat involved judging whether opponents could be attacked without injuring noncombatants, but with less certain costs and benefits. Rather than seeing opponents and
noncombatants in the open and being forced to decide whether to use force, soldiers usually had to decide whether to attack opponents when their location and the presence of noncombatants was uncertain. This includes situations like responding to enemy mortar fire, fighting against insurgents inside of a building or another structure that gives them cover and concealment and that may also contain noncombatants, and responding to attacks by concealed snipers. For example, several of the American and British soldiers reported that they often had to refrain from returning fire against insurgents that would fire several mortar rounds at them and then move positions. Although they had a strong idea of where the mortars fired from, they usually did not know whether any civilians were near them and did not face a high enough threat to warrant attacking indiscriminately.

Soldiers from each of the armies tended to react to ethical dilemmas in combat in the same ways. Almost all expressed a desire to protect civilians and to minimize harm to them or to their property during combat. Soldiers from each army reported that they felt a duty to respect the value of life and to avoid harming anyone who did not pose a threat to them. There was also widespread agreement that it was permissible to harm bystanders when it was necessary for self-defense. The consensus was that the soldiers described in the first section, who killed civilian bystanders to protect themselves, were acting appropriately. The reasoning they invoked was usually deontological – based on the need to respect human life and to respect noncombatant immunity – or axiological – based on a sense of warrior virtues – when the level of threat was relatively low, when they were was a high level of uncertainty, or when there was a high likelihood of agentic regret. Although almost none of the soldiers encountered situations like those described in the
Battle of Mogadishu or in Filkins’ story, I questioned the soldiers about these types of scenarios and most thought that it was appropriate to revert to consequentialist reasoning in situations in which they faced a high threat, had a high level of certainty, and did not anticipate agentic regret.

Most of the American soldiers interviewed had experience working with soldiers from other countries said that most of the foreign soldiers they had met held similar views on ethics in combat. Those who had experience with foreign soldiers almost unanimously said that the members of other NATO armies had similar value systems and roughly the same ethical standards as American soldiers. They predicted that interviews with soldiers from these armies would yield roughly the same responses as interviews with American soldiers. It was interesting that interviewees made this prediction after saying that their own ethical decision making was heavily based on cultural values. In several interviews I asked participants to say why soldiers from other NATO armies would behave similarly to American soldiers even though they came from different cultures. All said that despite some cultural differences between these countries, their people had similar attitudes about the value on human life. To make this difference clear, many contrasted NATO armies with Arab armies, especially those of Egypt and Iraq, saying that soldiers they knew from those armies did not show a similar respect for human life or for autonomy. However, several were quick to point out that the cultural difference was not simply a matter of European soldiers adhering to western values. Those who had worked in Japan and Korea said that those soldiers’ values and respect for life were very similar to the NATO countries. They found that the Koreans and Japanese
had very high standards of professionalism and that soldiers behaved very well in garrison.

The British soldiers’ views on the importance of following the laws of war while in combat and respecting noncombatant immunity were similar to those expressed by the American soldiers. The British Soldiers had also worked extensively with foreign militaries and reported similar experiences as the Americans. They said that soldiers from most other countries that they had worked with showed a high level of compliance with the laws of war. Like the American soldiers, they also thought that this style of fighting was not unique to western soldiers. Several had worked with the Gurkhas in the British Army – Nepalese soldiers who serve in the British Army, but who are not British citizens – and reported that they behaved like other British soldiers with respect to ethics in combat.

Israeli soldiers had not had experience working with foreign soldiers, but many were from foreign countries and therefore had a good perspective from which to judge national differences. These soldiers said that they did not see any significant difference between the ethical instruction they received while in the IDF and the ethics of other North American or Western European militaries. This showed that whether or not the American soldiers were correct about some armies’ soldiers not having respect for life, they were correct in predicting that British and Israeli soldiers would have roughly the same attitude about ethics in combat as the American soldiers.

Thus, there was not only a high level of agreement between the soldiers of different armies on what kinds of decisions should be made in combat but also a shared view that this consensus exists. Although soldiers often said that their decisions in combat were
made based on universal values, like respect for human life, it seems more likely that the real source of agreement was law. Opinions about what the value of life means, when life must be valued, and why life must be valued varied a great deal, yet the interpretation of laws was fairly consistent. Soldiers from each country said that they received legal training and that they knew the basic tenets of the laws of war. These laws were accounted for in the rules of engagement soldiers from each country followed. Law is therefore a likely candidate for producing agreement between the armed forces of different countries. This also explains why there was so much disagreement about how to make decisions involving ethical decisions outside of combat. Although these are regulated by law, these situations are neither the focus of the laws of war nor are they as prominent in soldiers’ legal training. Instead, these decisions are largely governed by each army’s distinct ethical values.

**Escalation of Force**

The uniformity of soldiers’ attitudes about ethics in combat was an important finding. It revealed that there may be little difference between the three armies in terms of how their soldiers perceive and solve ethical challenges in combat. It also showed that the challenges of combat tend to be the same in different conflicts. When they were fighting, soldiers from each country were concerned with obeying the laws of war, not inflicting any unnecessary harm, and protecting themselves. However, this similarity was limited to ethical dilemmas that arose while the soldiers were actively engaged in combat, and this turned out to be a minority of the ethical dilemmas the soldiers reported experiencing. Aside from combat situations involving children, most interviewees thought that the
challenges they faced while they were actively fighting were less difficult than those that occurred during noncombat activities such as performing guard duty, conducting searches, and going on patrols. These activities were part of the war effort but they were not combat activities in the strict sense of being performed during gunfights with insurgents. Rather, they were activities that put the soldiers at risk of being involved in combat and forced the soldiers to make decisions about the escalation of force. The earlier stories of the American soldiers guarding the Iraqi government office and those guarding checkpoints are examples of decisions about the escalation of force. In each case the ethical dilemma did not arise in combat but rather was about whether to initiate combat.

Most of the ethical challenges involving civilians were not about whether to risk harming them but whether civilians posed a strong enough threat to cross the vague line that separates them from combatants. One IDF soldier’s forceful disagreement with military forces being used in a police role made this point very well:

I strongly believe that the IDF or any army should not be engaged in operations among civilians. Operations such as checkpoints, roadblocks, and disengagement should be reserved for law-enforcement and not the military. This, I feel, is a huge source of ethical dilemmas and unclear rules of engagement and conduct.

This soldier explicitly claims that decisions about the escalation of force, (those forcing him to apply rules of engagement), were among the most challenging decisions he had to make. These situations, rather than those arising in combat, are what he considered to be the most ethically challenging. This attitude was shared by almost all of the soldiers interviewed. Although few stated it as clearly as the soldier from the IDF, this was implicit in the kinds of stories of ethical dilemmas that soldiers reported. Almost
all of the soldiers interviewed were involved in combat and some told stories of difficult
decisions they made while under fire, but when they were asked to recall their hardest
ethical decisions, they were almost invariably about escalation of force. Many of the
examples discussed thus far have been decisions of that type. The soldiers deciding
whether to shoot at vehicles approaching checkpoints or convoys and the story about the
military police officer who was involved in a riot each involved decisions about whether
to use force and what level of force was appropriate.

Soldiers also reported incidents in which they had to prevent situations from
escalating into violence or in which they had to decide whether to intervene when they
witnessed violence between members of the civilian population. One enlisted British
soldier said that he witnessed several confrontations between groups of Afghan National
Army (ANA) soldiers or between members of the ANA and members of the Afghan
National Police (ANP). He said that the tensions between members with different tribal
affiliations or who had personal disagreements could become violent and some even
risked turning into gunfights. In one especially difficult encounter, he and his squad had
to mediate a dispute between members of the ANP and Afghan civilians who accused the
policemen of stealing from them. Lacking the means to determine whether the charges
were true, the soldier said that his squad focused on preventing the disagreement from
escalating by separating the police forces from the civilians and watching them more
carefully on future joint patrols. An American First Sergeant who was part of the
invasion of Iraq in 2003 said that he was shocked by the way Iraqi men treated their
wives. He regularly saw men beating women and his initial reaction was to intervene. He
said that when watching the beatings and having the power of his unit behind him, he felt
compelled to put an end to any violence against women. However, shortly after the invasion, he was instructed to avoid intervening and to respect the Iraqi culture. The First Sergeant said that after receiving those instructions, he avoided intervening to protect Iraq women, but said that he found it extremely difficult to stand by and watch the abuse. These examples show the kinds of ethical dilemmas soldiers encountered outside of combat aside from those that involved judgments about the use of force.

Soldiers from different armies often described using much different styles of reasoning to overcome the ethical challenges they encountered outside of combat. Their armies’ distinct ethical systems shaped their perceptions of threats, decisions about the escalation of force, how to conduct searches, the proper treatment of civilians in contested areas, and even their judgment of when a situation qualified as an ethical dilemma. The following chapters will discuss the three cases and the reasons why soldiers from different countries usually agreed about how to act ethically in combat, but had much different attitudes about the many other ethical challenges involved in counterinsurgency operations.
Chapter 9: The United States Army

Almost all of the American soldiers I interviewed said that the Army’s professional identity was the most significant influence on how they viewed ethical challenges and resolved them. This attitude seemed to have little to do with formal ethics training. Soldiers became invested in the Army’s professional ethic over time, as membership in the organization and adherence to its values became a central part of their identities. The professional identity is inextricably linked with the Army’s virtue ethics. This identity serves as a basis for defining the virtues soldiers are supposed to embody and is in turn reinforced by these virtues, which help to define the professional identity. This ethical system shapes their soldiers’ reasoning in myriad ways. Because this system is based on values that are only loosely defined, it is very flexible. The American soldiers interviewed seemed to be very skilled at finding their own solutions to unexpected ethical challenges. However, the soldiers tended to have an exceptionalist attitude, seeing themselves as distinct from the civilian population, both in the United States and in the areas where they were deployed. This was a barrier to civil-military relations and led to misunderstandings between the American soldiers and foreign civilians. Compared to the Israeli and British soldiers, the American soldiers were generally the most inclined to see counterinsurgency in terms of conventional warfare and to interpret noncombatants as being hostile.
Identity Shift

Most of the American soldiers I interviewed said that they received minimal ethics training when they joined the Army and that it primarily consisted in lessons on the Law of Land Warfare, on how to follow rules of engagement, and on rules regulating professional conduct, such as what a person was allowed to do while in uniform. Almost all said that their ethics training did not challenge their existing values. They found that the Army’s ethics instruction cohered with the values they learned in civilian life and reported that if training had any effect on them, it was to reinforce and clarify the values they had before joining the military. A few commented that training gave them more awareness of their own values and gave them a better sense of how to put them into action, but that it did not alter their prior sense of good conduct. Only two of the American soldiers credited Army training with affecting a significant transformation of their thinking about ethics. The effect was leading the soldiers to reflect on their values more than they had in the past and forcing them to define these more explicitly. Thus, according to the interviewees, Army ethics training has a limited influence on the soldiers’ values and their ethical consciousness.

The main reasons for the weak influence of ethics training were that soldiers spent little time learning about ethics, especially at the enlisted ranks, and that the training that was conducted was a separate subject apart from other forms of training. However, these were not the only reasons for the training’s limited influence. Some soldiers ignored the ethics training they received. A JAG officer who was responsible for teaching classes on the Law of Land Warfare said that several of the people in each of the classes he taught would ignore the lessons having to do with ethical conduct and openly show their
contempt for ethical and legal instruction. They had the attitude that they did not need ethics education and that JAG was out of touch with the other soldiers. This attitude was especially common among senior NCOs, who had been in the Army for a long time and were high enough in the chain of command to be able to freely express their opinions on training. These soldiers were also in a position to influence other soldiers and to discourage them from taking the training seriously.

Although ethics training had a weak influence on soldiers, many did report undergoing a significant change in their ways of thinking during their time in the military. This was a shift from an individualistic attitude based on thinking about personal self-interest to corporate attitude based on thinking about the good of fellow soldiers and of the Army. The defining moment of the identity change happened when individuals considered themselves soldiers before all else. Most of the interviewees reported that their reasons for joining the Army were not noble or altruistic. Rather, they were based on self-interested wishes for a job, for an education, for revenge, or simply because of uncertainty about the future. This was even true of those who attended West Point. A few of those who went to West Point said that they decided to go to the academy because they visited it and were impressed by the architecture, the uniforms, and the history. One officer said he did not even realize that he was required to join the Army after graduation until he was nearing the end of the application process. Many enlisted soldiers and officers reported that they joined because of a bad job market or because they were not satisfied with their jobs. They said that their initial motive for joining the Army was because it offered excitement or the comfort of a secure job. Other enlisted soldiers told me that they joined because they grew up in neighborhoods that did not offer
many opportunities for employment or because they were worried that they were headed down a bad course in life and that it had to be interrupted before it was too late. Finally, some said that they chose to join because of role models – either family members who were in the Army or characters they saw in movies or on television. Popular action movie heroes like John Wayne were especially influential role models.

Whatever their initial motives for joining, most of the soldiers became heavily invested in the Army’s corporate identity. They were proud of their membership in the “profession of arms” and quick to differentiate themselves from those who did not make a similar commitment, whether civilians or soldiers who had not yet undergone the identity shift themselves. For most interviewees, the transformation was not caused by training. Rather, it developed slowly over the course of several years. Almost all participants said that as they adjusted to the Army life, they began to enjoy it and their motives for military service changed. The personal motives for joining became less prominent and their commitment to the military and to more altruistic motives for service, such as protecting the country against terrorism, increased. In the CAPE focus groups on military professionalism many participants said that they became military professionals not when they joined the Army but when they began to put the Army and the country before their personal interests. Several criticized those soldiers who only joined because they wanted money for college or because they wanted to travel. There was a strong sense among the participants that it was easy to pick out the soldiers who had yet to undergo the transformation that would make them true military professionals and that those who had not made this transformation were still outsiders to some extent.
One of the most noticeable influences on how soldiers made moral decisions was whether they said they acted based on personal motives or a sense of what they were supposed to do as members of a group. Those who felt that their greatest duty was to the Army as an organization and to the Army’s mission were far more likely to say that they made their decisions based on what they thought would be best for the Army, based on their understanding of the Army’s values, or that they acted based on orders. It is important to note that their reference point for action was usually the Army itself, not their unit or their friends. In other words, soldiers would describe feeling a personal loyalty to their friends and members of their unit, but described their ethical duties with reference to the Army as a whole. This corporate identity was captured by the concept of professionalism, which was continually invoked by interviewees and which is often the framing concept in the Army’s own statements of its values and culture (Janowitz 1960; Mileham 2005; Reinke 2008; Snider 2009; Wakin 1994). Thus, the transformation soldiers underwent had little to do with any particular training program and was instead a result of enculturation.

The soldiers’ description of the effects of enculturation fits with MacIntyre’s account of how virtue ethics functions within a community. MacIntyre describes virtue ethics as being connected to a group’s way of life; they are attached to social context and social roles (MacIntyre 2007: 132). MacIntyre often calls this a “practice.” The Army’s culture, its sense of professionalism, and its virtue-based ethics are mutually reinforcing. The organization’s strong professional identity serves as a basis for its distinct way of life and the formation of a special set of values that are unique to the organization. These values
in turn reinforce the belief that the Army is a profession in the strongest possible sense, with its own way of life that is different from that of the American civilian population.

Professionalism and Difference

The importance of professionalism in forming soldiers’ identities and their sense of ethical values was a recurring theme of the interviews and focus groups. Soldiers invariably described themselves as volunteers and members of a profession. Participants in the 82nd Airborne Division focus groups unanimously said that they consider themselves to be professionals and took pride in this status. They were proud to say that they volunteered to be part of the Army and many, especially those who were still on active duty, seemed to enjoy the hardships of military life because they helped to separate those who were really dedicated to the job from those who were not.

Despite the importance of professionalism, the concept is rarely defined by those who consider themselves members of the profession of arms. Professionalism has most the characteristics of a contested concept (Gallie 1956). It is appraisive, complex, open to different descriptions, subject to contention, and has an exemplar. As MacIntyre points out, concepts are usually contested because they are incomplete (MacIntyre 1973). This is certainly the case with the Army’s conception of professionalism, and the Army acknowledges this by continually examining itself in an effort to determine the meaning of this concept. One of the main reasons the Army held focus groups on professionalism was to gain a sense of what the term means to soldiers. However, despite being poorly
defined and open to contestation, there seemed to be a high level of agreement about
what the term meant when applied to the Army. Freeden argues that it is possible to give
contested concepts a fixed meaning within a particular ideological field (Freeden 2006).
The Army has a clear exemplar of professionalism – itself – and it has a distinct
ideological field that should facilitate fixing the meaning of the concept, yet it has been
unable to arrive at a clear meaning. The focus groups conducted by CAPE gave the
impression that it is unlikely to be able to do this, since there were almost as many
different views on the concept as there were participants.

Over the course of the interviews and focus groups, it became clear that
professionalism was not only a label soldiers used to refer to their collective identity but
also a way of differentiating themselves from outsiders. There was a great deal of
disagreement over where to draw the line of demarcation between members of the
profession of arms and outsiders. How soldiers make this demarcation is extremely
important from a virtue ethics perspective, as this distinction marks out those who follow
a common ethical code from those who do not. Around half of the interview participants
said that they considered all uniformed military personnel to be professional soldiers,
while contractors and civilians working for the Department of Defense were not. Some
said that the profession was even smaller than this, claiming that only active duty soldiers
should be considered military professionals. The reasoning was that members of the
Reserves and National Guard consider themselves to be part of another occupation first
and members of the military second. Their allegiance to another profession or to another
identity aside from that of US Army soldier was enough to place them outside of the
profession of Arms.
One interviewee argued that there is a significant difference between the way that active duty, reserve, and National Guard soldiers think about moral problems. He said that the problem for National Guard units is that they are composed of people from the same area. Many of them were friends before joining. They return home to the same communities, have many of the same friends, and may work together in civilian life. These close personal ties can have a positive effect in conventional operations. Most of the regiments fighting for the Union and Confederacy during the American Civil War were raised by states and staffed by people from the same communities. This gave them immediate cohesion and encouraged acts of extraordinary courage. Soldiers were afraid of disappointing family and friends, and motivated to become local heroes. This pressure kept them in ranks, even as they suffered terrible casualties. However, the soldier felt that the same associational ties may be counterproductive in some circumstances, as they may discourage dissent. The interviewee thought that National Guard soldiers were more likely to go along with the group than regular Army soldiers who could upset others with little risk of conflicts following them into civilian life. Although the soldier may have been correct in his description of the source of the connections between soldiers, he understated the strong connection between regular Army soldiers, which has at times had negative ethical consequences.

Unit cohesion and a strong sense of professionalism can have the positive effect of promoting ethical values and encouraging self-policing. However, there are several reasons why the Army’s identity of professionalism also discourages ethical conduct. First, group solidarity can serve as a rationale for protecting other soldiers against outside scrutiny. One of the truisms of war is that those who fight do so more because of their
attachment to their comrades than out of a desire to beat the enemy or achieve political objectives. Units become familial entities comprised of members who are ready to selflessly risk themselves for the good of the group (Reiter 2002: 63). Group solidarity can be a powerful motive on the battlefield, but it can have the negative consequence of creating insular groups that will protect members against investigation for misconduct, thereby allowing them to act inappropriately in the future (Winslow 1998, 1997).

A prime example of the negative consequences of group solidarity occurred when American soldiers of the 4th Infantry Division caught two Iraqi men, Marwan and Zaydoon Fadhil, on the streets of Tikrit after curfew. As punishment, they threw the Iraqis from a bridge into the Tigris River. The soldiers said their goal was not to harm the men but to frighten them as a way of showing the seriousness of their curfew violation (Filkins 2005). The soldiers reported seeing the Iraqis leaving the river safely, but Marwa, who survived the event, reported that Zaydoon drowned. Whatever the facts of the event, it became a major embarrassment for the Army because of the resulting cover-up. Colonel Sassaman, who was responsible for investigating the incident, told the men under his command to lie about what had happened and to leave out the part of the story in which they threw the Iraqis into the river (Filkins 2005). Sassaman lied about the incident and justified it by saying that he had a greater loyalty to his subordinates than to anyone else. As he said later, “I had decided that the right thing to do was to place my loyalty with the men who had trusted me with their lives in combat, rather than align myself with senior leaders – men who I believed to be flawed” (Sassaman 2008: vii). The story of Sassaman’s cover up illustrates the way unit cohesion can have harmful ethical consequences. It also reveals the extent to which unit cohesion and the Army’s corporate
identity are based on maintaining a strong sense of distinction between insiders and outsiders. This will be discussed in more detail in the next section.

Second, professionalism not only serves as a way of demarcating those who participate in the Army’s corporate identity from those who do not but also a way of distinguishing the modern Army from its past mistakes. When interviewees were asked to comment on whether the US Army has improved its ethical awareness since the Vietnam War, most reported that it had and that the progress was largely the result of increasing military professionalism. The American Army in Vietnam was largely made up of draftees who had little attachment to the Army or even to each other. For many draftees in Vietnam, survival was the highest priority. Service had a definite expiration date, after which the soldier could return to civilian life without risk of being forced to return to Vietnam. This gave individuals little reason to feel responsible for winning the war or for acting in ways that were consistent with the Army’s set of values. Interviewees said that the Army is now a much different institution because of the soldiers’ strong sense of adherence to shared values. As chapter five discussed, these statements from soldiers coincided perfectly with the Army’s official narrative of its improvements since the Vietnam War. The post-Vietnam era is even frequently called the Renaissance in military ethics. As chapter five showed, the Army did enact a number of changes during this time, but these were far less dramatic than the term ‘Renaissance’ implies. Over the course of the interviews it became clear that the narrative of the Renaissance in military ethics served an important function of active forgetting.

Nietzsche describes forgetting as an active rejection of the past, rather than something simply fading from memory (Nietzsche 1989: 56). It is forgetting based on a conscious
decision to overcome something from the past. As he describes it, “forgetting is no mere
vis inertiae as the superficial imagine; it is rather an active and in the strictest sense
positive faculty of repression” (Nietzsche 1989: 56). Nietzsche often describes the
capacity for forgetting as being essential to freedom and happiness. Forgetting signifies
the loss of attachments that may limit future action. A person who has forgotten his past
is free to remake himself in the future. Forgetting can be a source of happiness not only
because it can allow one to discard past commitments and to act differently in the future
but also because it can efface the memory of bad decisions. As Nietzsche says, “blessed
are the forgetful: for they will ‘have done’ with their stupidities too” (Nietzsche 2002:
110). Although the forgetting he describes is usually something done by individuals, the
Army’s collective forgetting serves a similar purpose, as it permits the Army to maintain
its identity despite its mistakes. This is facilitated by the continual change in the
organization’s membership.

MacIntyre argues that there is an important temporal dimension in defining the ethics
of a given practice and suggests that forgetting may be a hindrance rather than the source
of freedom that Nietzsche describes. “To enter into practice is to enter into a relationship
not only with its contemporary practitioners, but also with those who have preceded us in
the practice, particularly those whose achievements extended the reach of the practice to
its present point” (MacIntyre 2007: 194). However, for the Army, forgetting the Vietnam
War has strengthened its virtue ethics by distancing it from the breakdown in the Army’s
cohesion, its corporate identity, and its virtue ethics during that war.

The third consequence of the Army’s efforts to distinguish itself as a profession with
its own values is that this reinforces the civil-military divide, increasing the distance
between soldiers and the civilian population. The strong influence of the professional identity on soldiers’ perceptions of themselves and the Army raises the question of the extent to which professional soldiers really are different from civilians and soldiers who do not meet the standard of professionalism. Sherman argues that soldiers rarely make a decisive break with their civilian selves and that they continue to be the same people they were before training (Sherman 2010: 12). Case makes a similar point. He claims that soldiers remain closely connected to civilian culture (Case 2010: 4). “The current expressions of the Army’s ethical commitments are products of the values of the American people, as expressed in their laws and the requirement of winning wars” (Case 2010: 4). Woddis, writing during the 1970’s, saw a much weaker connection between the soldiers and their civilian counterparts, saying that “the individuals who comprise the armed forces are in no sense completely isolated and immured from the surrounding great movements and shifts of public opinion” (Woddis 1977: 25). The interviews and focus groups revealed that even Woddis’ characterization of Army soldiers as being weakly connected to the civilian culture may overstate the level of connection soldiers deployed to Iraq and Afghanistan feel with American civilians.

In interviews, active duty soldiers consistently said that they saw themselves as being much different from American civilians. Most of the American soldiers interviewed considered themselves to be exceptional and in some respects superior to civilians. They said that civilians were unable to understand the military and its values and continually described themselves and their values in contrast to that of civilians. To some extent, this may be a consequence of the controversy over these wars and the fact that the wars have had little perceived influence on the civilian population. Some interviewees openly
resented civilians’ lack of awareness of how the wars affected members of the military. Numerous studies conducted over the past two decades have also found a significant gap between civilian and military worlds (Davidson 2010; Dempsey 2009; Leal 2007; Cohen 2000; Collins 1999; Feaver 2001, 2005; Flynn 1998; Foster 2000; Hoffman 2007; Morgan 2001; Ricks 1997; Snider 2001; Szayana 2007; Volkman 2001). This phenomenon is at least partly the result of the Army’s own efforts to maintain a separate, professional identity. A divide between insiders and outsiders is a natural consequence when members of a large institution claim to have a different set of values, different way of life, and different identity than those who are not members.

For many soldiers, the Army culture and mission objectives had the power to override other ethical values. This was especially clear with respect to religion. Almost all participants described themselves as religious. Most were Christian, although one Muslim and one Jewish soldier were also interviewed. Around a third of the American soldiers interviewed said that religion had a significant influence on their thinking, but only one said that he actually resolved ethical challenges using his religious values. That soldier described himself as being strongly religious and even said that he would ignore ethical instructions that conflict with his religious values. Other soldiers, even other strongly religious soldiers, felt that relying on religious values for ethical guidance was unprofessional; it violated their duties to follow ROE, the Army values, and any specific orders they received. The Muslim soldier I interviewed was especially open about how he dissociates his religious values from his role as a soldier. He said that he felt it was his responsibility to educate his fellow soldiers about his religion and to help them understand it for strategic purposes. He wanted to educate other soldiers in the religion
not so that they would become converts but rather so that they would be better able to accomplish their military objectives. That soldier went on to say that his primary guide when resolving ethical challenges was his sense of duty to follow orders.

The soldiers’ other ethical sensibilities were also frequently overridden by the demands of being a professional soldier. One member of a civil-military affairs unit reported that he was given the task of funding reconstruction projects and paying sheiks for cooperation. He experienced ethical challenges when carrying out these tasks. Construction funding went toward infrastructure development: sewer, water, electricity, academics, trash, fuel, and hospitals (SWEAT-FH). These projects could be extremely useful in rebuilding communities that had been damaged by the fighting, but the soldier was conflicted about how the money was distributed. Because the battalion commanders responsible for distributing the money were most interested in using it to win new allies to the American cause, they gave most of the money on leaders who disliked the Americans. The soldier said that he was repeatedly asked to give money to sheikhs who routinely criticized the Americans and who would claim all the credit for reconstruction projects while he had to deny requests made by the most ardent American allies. This led to one very disturbing incident in which he had to continue providing money to an uncooperative sheikh who was using the American funding to conduct a takeover of a pro-American sheikh’s neighborhood by using the money to fund various construction projects. The soldier said that he had little choice but to report this concern to his superiors, then to follow his orders.

The most shocking examples of placing orders before other ethical obligations were those in which the soldiers had to ignore sexual assaults and rapes committed by Iraqi
and Afghan civilians against other civilians. Several soldiers reported that rape was widespread in Afghanistan and Iraq and that it was not considered as objectionable as it is in the United States. Not only did men rape women but also young boys. According to another soldier, it was relatively common to see indications of sexual assault and to even witness the start of a rape, such as a man dragging a woman or boy into a secluded area. Soldiers were generally forbidden from intervening in these incidents and they placed a higher value on obeying their orders than in intervening to stop these incidents. The soldiers who described these incidents were conflicted about how they should have acted and whether they made the right decisions. Nevertheless, these soldiers refused to act on their personal ethical values in order to perform their duty as soldiers.

**Acting Ethically**

One of the distinguishing characteristics of the US Army soldiers, in contrast with the British and Israeli soldiers, was that they had the greatest difficulty identifying when an event qualified as an ethical problem or ethical dilemma. Most of the American soldiers interviewed, whether serving on active duty, members of the reserves, or discharged veterans, seemed to be fairly open about the good and bad conduct they had seen. Even some of the most fervent supporters of the wars in Iraq and Afghanistan acknowledged incidents of misconduct. However, most of the soldiers had a very narrow perception of when ethical reasoning should be applied. This was symptomatic of the Army’s virtue ethics. It is more difficult to identify distinct ethical problems from a virtue ethics perspective because every action a person takes is in some way related to character – being guided by a person’s character and reinforcing or reshaping it.
Around half of the soldiers I interviewed equated ethical conduct with following the ROE. They thought that as long as they followed these rules, they were acting in a morally defensible way. This introduces a number of problems. First, the ROE may not be exhaustive. Although they do state when force can be used, how it can be used, and who may be targeted, the rules cannot cover every instance in which they might be needed (Imiola 2010: 15). Second, like all rules, they have to be applied. This requires a capacity to judge the context and to judge the rules in order to determine which rule or rules can be applied. Some soldiers recognized this problem and said that much of their ethical responsibility came in determining how to apply the rules when there was some ambiguity. However, it was concerning that many seemed not to recognize the way ROE may require personal judgments. Third, the decision to follow orders or rules of engagement is an ethical decision because this decision implicitly affirms that these are more important than other ethical guidelines that might be used to resolve the problem. As the stories of soldiers ignoring incidents of domestic violence showed, obeying orders may even require the deliberate suppression of other ethical values. Soldiers resolved ambiguities or omissions in the rules, applied the rules, and made decisions about the relative weight of the rules by relying on their sense of professional virtues. During conventional conflicts, in which the soldiers’ warrior values and the ROE coincide, they may follow both without encountering contradictions between them. However, many of the soldiers I interviewed expressed anger that their values compelled them to follow the ROE, but that the ROE were in conflict with some of their values.

The ROE establish guidelines for how soldiers should act that are supposed to complement the Army’s values by setting firm boundaries within which soldiers’ can be
free to exercise their own judgment on ethical matters. The interviews revealed that the relationship between the Army’s virtue ethics and the ROE is more complex than this. The rules can come into conflict with the Army’s virtue ethics, as strict rules that may prescribe actions that are in conflict with the Army values. Most of the conflicts soldiers described were not between rules and specific values but rather with the kinds of behavior the rules prescribed and the values of the Army’s professional culture.

Some soldiers objected to the ROE and policies that they had to follow. The most common reasons were that these were ineffective, that they were designed by politicians who did not understand the soldiers’ experience, and that they encouraged civilians to disrespect American personnel. The second and third of these reasons revealed that soldiers perceived a threat to their values from both American civilian politicians who established rules that the soldiers had to follow and from foreign civilians who could take advantage of these rules and use them against the American soldiers. There was a great deal of resentment against both groups. Many soldiers thought American civilian politicians were responsible for imposing the rules that prevented them from responding to offenses from foreign civilians.

One soldier argued that the ROE were shaped by the population-centric approach to fighting, which makes winning hearts and minds the primary goal of COIN. He said that this was a serious mistake because the hearts and minds approach was completely ineffective, even when General Petraeus took command in Iraq and increased the military’s efforts to build relations with Iraqi civilians. The soldier said that none of the attempts to build trust with the Iraqis were effective. At best, the Americans were able to secure temporary respites by buying off local leaders. The soldier went on to say that he
never witnessed any lasting effect because the Iraqis were quick to turn on the Americans once they had received as much financial and material assistance as they could get. He judged that the restrictive ROE unnecessarily endangered Americans by not allowing them to use force when threatened and all for an ineffective strategy of building good will. He felt that they had neglected their duty toward the soldiers by not giving the military the power to make decisions for itself. Among these were the decisions to not provide adequate security in urban areas, to disband the Iraqi Army, and to alienate Muqtada al Sadr early in the occupation. As the soldier put it, “we suffered for those political decisions.”

Another soldier said that he felt that the roles soldiers were asked to perform were inappropriate, unfair, and lead the civilians to disrespect the Americans. Although the soldier was trained for combat, he found himself spending much of his time distributing food and giving candy to children. These were attempts to build public support, but he found that such measures had the opposite effect. Distributing candy encouraged children to surround the American soldiers and to pull at their uniforms and equipment. They learned that they could harass Americans with impunity. The interviewee also reported that some attempts to win hearts and minds were counterproductive given the cultural context. As the Iraqis became accustomed to the American presence, they learned what kinds of responses to expect and realized that as long as they were nonviolent, the American soldiers would not respond. The soldier reported that on multiple occasions members of his unit were being verbally harassed by civilians, and even women. By allowing women to yell at them without responding lowered the status of the Americans in the highly traditional Iraqi society. The soldier said that he wanted to be able to
respond to these incidents in the way that an American police officer would. As he explained, one cannot touch a police officer or verbally harass one without punishment, yet the American soldiers were not allowed to detain people for doing these things to them. He was especially upset about requiring American soldiers to repair the damage done by IEDs. In one particularly troubling incident, his unit was attacked by an IED that wounded several members of his unit. The next day, they were asked to return to the scene of the attack to repair the damage done by the bomb and to repair a nearby building that the Americans had damaged in the gunfight that followed the IED attack. The interviewee compared this to a woman being raped and having her head smashed through a window, then being forced to return to the scene of the crime to fix the window.

The ROE and virtue-based ethic of military professionalism are supposed to be complementary, yet as these examples show, they have led soldiers to experience contradictory demands during counterinsurgency wars. The ROE have demanded deference to foreign civilians who are not only outsiders of the military profession but seen as potential enemies. They have also required soldiers to prioritize political objectives over military objectives, which is strategically important during counterinsurgencies, but which is difficult for a military that has an identity and ethical system that was developed to satisfy military needs. These conflicting demands have caused dissatisfaction among the soldiers and put them under the strain of being told to follow a value system that was developed to guide soldiers during conventional wars.
Cultural Differences and Respect

The US military’s most pressing ethical challenges are closely related to the system of virtue ethics that it trains soldiers to follow. As the preceding sections have shown, a system of virtue ethics based on warrior virtues creates obstacles when interacting with civilians, especially civilians from other countries. By far the most common suggestion American soldiers had for improving ethics training was conducting more training about the local context and culture. Most of the soldiers I interviewed, especially enlisted soldiers, felt that they were unprepared for interacting with the local people. Moreover, many of the ethical dilemmas that they considered the most difficult were those involving differences of cultural values. Cultural difficulties could directly cause inappropriate escalations of force or, more commonly, indirectly create problems by building resentment or alienating local people.

Soldiers who are ignorant of local customs sometimes mistakenly interpreted benign actions as hostility, leading them to attack civilians. Fainaru describes one incident in which celebratory gunfire was mistaken for an insurgent attack. “Late one afternoon the Humvees rounded a corner. There was a familiar pop-pop-pop, and, as they moved through the village – two dozen adobe houses set back from the road – the Americans poured gunfire in the direction of where they believed people were shooting at them” (Fainaru 2008: 2-3). Later, the soldiers discovered that the shots were fired to celebrate a wedding. The convoy’s retaliation killed several civilians in the area and wounded others, including a nine-year-old girl. The incident could have been easily avoided if the soldiers had recognized the possibility that they might hear non-hostile gunfire and waited to respond until they could determine whether the gunfire was directed at them.
The soldiers I interviewed did not report any incidents in which cultural misunderstandings directly caused violence, but they had many stories of cultural differences having indirect costs. One interviewee provided a poignant example of the costs of violating norms of respect – one that shows how a small action can have both military and political consequences. The interviewee was an enlisted soldier working at a checkpoint in Baghdad. He found that the commander of the checkpoint was abusive to the civilians passing through for apparently no other reason than to exert his power and intimidate the Iraqis. Despite warnings to those higher up the chain of command, the checkpoint commander remained at his post. A Sheikh frequently traveled through the checkpoint to meet with American commanders. Although he was injured by an American bomb early in the conflict, he was eager to work with the Americans to rebuild his community. The Sheikh was one of many people abused by the checkpoint commander, but his response to the verbal and physical abuse was to say that he would not judge the American forces by the actions of one man. The area around the checkpoint, which was under the sheikh’s sphere of influence, was largely passive and experienced few incidents of violence against American forces during the early months of the war. That changed when the Sheikh passed through the checkpoint with his family. The commander chose to violate protocol and personally search the Sheikh’s wives in front of his entire family. After suffering this serious insult, the Sheikh ceased his meetings with American commanders and the checkpoint was frequently subjected to mortar attacks. The interviewee said that he thought the checkpoint commander’s actions were responsible for the breakdown of political reformation in the neighborhood and the
high level of violence American personnel encountered in the weeks following the incident.

Other interviewees have reported similar experiences that showed the importance of maintaining respectful relationships with foreign civilians. Two soldiers from the 82nd Airborne Division said that their experiences over the course of two deployments in Iraq revealed improvements in the interaction between Iraqis and American personnel. During the first deployment, the soldiers were frequently attacked by IEDs, mortars, and small arms fire. This led them to employ liberal rules of engagement when protecting convoys, which included opening fire on any vehicles coming too close to the convoy, regardless of whether it showed hostile intentions. During the second deployment, the use of force was far more restricted. Soldiers were not authorized to fire on vehicles approaching the convoys and they took part in fewer aggressive searches. Their unit also experienced no fighting during the second deployment. The soldiers accounted for the difference between the deployments as a result of the US government’s announcement that American forces would be leaving the country by 2012 and of the improved relations between the soldiers and the Iraqi people. Although it is difficult to assess the extent to which each of these played a role in reducing the level of violence, the soldiers felt that their more restrained led to significant improvements in relations with Iraqis.

The absence of respect in the first story had much to do with soldiers demonizing the Iraqis and seeing all Iraqis, even noncombatants or those willing to cooperate with the coalition forces as enemies. The commander who committed the violations showed an extremely low respect for the people and their culture and used this to justify his actions. According to the interviewee, the commander’s attitude that the Iraqis were a conquered
enemy population was fairly common. The participants in the second interview reported showing a higher degree of cultural awareness that indicated openness to treating others with respect, but they were quick to point out that neither they nor their fellow soldiers were adequately prepared for interacting with foreign civilians. Their greater cultural awareness had only come over the course of two deployments and a changing awareness that fighting the insurgents using conventional means was largely ineffective. Although the military as an institution has become more diverse and more open to other values, certain soldiers persist in labeling foreign groups and treating them all according to a stereotype (Schechter 2004). The tendency of treating all members of a foreign group as being part of the opposing force may be difficult to overcome from an institutional standpoint. Commentators within the Army have said that cultural sensitivity is one of the Army’ greatest limitations and the area of counterinsurgency warfare that is in most need of improvement (Perez 2011). Members of the British military have also made this point (Aylwin-Foster 2005).

Although there are multiple reasons for difficulties interacting with the Iraqis, including the low numbers of foreign language speakers and the asymmetric nature of the occupier-occupied relationship, the difficulties interacting with foreign civilians were reinforced by the Army’s practices of defining itself against the civilian outsiders and basing its professional image on a warrior ethos that is modeled on a large-scale conventional war. As Carl Schmitt points out in his Theory of the Partisan, the more a military becomes professionalized, the more it is detached from civilian concerns and the more difficult becomes to interact with civilians.

The more severely a regular army is disciplined, the more correctly it distinguishes between military and civil, and only the enemy in
uniform is considered to be an enemy. A regular army becomes more sensitive and more nervous when it encounters a non-uniformed civilian population on the other side of the struggle. (Schmitt 2007: 34)

Based on this dissertation’s interview with American soldiers, Schmitt’s claim is accurate. Most expressed extreme frustration with fighting irregular forces and attempting to distinguish them from the civilian population. They were sensitive to the threat that the insurgents posed to their values and to the kinds of complex decisions about the escalation of force and civil-military relations that the insurgents forced them to make. Most of the interviewees supported the wars in Iraq and Afghanistan, yet almost without exception they said that the Army was poorly prepared to fight wars against irregular forces and that its adaptation to this style of war was slow and incomplete. Schmitt is right to identify a fundamental contradiction between the regular and partisan styles of fighting. This explains why the soldiers of the US Army, with their culture of professionalism that based on exemplifying the regular army, have had so many difficulties adapting to a type of warfare that challenges their culture and the system of virtue ethics that is inextricably linked to it.

**Threats to the Army’s Virtue Ethics**

Soldiers’ perceptions of the threats to the Army as an institution and as a culture are heavily influenced by their virtue ethics. In addition to the problematic interactions between soldiers and civilians, two problems consistently came up as being significant long-term ethical challenges. First, there was the problem of a declining level of professionalism among the soldiers themselves. This problem was described using the concept of professionalism, but was really about the possibility of character corruption,
which is a threat to any system of virtue ethics. The second problem was that of the
military contractors who are increasingly taking over the military’s support functions and
even taking over some of its combat roles (Singer 2008). The contractors were perceived
as a threat to the Army’s identity because they are integrated with the Army without
taking on its values.

Concern over a decline in professionalism was expressed by almost all of the
interview participants and was especially strong among those who were still active duty
soldiers or who had been in the Army for over six years. This concern was closely related
to the extent to which interviewees were invested in the Army and its culture. One female
military police officer reported that the general willingness to tolerate minor ethical
breaches in garrison life could create serious problems when soldiers were deployed. She
had a particularly strong perspective on this, as she was a military police officer who was
experienced in monitoring soldiers in both settings. While they were on base, some
soldiers committed apparently minor infractions like requisitioning more equipment than
they were allowed to have or drinking alcohol while on duty. Although these actions
seem to be of limited importance, the MP thought they created more serious problems. As
she explained, when unethical actions are tolerated by others, it creates a sense that they
are acceptable. The prohibition against the action disappears and it becomes easier for
people to commit the same infraction in the future. She said that those who committed
minor infractions and are not punished may develop the feeling that they are impervious
to punishment or that ethical rules do not apply to them – a problem that was confirmed
by several other soldiers. If their comrades help to cover up their violation, they may also
learn that they can rely on them for support if they do anything wrong in the field.
The MP reported seeing the same people who behaved irresponsibly in garrison committing more serious violations when they were deployed. She said that the problem was especially serious for members of the Special Forces who are often allowed to act independently or in small groups of around a dozen operators, known as A-Teams. These soldiers may also be in extremely important positions in counterinsurgency conflicts. One of the Special Forces missions is to interact with local people to build support for the American mission, to train them, and to lead them in operations. Thus, these soldiers are not only combatants but also diplomats who may be entrusted with serving as the country’s representatives to groups who have never encountered Americans. With this level of responsibility and autonomy, it is essential that members of the Special Forces live up to a very high ethical standard.

The MP reported that the same Special Forces operatives that broke rules in garrison tended to do so in the field. Although they did not commit serious infractions such as violation of the Laws of War, they did commit a number of minor offenses that undermined the local populations’ trust in the American forces. These included excessive drinking, visiting prostitutes, and even having affairs with the wives of local officials. These actions would have been inappropriate in any circumstances, but were made especially damaging because the soldiers were engaged in operations to influence the local populations. The MP said that the Filipino guerrillas were able to exploit the resentment about the American soldiers’ conduct; they spread the news of these infractions and used them to undermine trust of the American personnel. She also said that she was aware of more serious crimes taking place in other areas. She mentioned that in South America some soldiers were involved in drug smuggling. The MP’s comments
about the connection between a soldier’s actions in garrison life and in the field strongly support a virtue-based assessment of military ethics. They refer to the threat of character corruption – one of the most serious threats to an organization that relies on virtue ethics because such a system depends on its members having a strong character that coincides with the organization’s values.

Another nearly universal criticism from American soldiers was that contractors are becoming a serious problem for the military. Although soldiers had many complaints about contractors, most were fundamentally about the way the contractors threatened the Army’s culture, its sense of professionalism, and its virtue-based ethics. The general feeling among interviewees was that because the contractors were outside the military hierarchy, not as closely monitored as the soldiers, and presumably motivated by profit rather than patriotism, they did not adhere to the same kinds of values as the soldiers. The soldiers’ concerns with the contractors mirrored Machiavelli’s arguments against mercenaries. Like Machiavelli, they thought that mercenaries are motivated by greed rather than civic virtue, and that they are uncontrollable because of their greed (Machiavelli 1998, 2003, 2004).

One soldier insisted that it was misguided and Orwellian to even call them ‘contractors.’ He insisted that they are mercenaries and that the nicer name cannot change the fact that they fight for money. A JAG officer reported being very frustrated when dealing with the contractors because they were often outside the military’s system of justice. He said that they would conduct their own affairs and tell him that he had no authority investigating their actions. On several occasions he was even prevented from helping soldiers and civilians who were victims of sexual abuse and other crimes because
the perpetrators were contractors. He also found that women who joined these groups were harassed and sexually assaulted and that they had serious difficulties finding any help. Further compounding this problem, he argued that contractors tend to be unable or unwilling to police themselves. This perception is probably very accurate, as studies of private military forces have shown that these groups are regulated by their own codes of conduct that differ from those of regular militaries, in that they allow individual members to use their own judgment far more than soldiers are permitted to (Fainaru 2008; Singer 2008).

Interviewees described several ways in which contractors might threaten the Army’s professional ethic. First, they could set a bad example for the soldiers, especially when they saw the contractors doing things soldiers were forbidden from doing, such as drinking alcohol. Second, as the JAG officers’ comments show, the contractors create exceptions in the Army’s disciplinary system. Officers found it difficult to discipline their subordinates and to set a good example for them when contractors would flagrantly violate the standards the officers were trying to enforce. Third, by acting like soldiers while not living by the same rules, the contractors challenge the identity of military professionalism that is so important to the Army’s culture and ethics. They provide an example of people performing the same type of work as the soldiers but doing so outside of the ethical community that is supposed to govern the soldiers’ conduct. For this reason, they were widely cited as one of the most serious threats to the Army’s ethics.
Conclusion

The interviews and other sources of information on soldiers’ styles of ethical reasoning revealed that the American soldiers are deeply invested in their professional identity. This relies on a virtue-based style of thinking and is largely instilled not through formal ethics training but through informal assimilation into the Army’s culture. As this chapter has argued, professionalism encompasses ethics, but it is not primarily defined in ethical terms. The ethical dimensions of professionalism are only vaguely stated in the Army’s descriptions of professional conduct. The way soldiers perceive threats to the Army’s ethics, including the risk of character degradation and of contractors altering the military profession reveals that soldiers’ perceptions of threats to their ethical system were shaped by their virtue ethics.

As the following chapters will argue, the contrasts between the United States and the other two cases reveal the extent to which the American Army’s appropriation of virtue ethics shapes its culture and its soldiers’ perceptions of their ethical challenges. The interviews with Israeli soldiers proved especially valuable comparisons. Several of the IDF soldiers interviewed were originally from other countries and became Israeli citizens at around the time they joined the IDF. These soldiers therefore had much different cultural backgrounds from other Israeli soldiers. Three of the soldiers interviewed were from the United States. One of them even said that he considered his primary identity to be American, not Israeli. Despite their similar civilian backgrounds, Americans in the IDF provided much different responses from those given by members of the American Army.
Chapter 10: The Israeli Defense Forces’ Ethics

The Israel Defense Force’s ethical system is based on an elaborate set of rules that range from broad guidelines for how soldiers are supposed to act at all times to procedures for resolving specific situations. Interviews with Israeli soldiers showed that they were adept at recognizing ethical challenges and reasoning about these situations based on the organization’s rules. They also uncovered some of the limitations of rule-based ethical thinking, specifically the challenges of applying the rules to real world situations and resolving contradictions between them. Finally, the interviews confirmed that members of the IDF tend to perceive threats to national security as existential threats, just as they are framed in the organization’s official doctrine, and that this way of thinking was in tension with the IDF’s system of rules.

Learning Ethics

Israeli soldiers seemed far more used to thinking about their actions as having an ethical component than the American soldiers. Almost all quickly understood the interview questions and my request to discuss the ethical dilemmas they experienced without needing any explanation about what types of situations might qualify as ethical dilemmas. In general, they found it much easier to recall specific instances in which they had faced ethical challenges than the soldiers of the American or British armies. The soldiers were usually able to say exactly when they first received ethics training, how it was presented, and how it related to The Spirit of the IDF. Many were even able to cite specific examples of hypothetical ethical dilemmas and historical case studies they
discussed. Again, this was a sharp contrast to American and British soldiers, most of whom reported that they had no ethics training or only remembered vague information, such as discussing the laws of war. This ability to quickly identify and recall ethical challenges, as well as the Israeli soldiers’ familiarity with thinking about ethical issues, was a sign of the IDF’s attention to ethics training and the Israeli soldiers’ sensitivity to international scrutiny of their actions.

Israeli soldiers were also far more consistent in how they described their sense of ethics and how they made ethical decisions than the American or British soldiers. This was due to the uniformity of ethics training and the existence of a clearly stated ethical doctrine. The training for IDF combat soldiers is highly standardized. Soldiers from different units and occupational specializations described almost identical experiences learning about *The Spirit of the IDF* and discussing ethical dilemmas. Every IDF soldier interviewed reported undergoing extensive ethical instruction during their basic training. They received lectures on how to interact with civilians, listed to reports about past incidents (such as “Sabra and Shatila” and “Kefar Kasem”), discussed ethical dilemmas, and conducted simulations about common problems soldiers might encounter. Moreover, they received additional ethics training each time they were deployed to a new location. This additional training was used to provide guidance specific to the ethical challenges they might encounter in that context. During this training, the soldiers received instruction from their commanders and other veterans of operations in the region.

Most soldiers I interviewed said that *The Spirit of the IDF* was their primary source of ethical guidance. Almost every one of them mentioned the document early in the interview, as soon as I asked about their military ethics training. Interviewees reported
that their study of *The Spirit of the IDF* focused on the discipline section, which addresses how to formulate legal orders, how to judge the legality of an order that is received, and how to respond to illegal orders. Again, this was a much different response than I had received in interviews with American and British soldiers. Almost none of the soldiers from the US and British armies mentioned a specific ethics text at any point during the interview. Around half of the American soldiers did discuss the Army values, but they had different views on how these should be defined and usually did not refer to a particular text; the lack of a clear referent for the values was significant, as they are defined differently in various training materials.

Each of the IDF soldiers received a pocket-sized copy of *The Spirit of the IDF* in their native language and was required to always carry it with them at all times. This was enforced by military police, who would write violation reports for anyone caught without the book. Ethics training focused on discussing the rules and values described in the book. Soldiers were even given discussion time with their commanders in which they were allowed to ask questions about the document. This was supposed to give them the opportunity to clear up any ambiguities in the text and to gain a better appreciation of how to relate the text to their own actions.

Ethics seemed to be very important to the soldiers’ sense of the IDF’s purpose and to their own identities. Many claimed that the IDF’s attention to ethics is among its greatest strengths. One soldier said that “the IDF prides herself on being the "most human/moral" army in the world.” Others also said that they thought the IDF made a more consistent attempt to follow its code of ethics than other armed forces. They seemed especially proud of how rigidly they would follow the absolute rules governing their conduct. Many
of the rules set exact guidelines that could not be violated under any circumstances. For example, they were told that it was never acceptable to take any property from a Palestinian. Two of the interviewees proudly said that they would follow this rule even for acts as simple as taking water when badly dehydrated.

Although the soldiers consistently reported that the IDF is an extremely ethically conscious military, they explained the reasons for this in terms of strategy rather than morality. Soldiers said that the IDF’s focus on ethics had much to do with the international scrutiny on Israeli military operations, which created an imperative to always act ethically and to allow no exceptions. As one soldier said, “There is a mentality within the IDF that the eyes of the world are upon us. It is well understood that despite our actions any event no matter how minuscule can turn into an international outrage.” This is not to say that the thinking was purely strategic, only that the strategic concerns seemed to be stronger than moral concerns. As the next section will show, the strategic interest in maintaining total adherence to the IDF’s ethical standards even superseded tactical needs.

Although soldiers underwent recurrent ethics training in both the formal rules and values written in *The Spirit of the IDF*, the training was relatively limited with respect to how it is connected to other aspects of training. Interviewees described their ethics training as consisting mostly in classroom activities. Little of the training took place in the field or in conjunction with combat training. Ethics was a distinct subject, presented apart from subjects like tactics or marksmanship. Several of the soldiers said that they did not carry weapons at all during the early periods of their initial training, when they received most of their ethics instruction. They were supposed to learn how to act ethically
before they were given training in military skills. For example, one soldier said that
“Immediately after lunch we were given a lesson on the basic values of the IDF (a week
before I even touched a rifle).”

The classroom training IDF soldiers described was presented in many different ways
to appeal to different learning styles. It made use of a diverse range of activities ranging
from passive forms of instruction, such as listening to lectures and watching movies, to
more active types of learning, like group discussions of ethical dilemmas. However, even
the most active lessons still took place in the classroom. The soldiers reported that live
training of any sort is rare in the IDF and that when it is conducted it was not used to
teach ethics. One soldier said:

I did not participate in any live training exercises in which I was
forced to demonstrate my understandings of these laws. I figure that
participating in training scenarios would of course benefit the
understanding and application of these rules, however the IDF
continuously tries to maximize time and money.

Thus, on a purely theoretical level, the IDF soldiers seemed to have a much better
grasp of the ethical dimensions of their conduct than American or British soldiers, a
clearer view of what values should inform their decisions, and a strong sense that all of
their actions, even the most trivial, could be judged in terms of ethics. Their training also
devoted more attention to applying ethical values because of its use of class discussion
and ethical dilemmas. The most serious limitation on the training was its isolation from
other training activities and from field exercises. However, as the next section will show,
this limitation fits with the IDF’s ethics doctrine. Because the IDF’s ethics are based on
absolute adherence to rules, there should be no difference between how the rules are
applied in classroom abstractions and how they are applied in the real world; contextual
factors should not influence how the rules are interpreted and applied. Therefore, the practical training that is essential from a virtue ethics perspective is not only unnecessary for learning the rules but might even be counterproductive to the extent that they raise the possibility that the rules might be forced to permit exceptions or that they may not cover every dilemma a soldier might encounter.

The Rules of Action

Like the British and American soldiers, members of the IDF consider themselves to be military professionals. This would likely come as a surprise to many of the American soldiers interviewed, most of whom considered conscript forces as being outside of the military profession. Several even used the IDF as an example of a nonprofessional military force. By the American standards, the IDF’s close relationship with the civil society and the practice of conscription disqualify it from being a professional force. Its soldiers have their own traditions, special dress, and rules of behavior, but are not as much as distinct group as the American and British soldiers. Nevertheless, Israeli soldiers attribute a great deal of significance to being military professionals. The concept recurs throughout The Spirit of the IDF and other important statements of IDF doctrine. It was not invoked as frequently by Israeli soldiers during interviews as it was by members of the other countries’ armies, but around half of them did say that this identity was important to them.

Israeli soldiers had the same difficulty defining the concept of professionalism as members of the other armies, but they were consistent in linking this concept to military skills. Unlike the American soldiers, IDF soldiers’ conception of professionalism had
little to do with ethics. This coincides with what Asa Kasher, the main author of *The Spirit of the IDF*, found in his studies of the IDF. He reports that in his discussions with officers, he found that most thought about professionalism in nonmoral terms and said that this was something he hoped to change.

Most of the officers I have met held naive views of being a professional and of being a citizen in a democratic society. More often than not, officers (as well as members of other professional communities) take proficiency to be the core of being professional. They can easily be convinced that proficiency requires systematic knowledge and that both should be constantly updated. The idea that they are required to deeply understand the things that they do, such as their rules of engagement (ROEs) and other routine procedures, often comes as a surprise to them. (Kasher 2008: 142)

It would be difficult, if not impossible for the IDF to base its ethics on the same type of professional identity as the one that guides the American Army. Members of the IDF serve for shorter lengths of time and have less of an opportunity to assimilate organizational values. The IDF’s close relationships with the civilian culture also resist the formation of a distinct professional identity based on a unique set of values. Instead of basing its ethics on the professional identity, ethics are established by the rules that soldiers have to follow. IDF soldiers described their ethical decision making as being heavily rule-based. When commenting on why they made a particular decision when faced with an ethical challenge, soldiers almost always said that their reasoning was based on the rules that pertained to that situation. Several said that there was also a deeper motive for following these rules – fear of reprimand or punishment for deviating from them. Most also described these rules as overriding their other moral and ethical obligations. This was surprising when soldiers discussed the role of religion in making ethical decisions.
For most of its history, the IDF attempted to promote Zionist values among its soldiers and used military service as a way of socializing Israel’s diverse population in these values (Perliger 2011: 221). Over the past two decades, the IDF has become more secular; its code of ethics was formulated to avoid associating it with a particular set of religious values (Cohen 1997: 31). Despite this shift, members of the IDF remain strongly religious (Cohen 1999; Creveld 2002). This suggests that the soldiers might be inclined to use religious values as a source of moral guidance. Almost all of the IDF interviewees said that they considered themselves religious, yet none said that they used religious values as the basis for making ethical decisions. Soldiers felt that the IDF’s ethical guidelines, as well as the operations they were involved in, did not conflict with their religious values. Therefore, saw no need to balance religious values against orders. Soldiers generally felt a low level of dissonance between the various rules and values they were supposed to follow based on their military, religious, and other identity traits. One soldier said that following The Spirit of the IDF was complementary to the Jewish respect for life, and explained that this allowed him and his fellow soldiers to make decisions based on the rules they were trained to follow, while still acting in accordance with their religious beliefs.

Soldiers’ heavy reliance on rules of conduct reflected the rule-based training they received and the rule-based value system described in The Spirit of the IDF. The Spirit of the IDF states 34 specific rules that soldiers should follow. It also describes the IDF’s values, which are much different from the American Army’s values because they are described as rules. For example, responsibility is defined as “The IDF serviceman will see himself as an active participant in the defense of his country and its citizens. He will
carry out his duties decisively, resolutely and with vigor, within the limits of his authority.” The soldiers said that they learned additional rules that are not explicitly stated in *The Spirit of the IDF*. For example, “under no circumstance are you allowed to touch or take the Palestinian's property.” Some of the rules described by interviewees were extremely specific. One rule is that it is permissible to shoot at a person armed with a Molotov cocktail, but only once it has been lit. Moreover, once a person has thrown the Molotov cocktail, that person is no longer a combatant. One interviewee said that rules like this one were too demanding and needed to be revised. Nevertheless, he was committed to following this and other rules.

The IDF’s rules of ethics are absolute, to be followed in all circumstances without exceptions. As the previous section discussed, many of the ethical dilemmas used in training were framed to reinforce this point by showing soldiers that they could not make exceptions to the rules. The absolutism not only restricted soldiers from satisfying their personal wishes, such as by stealing property to use for themselves, but also proscribed actions that might seem militarily important. For example, one soldier reported that during training he learned that the rule to respect Palestinians’ property is so important that soldiers are not even allowed to destroy property that is being used to finance terrorism. This rule clearly has exceptions. The Israeli government has carried out attacks against property that they suspect is linked to terrorism, even when the link is tenuous. This was clearly demonstrated by the policy of destroying the homes of Palestinian terrorists. Around 3,000 Palestinian homes were destroyed during Operation Defensive Shield, leaving around 13,000 people homeless and inflicting around $350 million in property damage (Finkelstein 1995: xxiii). However, the soldiers interviewed said that
they did not have the authority to determine when to make these exceptions. The task of
determining when to make exceptions was left to the commanders who made the rules.

The absolutism and universality of the IDF’s rules reflects a deontological way of
thinking about ethics. Following the rules is considered good in itself. The outcome
produced by following the rules is of secondary importance and cannot justify deviation
from them. At least for the enlisted and junior officer ranks, the rules are unalterable,
even when there are important contextual factors to consider. The dilemmas the soldiers
described learning about during their training make this clear. These were not so much
problems to solve through moral reasoning as cases to which they should apply the rules
in order to affirm that the rules apply regardless of the circumstances that might seem to
excuse violating them. Interviewees described the dilemmas as having clear right and
wrong answers based on whether a rule was followed or violated. There is little moral
ambiguity or room for differences of opinion about the right course of action. This is
much different from the kind of ethical dilemmas described in American and British
Army training materials, some of which have no right answer.

The Limits of Rules

Each of the Armies studied attempts to limit soldiers’ opportunities for independent
ethical decision making as much as possible by having soldiers act in specific roles that
are governed by ROE. The ROE are meant to embody a military’s ethical values and to
establish the constraints within which soldiers may make their own judgments. Many of
the soldiers who participated in the study and those who were consulted about the project
expressed doubt about the extent to which soldiers had to use their own judgment about
moral problems. Some even declined to be interviewed because they felt that there was no difference between acting ethically and following orders. The recurrent argument these soldiers made was that moral dilemmas should always be resolved using the rules of engagement and laws of war and that there is no need for making personal judgments. The Israeli soldiers were better able to understand the ethical dimension of the rules they were supposed to obey than the soldiers of the other armies, yet they also described their ethical decision making as being far more reliant on rules. The rules were their only official source of ethical guidance. There are three problems with the argument that rules of conduct eliminate the need for individual decision making, which illustrate several of the significant differences between the ways soldiers from different countries think about ethical problems and the limitations of the IDF’s rule-based system of ethics.

The first problem is that rules cannot account for every situation that might occur. IDF soldiers undergo far more ethical training than soldiers of the American and British armies, yet in interviews several said that despite the careful attention to this training, training could not cover every challenge that they faced. One said that “the weaknesses of this training is that no matter how much they train you and no matter how hard they enforce them, a soldier will almost always find himself in an ethical dilemma that he hasn’t heard about before and he will have question marks about his required reaction.” This was confirmed by many of the stories interviewees told. Most of the ethical dilemmas they described were not situations in which they had been able to apply their rules perfectly but those in which they were not sure how to act because there was no rule to follow.
One IDF soldier reported being on patrol near in the Golan Heights and given the task of closing a road in the area using roadblocks. The roadblock was put in place suddenly and upset the local people, as it prevented some from reaching their homes. The soldier and the members of his squad struggled to calm the people who were attempted to travel along the road, and as the anger intensified one of the civilian vehicles left the road and bypassed the checkpoint. The soldier expressed frustration at the situation. Although he and the members of his squad were all armed and had a heavy machine gun that could have disabled the vehicle, they did nothing to stop this and other vehicles from bypassing their roadblock. He and the other soldiers felt attack on the civilians would have been disproportionate, as the civilians posed no immediate threat and had no specific instructions for how to act in this situation, so they allowed the roadblock to be bypassed.

Another IDF soldier reported a similar incident, in which he saw three unidentified men inside of an IDF base near the shooting range while he was on patrol. The guard chased the three men as he shouted at them to stop, first in Hebrew, then in Arabic. As they continued, he loaded his rifle, seeing this as a more serious warning for them to stop. However, he did not shoot at them and they were able to escape. The soldier reasoned that the intruders were probably searching for weapons or ammunition left near the range, as they dropped shell casings left on the range as they ran away. The soldier refused to fire at the men because he was not directly threatened because the exhaustive rules he had learned did not provide instructions for how to respond to a situation like the one he encountered.

The challenge of formulating rules to cover all situations is a perennial problem of rule-based approaches to ethical conduct. It is one that soldiers fighting in any type of
war may encounter. However, this challenge is especially difficult in counterinsurgency and counterterrorist operations. Insurgents and terrorists deliberately create ambiguity and uncertainty. Carl Schmitt argues that one of the defining characteristics of partisan warfare is the exploitation of the vague line between combatant and noncombatant in order to hide from conventional opponents.

In partisan warfare, a new, complicated, and structured sphere of action is created, because the partisan does not fight on an open battlefield, and does not fight on the same level of open fronts. He forces his enemy into another space. In other words, he displaces the space of regular, conventional theaters of war to a different, darker dimension – a dimension of the abyss, in which the proudly-worn uniform becomes a deadly target. (Schmitt 2007: 69-70).

The unconventional combatants who fight as Schmitt describes make it difficult to follow a precisely formulated set of rules by adding to the ambiguity and confusion of the battlefield. They disguise themselves and blend in with the civilian population, making it demanding to distinguish them from noncombatants. This is a serious concern for the IDF, since its opponents in recent conflicts have been unconventional fighters that fit Schmitt’s description. These opponents continually exploit the ambiguity of the rules members of the IDF follow thereby challenging the utility of the rule-based style of ethical decision making.

Soldiers in each of the countries had to confront the challenge of interpreting their rules in real life situations and with deciding how to act when the rules could not provide guidance. However, this was more of a problem for the Israeli soldiers than for those in the American and British armies. For the American and British soldiers, the ROE define certain actions that are absolutely forbidden or that are required. They are not comprehensive, so they are only one element of a system of making moral decisions.
When the rules do not clearly stated how to act, American soldiers tend to rely on their sense of the Army’s values as well as their personal moral codes. Similarly, British soldiers rely on a pragmatic sense of how to best overcome challenges using minimal force and minimal interference. Because the Israeli soldiers are taught to overcome ethical challenges by following a large set of rules that is meant to cover every situation, there is limited guidance about how to act in situations in which no rule seems to apply. In each of the examples, the soldiers were uncertain of how to respond, so they did not respond in any strong way. The soldiers said that they reacted based on the level of threat they perceived. Neither felt threatened, so neither decided to use force. Not using force was probably the better course of action in these situations. However, the decision to not use force was not described as a deliberate decision but rather a choice made because of uncertainty. This raises the troubling possibility that other soldiers might react more violently when faced with the same uncertainty because they might have a different sense of whether they were being threatened.

The second problem with relying heavily on rules to guide ethical conduct is that as the rules are used to encompass a wide variety of actions they tend become too numerous to be manageable or too vague to be applied consistently. Although the soldiers seemed to have a strong understanding of these rules and when they should be applied, the number of rules they learned raises the problem that they may have difficulty considering all of the relevant rules when they are faced with an ethical dilemma. The problem of vague rules shows up clearly in *The Spirit of the IDF*. Most of its rules are stated in very broad terms so as to apply to a wide variety of situations. Vagueness is a characteristic of the American and British systems of ethics as well, since these provide even looser
instructions for soldiers, but the vagueness of *The Spirit of the IDF* is more striking because this is supposed to be the primary source of ethical guidance. Whereas the American and British military ethics are based on practical reasoning skills that may be used to interpret the vague rules, the IDF’s ethics provides a problematic consequentialist standard of resolving ambiguity that will be discussed in the next section.

The final weakness with a rule-based system of ethics, such as the one used by the IDF, is that of resolving conflicts between rules. Conflicts between rules were fairly common in the interviews, and when these arose it was up to individuals to solve the problems as best they could without guidance from their superiors. As chapter six discussed, *The Spirit of the IDF* does offer guidance when there is a conflict in the rules, as it says that soldiers are supposed to make decisions based on what is in the country’s best interest. Although this guidance in itself is fairly innocuous and is arguably implicit in the American and British ethical systems as well, this advice reflects a deeper consequentialist style of thinking that is implicit in the how the IDF as an organization and the individual soldiers of the IDF perceive threats.

**The Consequentialist Exception**

One of the unique characteristics of the IDF soldiers’ experience of military service was their proximity to their homes and families and their close connection with the civilian culture. Most had time to return home for a month or longer during their time in the IDF. When they were deployed, they were inside of or close to Israeli territory. At times, they were even permitted to return home for brief periods during their deployment. This proximity to the civilian population, combined with the close cultural connections
between civilian and military spheres and the number of civilians with military experience led Israeli soldiers to feel far more connected to the civilian culture (Katz 1991: 17; Mintz 1985). The Israeli soldiers’ many connections to the civilian world were evident in the interviews. IDF soldiers did not express the same exceptionalist feelings as American soldiers. Most were proud to have been members of the IDF and held the IDF in high regard, but they did not seem to think that they somehow had higher values or more dedication to the country than Israeli civilians. They also did not seem to feel the same level of alienation from the civilian population as both British and American soldiers expressed.

In addition to feeling a close connection with the civilian population, members of the IDF are familiar with their prospective opponents. Soldiers described training for specific types of operations against terrorist and insurgent groups that could be clearly identified as potential opponents in the next conflict. The geographical proximity to contested areas and focused training ensures that the soldiers are knowledgeable about the people they encounter when they are deployed. IDF members were far more prepared to manage cultural differences than the American or British soldiers because their training could focus on interactions with specific groups.

Although the IDF’s links with the Israeli civilian population and proximity to prospective enemies are advantageous in some ways, they are also the basis for one of the most serious threats to the IDF’s ethics. The geographical proximity between the Israeli people and their potential enemies magnifies the perceived threat from those enemies and leads the IDF to frame its conflicts and potential conflicts in a way that promotes consequentialist reasoning. As chapter six showed, the IDF’s doctrine proclaims that the
country cannot afford to lose a war and that all threats must therefore be treated as existential threats. This is not only the basis for using consequentialism to resolve contradictions between rules but also offers a readymade justification for suspending any rules that would, if followed, lead to the country’s destruction. This is a dangerous way of thinking for a military organization. As chapter three showed, consequentialism is the most problematic of the three major traditions of western moral philosophy with respect to regulating wars, as it can provide grounds for suspending the central tenets of just war theory, such as the principle of noncombatant immunity. The consequentialist thinking that underlies the IDF’s doctrine is even more problematic than the consequentialist systems developed by utilitarians and other consequentialist moral philosophers because the good is measured in terms of national security, rather than disinterested standards such as what is in the interest of the majority.

The permission to do anything required by national security raises the problem of the state of exception. Schmitt and Agamben describe the state of exception as the suspension of rules and laws that sovereigns can enact during periods of crisis (Agamben 2005; Schmitt 1985). Rules and laws are suspended, rather than abolished, which allows them to remain in place and even to retain their status even though they cannot be enforced until after the crisis has passed. Although Schmitt and Agamben discuss the state of exception with reference to sovereignty and consider the ability to determine the state of exception the defining characteristic of sovereignty, the same type of reasoning is evident in the IDF’s ethics doctrine. When ethical rules come into conflict, or when the state faces existential threats, the moral rules governing soldiers’ conduct are supposed to be suspended without being altered or eliminated. This raises the possibility that however...
strict or comprehensive these rules are, they may be ignored in the situations when they are most needed. Whatever the merits of the individual rules of conduct, a system of rules can only be effective to the extent that they can actually be used to regulate the activity they are meant to regulate. The fact that the IDF’s mission statement defines every conflict as an existential threat means that any conflict can provide justification for suspending the rules that are supposed to regulate soldiers’ actions during conflicts. In other words, because the IDF’s mission statement and The Spirit of the IDF include clear provisions for suspending ethical rules, those rules are under constant threat of being superseded by a consequentialist standard.

The soldiers interviewed for this study seemed to be genuinely committed to defending Israel with restraint and respect for international law. Nevertheless, most did agree with the IDF’s official doctrine in describing Israel’s potential threats as being existential threats that absolutely must be defeated. This does not necessarily mean that these soldiers will abandon the ethical rules they have been taught to follow if they are involved in a conflict. They may continue to follow these rules even when fighting against opponents that pose, or at least seem to pose, existential threats. There is probably little risk that soldiers will intentionally reject their ethical rules during a conflict simply because their mission statement and code of ethics offer grounds for doing this. However, there does seem to be a more serious risk that the soldiers may be more easily persuaded to carry out unethical or illegal orders when the mission statement and code of ethics they have been trained to follow tell them that there are exceptions to their ethical rules. There is also some risk that soldiers may apply the consequentialist standard of reasoning based on national interest to resolve ethical dilemmas even when there is no serious threat to
national security. When following their rule-based ethics, the members of the IDF that I interviewed were adept at identifying ethical challenges and applying the relevant rules to them. They seemed to have much greater difficulty deciding how to act when the rules were contradictory or when no rule applied. Although the interviewees usually handled this uncertainty by not taking any strong actions, their experience of the rules often failing to give guidance is cause for some concern. Great weight was placed on following the rules, but ethical challenges that could not be resolved based on these rules repeatedly occurred, raising the possibility of soldiers applying the IDF’s consequentialist standard in these situations simply because no rules pertain to the situation.

The American and British soldiers might also be willing to suspend their ethical standards if they faced threats they perceived as threatening national security. However, the likelihood of serious national security threats to the United States and Britain are low and therefore not accounted for by their armies’ mission statements or ethical codes. More importantly for this study, none of the American or British soldiers interviewed seemed to think that losing a war would be unthinkable or that it would be permissible to do anything necessary to win the Wars in Iraq and Afghanistan. Most of these soldiers expressed a desire to win these wars, but few thought that victory had to be achieved by any means necessary.

**Conclusion**

The IDF’s code of ethics is a mixed system. The main source of ethics for individual soldiers is its system of rules that are appropriated of deontological moral philosophy and applied to military contexts. The second source of ethical guidance are consequentialist
instructions of the IDF’s mission statement and The Spirit of the IDF, which subordinate all values to the interests of defending the state against existential threats. There is a tension between these systems, as the latter creates a constant threat that the former might be suspended. The rules of conduct provide guidance for individual soldiers in most situations, yet this system is constantly threatened by the possibility that novel challenges may arise or that the rules may be overridden when the IDF proclaims that it faces an existential threat.

As this section has shown, the IDF’s system of ethics is much different from the one used by the American and British Armies. The IDF’s attempt to ensure absolute conformity with precisely defined rules is driven by the international scrutiny on the IDF’s operations, members’ short terms of service, and the organization’s continual fighting against the same enemies. Its consequentialist exceptions are based on Israel’s unique geographical location and the way the IDF and Israeli government perceive national security threats.
Chapter 11: The British Army’s Ethics

As the description of the BA’s doctrine and training in Part 2 showed, the BA has an informal code of ethics that is less clearly stated than the ethical systems of the other two armies being studied, but which is nevertheless reflected in British Army doctrine and its counterinsurgency strategy. Instead of attempting to follow a set of rules to their actions, as members of the IDF do, or attempting to embody a set of values, as American soldiers do, British soldiers think about ethics in a more pragmatic way. For them, ethics is a matter of setting limited objectives and accomplishing those objectives with minimal use of force. The British ethical perspective emphasizes cultural tolerance, minimal interference with the civilian population, and cooperation with local systems of administration.

Unlike the soldiers of the US Army and IDF, the British soldiers had a strong awareness of the differences between conventional fighting and counterinsurgency and were committed to conducting these distinct types of operations in much different ways. Whereas the American and Israeli soldiers described being bound to follow their codes of ethics in all types of conflicts, the British soldiers had a more flexible way of thinking about ethics that led them to apply different standards to different types of missions. The BA’s ethics can therefore best be described as pragmatic. It is largely based on doing what seems necessary to promote stability. This is in sharp contrast to the abstract sense of values or rules of action followed by the US Army and IDF. Within the context of counterinsurgency operations, the British soldiers’ ethics were closest to the deontological perspective, although it is their instrumental use of elements of this style of
moral reasoning for strategic purposes that conflicts with some elements of deontological moral thought.

Because the BA’s ethics is strongly shaped by circumstantial factors and the BA’s counterinsurgency strategy, it can be best characterized by discussing how it was enacted in and challenged by operations in Iraq and Afghanistan. Of the three countries included in this dissertation, the BA’s system of ethics seemed to be the one that was most under threat and most uncertain. It was also the one that soldiers seemed least eager to change, as they thought that the problems with the BA’s ethics were more a consequence of the circumstances in which the Army was fighting than in its ethics doctrine or training. The interviews with British soldiers conveyed a sense that their Army’s system of ethics was strained by the demands of the missions in Iraq and Afghanistan, but that it is nevertheless a good system.

In Iraq and Afghanistan, the British Army was unable to achieve the same level of local cooperation it had received in its more successful operations, such as those in Northern Ireland and Malaya. This had much to do with the Iraqi and Afghan people being unwilling to cooperate with the British military or only helping it to achieve some small goals, such as providing local security, while still undermining the coalition forces’ overall efforts to reconstruct the Iraqi government. Severe personnel shortages, the lack of government institutions, and the lack of infrastructure further limited the extent to which the British soldiers employ their usual methods of waging counterinsurgencies. Whereas the American Army and IDF were able to employ their distinct ethical styles in the contexts in which they were fighting, the British Army’s ethics assumed a level of cooperation with local people that was never realized. Their ethical philosophy can
therefore best be described in terms of how it was initially applied and why it proved inadequate.

**The BA’s Counterinsurgency Ethics**

The British Army resembles the US Army, and is distinguished from the IDF, in its distance from the civilian population. It has its own culture, dress, and language, as well as occupying its own geographical spaces. Moreover, it has distinctly military values that diverge from those of the civilian population (Ledwidge 2011: 10). Like the American Army, the BA has a professional identity, but it is constructed much differently. As the chapter on the American Army showed, its ethics is imagined as a code of values and methods of instilling those values that is continually changing and being revised; old mistakes, such as those of the Vietnam War, offer learning experiences, but are deliberately forgotten once these lessons have been studied. The US Army is continually evaluating and updating its ethics, especially its training programs, and has even done so several times over the course of the past decade. The mentality of the American soldiers reflected this. They were quick to recognize that mistakes had been made in the past and to dissociate themselves with the draftees who fought in Vietnam or those who committed crimes in Iraq and Afghanistan – who were usually characterized as never really being part of the profession of arms because their values remained self-interested.

The BA, by contrast, is a conservative organization with a sense of professionalism that is rooted in tradition. The BA’s professional identity is not based on a model of character or set of values, as the American Army’s ethics is, but rather on a sense of shared tradition and continuity. This is clear not only from the many symbolic and
cultural marks of tradition discussed in Part 2 but also from the insistence on preserving its counterinsurgency doctrine and basing its ethics on this. The BA has been much slower than the other two armies in formalizing its ethics. This is not only because of the British Army’s age, but also because many of its previous counterinsurgency operations are regarded as having been successful and even as offering templates for how counterinsurgencies should be fought (Nagl 2002).

The British soldiers interviewed were highly aware of past military operations and eager to emulate these. They had a great deal of pride in the BA’s history, especially in its performance in counterinsurgency operations over the last half-century. Most of the soldiers interviewed spoke highly of the models of counterinsurgency that worked in the past and were reluctant to say that there was any need for improvement in the BA’s strategy or its ethics. Instead of saying that there was a problem with the British style of fighting or that its ethical sensibilities interfered with interactions with the Iraqis and Afghans, as many of the Americans said, most of the British soldiers argued that their traditional methods of fighting were sound but that they had been poorly applied. The reasons cited for the BA’s problems included the destruction of governing institutions in Iraq and Afghanistan by the United States, the small size of the British forces deployed to large theaters of operation, and inept management of the wars by the Americans.

The BA’s ethics are closely linked to their counterinsurgency doctrine; individual soldiers are supposed to act in ways that coincide with the values that inform this doctrine. This makes it a loose code of conduct that is based on pragmatic considerations, rather than on essentialist values or rules. Most of the soldiers interviewed were cognizant of the ethical dimensions of their actions. They were generally more
comfortable identifying ethical dilemmas and understanding the ethical implications of their decisions than American soldiers, though less so than members of the IDF. However, upon identifying situations that called for ethical judgment, they were the least inclined to make decisions based on any kind of philosophical system. They had little interest in the philosophical basis for their actions, only with how their actions fit into the Army’s strategy and contributed to achieving its mission. Their thinking resembled the deontological style of moral reasoning in several important respects, but this resemblance was not based on an intentional decision to emulate a particular philosophy.

Military and Political Minimalism

The British Army’s counterinsurgency strategy is guided by an attitude of minimalism. There are two senses in which this minimalism is evident: in the use of force and in political objectives. The first sense of minimalism is based on using low levels of force in combat and attempting to avoid escalating the nonviolent security operations. As Shamir says, “the British variant of mission command is a fundamentally cautious philosophy of applying minimum force, avoiding escalation and stressing the relevance of both action and inaction” (Shamir 2011: 171). Similarly, Frank Ledwidge, a British soldier who served in Bosnia, Kosovo, Iraq, and Afghanistan, says that “a ‘minimum force’ philosophy has long been a feature of British military culture” (Ledwidge 2011: 174). This has been a major source of disagreement with the US military. British military officers and British journalists have issued harsh assessments of the American military’s excessive use of force (Aylwin-Foster 2005). These criticisms focused on American cultural sensitivity and its style of fighting insurgents using conventional methods.
Cockburn says of the American military that “there was massive overuse of firepower. Military tactics had not changed since Vietnam, with success calculated by the number of supposed insurgents killed, weapons captured and suspects taken away with bags over their heads” (Cockburn 2006: 102). As chapter 9 argued, this type of aggressive fighting is closely linked to the Army’s virtue ethics, which is based on a warrior ethos and warrior values that were developed based on the demands of conventional fighting. This type of thinking is explicitly rejected by the British Army.

The British Army’s strong commitment to using the lowest amount of force necessary in order to accomplish its missions is more of a strategic than an ethical decision. It is a way of avoiding confrontation when possible – an essential skill for an army that tends to deploy in small numbers – and of subordinating the military side of counterinsurgency to the more important political mission. Nevertheless, this pragmatic decision is ethically-significant, as it encourages British soldiers to limit the level of collateral damage they inflict on civilians and the civilian infrastructure. The soldiers I interviewed said that they intended to cause the least amount of harm necessary to accomplish their objectives and to avoid disrupting the local civilian population’s way of life. Soldiers in the American and Israeli militaries also firmly believed that they were morally justified in their actions and that they had a deep respect for human rights and for their opponents. However, what set the British apart was that the soldier’s intentions did not seem to be overridden by other values or interests. The American soldiers intended to help the people of Iraq and Afghanistan, but this was based on their deeper interests in democratizing Iraq and Afghanistan, and protecting the United States from terrorism – goals that superseded duties to avoid harming noncombatants. Several also stated more extreme opinions,
including that the Army should reduce its efforts to protect noncombatants because these may indirectly put American soldiers at risk. Israeli soldiers expressed a desire to help the Palestinian people, but also saw this as being instrumental to their national security concerns and a goal that could be overridden by security needs.

Of course, the British Army carried out many attacks, despite its attempts to use minimal force. Like the US Army, it was implicated in incidents of prisoner abuse and attacks on noncombatants. The soldiers’ perception of themselves as being a highly restrained fighting force may be exaggerated. James Fergusson, a reporter who witnessed many of the battles between the British Army and Taliban in Helmand Province says that “In truth, the British were probably not as good at exercising ‘proportionality of response’ as they thought they were” (Fergusson 2008: 124-5). Nevertheless, the soldiers I interviewed perceived the minimal force ideal as being true of the British Army and held this as one of their guiding normative values.

Second, the British Army is minimalist in the sense that it attempts to achieve comparatively modest political objectives. The individual soldiers described their reasons for taking part in the wars in Iraq and Afghanistan much differently from the American soldiers. Over half of the American soldiers claimed that fighting the terrorists abroad prevents them from carrying out attacks in the United States. Other common justifications were that the wars were necessary for retribution for the 9/11 attacks or that they were important efforts to bring democracy to other countries. Only three of the American soldiers thought that the wars were unjustified. The British soldiers were more skeptical about the motives for the wars, especially the war in Iraq. Although all of them supported these wars, they did not agree with the belief that they would prevent terrorists
from carrying out attacks in the future or that they would succeed in imposing
democracy. Instead, the soldiers described the wars in terms of relatively limited
objectives. Most hoped to reestablish security and political stability in order to
accomplish their mission, but they did not have much concern with exactly how the local
people wished to govern themselves or whether intervention would dramatically remake
Iraq and Afghanistan. They tended to be more pragmatic than the American soldiers in
this regard. The British soldiers’ intent to do minimal harm was facilitated by the
soldiers’ relatively detached view of the conflicts they were involved in. None of those
interviewed seemed to think that the wars were essential for national security or that they
were a chance to get revenge for attacks against the UK, so the soldiers saw no need to
compromise their values or take harsh measures in an attempt to guarantee success.

The British soldiers I interviewed were critical of the American government’s
ambitious project of nation building. Most doubted that it is possible to remake a
country’s government by force, especially when the country has a much different culture
and lacks many of the social institutions that serve as the basis for democratic
government. Most also felt that political reconstruction intrudes too much into affairs that
should be left for local civilians to determine. They favored taking an advisory role in
counterinsurgency operations – providing security and helping to rebuild institutions and
infrastructure without dictating exactly how these have to be remade or what system of
governance should be used.

This aspect of minimalism is based on the BA’s counterinsurgency doctrine, which
was developed based on the British involvement in conflicts that allowed it to take
control of existing institutions. Ledwige argues that the British Army’s success in
counterinsurgency conflicts has had to do with its ability to establish rule of law and make itself a legal authority in occupied areas (Ledwidge 2011: 22). This has historically been accomplished by appropriating existing institutions and even taking control of local governments while leaving them largely intact. This was the case in each of the counterinsurgency campaigns that are generally considered to be British victories (Ledwidge 2011: 23). The BA was forced to deviate from this strategy in Iraq and Afghanistan when the existing governments were overthrown and had to be rebuilt. As Ledwidge points out, these conflicts were the first since the Second World War when the British government had overthrown a government (Ledwidge 2011: 23). The newly established governments that replaced them lacked legitimacy and suffered from myriad internal problems resulting from corruption, poor infrastructure, and lack of security.

Two of the soldiers interviewed were in Basra during the capture and initial occupation of the city. They reported that as soon as the British forces were in control of the city and the surrounding countryside, they changed the style of their operations. The BA shifted from acting as a conventional military force to acting as an occupying force, which required dramatic change in the roles soldiers performed and the rules of engagement. Officers were assigned to take over civilian administrative duties and the soldiers began to work more as police forces than as soldiers. They conducted patrols without armored, vehicles, stopped carrying heavy weapons, patrolled in small groups, and even abandoned their personal body armor. The soldiers made an effort to become part of the local community while stationed in the city. They even went so far as to visit local restaurants and shops while off duty.
The two soldiers said that during the early months of the occupation they were fairly confident that they could defeat the insurgents using the same techniques that had worked in previous conflicts. Initially, this was the British strategy, but over the course of the occupation, it proved more challenging than expected. Thus, despite the British rejection of the idealistic program of nation building and their more pragmatic approach to counterinsurgency, the British Army and its soldiers had their own type of idealism. This idealism was evident from the expectation that they would be able to reestablish security and government services by cooperating with the Iraqis. As it became increasingly difficult to follow the standard counterinsurgency model, the ethical system that was developed to support this also began to break down.

Elements of Deontological Reasoning

Like rule-based ethics of the IDF, the British Army follows an ethical philosophy that can best be classified as being deontological. However, there is a significant difference between the armies’ two ways of appropriating deontological thinking. As the previous chapter showed, the IDF’s system of ethical rules is deontological in the sense that these rules determine right and wrong conduct on the basis of whether soldiers followed the rules. The soldiers’ character and even the consequences of rule following are of secondary importance, except when the rules are overridden by the consequentialist exceptions to them. The code of ethics described in *The Spirit of the IDF* is framed in terms of a deontological type of moral thought that resembles Kant’s philosophy in its emphasis on respect for humanity, judging actions by their intentions, and adherence to rigid rules that do not change based on the circumstances.
The British soldiers, by contrast, did not follow a set of precisely stated rules. Their ethical system is comparatively vague and less concrete than the IDF’s ethics or even the American Army’s virtue ethics. The British Army’s system of ethics more closely resembles Kant’s moral philosophy than virtue ethics or utilitarianism. The British system of ethics is based on deontological guidelines including the minimal use of force, promoting local autonomy, respect for noncombatants, and resolving ethical challenges from a disinterested perspective. The minimal use of force and the attempt to show respect with political minimalism were discussed in the previous sections. The idea of being disinterested, even at war, complements these minimalist values. Implicit in this minimalism is the belief that soldiers should not concern themselves with matters that are beyond the scope of the narrow military and political objectives.

Disinterested decision making is a central component in deontological moral thinking, as it is what allows universal moral judgments to supersede particularistic interests. Kant says that moral decisions must always be made without being influenced by one’s own position and interests. One who follows Kant’s moral philosophy must be able to make decisions based on a categorical imperative that treats all actors as being identical and that cannot give special weight to particular individuals (Kant 1996a, 1996b). Other philosophers who adopt a Kantian or neo-Kantian perspective also emphasize the importance of being disinterested. One of the conditions of Rawls’ original position, in which the parties to a social contract consider the merits of different ideals of justice, is that everyone makes decisions from behind a veil of ignorance (Rawls 1999, 2001). This disinterested decision making does not require neutrality. Rather, it requires that moral judgments be made in an unbiased way (Sandel 1998: 29).
The actions of British Army are made based on particularistic values and carried out in support of political agendas that cannot qualify as being disinterested. It is hardly a neutral judge in the wars it fights. However, the individual soldiers I interviewed did have a more disinterested view of their wars than the American and Israeli soldiers. Although the soldiers were concerned for themselves and their fellow soldiers, they felt little personal stake in the ultimate outcome of the war. Those interviewed had the attitude that it was important to win in Iraq and Afghanistan, but lacked a strong commitment to the cause. Rather, they tended to see these conflicts as two of a long series of counterinsurgency wars the British Army has fought. In contrast to the IDF soldiers, who described facing existential threats, the British soldiers thought that the wars in Iraq and Afghanistan could be lost without threatening British national security. To some extent this relatively detached view seems to have been a product of the war’s unpopularity. The British soldiers were generally less enthusiastic about the wars than most of the American soldiers interviewed. This disinterested perspective on the war was reinforced by the soldiers’ short periods of deployment, lasting only six months, which encouraged soldiers to focus on immediate, rather than long-term, objectives.

Ledwidge’s description of his perspective on ethics fits perfectly with Kant’s demand that the imperatives underlying moral choice should be universalizable. He argues that it is essential for soldiers to be able to overcome their own limited perspectives and to understand how their actions would be seen by others. “The necessary shift lies in the basic realization that the people among whom they fight are civilians, like any others, including British, and that treating or conceiving of them as ‘the other’ is actively destructive” (Ledwidge 2011: 201). He goes on to say that soldiers should consider how
they would feel if they were in the Iraqi or Afghan civilians’ position – living under a foreign military occupation and feeling constantly threatened by violence – when making ethical decisions.

Most of the British soldiers I interviewed also described their ethics in broadly Kantian terms, emphasizing the importance of respect for people without regard to nationality and acting according to universal guiding principles. These soldiers seemed to have a strong interest in not only protecting the lives of foreign civilians but also not intimidating them or disrupting their lives. The soldiers reported engaging in many activities to understand the local people and build trust with them. One enlisted infantryman said that while he was deployed to Afghanistan he regularly took part in what are called “Find, Feel, and Understand” operations near the patrol base where he was stationed. The primary goal of these patrols was simply to meet the Afghans living near the base and to give them a positive image of the British military.

Despite resemblance between deontological moral thought and the British soldiers’ ethics, the soldiers’ ethics contradicted a central element of Kant’s version of deontological moral philosophy. Kant argues that actions can only be considered good when they are performed with good will. The soldiers’ expressed a desire to act morally while they were fighting, and therefore had good intentions. However, their intentions did not seem to meet the standards of good will that Kant because they were not done out of respect for moral law but rather for instrumental reasons. Minimalism, respect for civilians, and adopting a disinterested perspective are actions that coincide with Kant’s moral philosophy, but which are done to accomplish political and military objectives rather than being done for their own sake. Thus, while the soldiers displayed some
aspects of Kantian moral thinking, their ethics were not Kantian in a strict sense.
Moreover, while the British soldiers showed a strong capacity for identifying ethical
dilemmas and describing their reasoning, they were the least interested in the theory for
moral action. They justified their ethical reasoning by saying that it was pragmatic and
that it had worked in the past. Although the British soldiers were not Kantians and were
ultimately difficult to classify using any of the three moral philosophies described in the
first part of this dissertation, they were much closer to this position than they were to the
virtue ethics or utilitarian styles of thinking.

The interviews also revealed a contradiction at the heart of the British ethics. Soldiers
from the American and British armies reported similar incidents in which they witnessed
conflicts between civilians, such as the beatings and rapes mentioned earlier. These
incidents presented serious ethical challenges. As I discussed earlier, the American
soldiers’ initial response in these situations was to intervene in support of the side that
seemed to be weaker or more vulnerable. For example, their initial response was to help
women who were being beaten by their husbands and to threaten the men. This response
was culturally conditioned, and the soldiers were aware of this, but they felt no qualms
about imposing their values on the people in order to protect them. When they were
ordered to refrain from intervening in domestic violence, they suppressed this response
and obeyed their orders because they felt that this was part of their duty as soldiers. From
a virtue ethics perspective, there is no contradiction in following orders to allow violence
when the system of virtues gives precedence to obedience to orders. These types of
incidents were more problematic for the British system of ethics. The British soldiers I
interviewed said it was important to respect the civilians and their culture, but had trouble
explaining whether this meant that they should protect civilians who were being victimized or whether they should remain neutral in an attempt to not interfere with practices that may be part of the local culture. Their response to these situations was to attempt to bring a stop to the violence and to act as intermediaries between the sides, rather than taking a side or refraining from getting involved at all, as the Americans.

Mediating disputes was difficult because of the competing demands of respect for individual rights and cultural respect. The soldiers did not have a clear answer as to how these situations could actually be solved. This shows the truth in criticisms of the possibility of being truly neutral. A recurrent criticism of political liberalism is that the ideal of state neutrality, which is one of liberalism’s central assumptions, is impossible because every political system must prioritize certain values and structure political interactions in ways that create or restrict the scope of politics (Mouffe 1993; Sandel 1998). The same problem applies in this dilemma about different forms of respect. Despite the soldiers’ attempts to be neutral and to avoid choosing which type of respect the civilian population should receive, they were faced with situations in which they had to make this judgment. Lacking clear guidance, the soldiers said that they approached these incidents on a case by case basis and attempted to defuse them to the best of their abilities. In other words, soldiers had to use their best judgment to overcome this problem that is not addressed by the Army’s ethics.

**Practical Barriers to Deontological Ethics**

The number of British soldiers in Iraq and Afghanistan was extremely small given the large territory it had to cover. Over the course of its occupation of these countries, the BA
lost its usual flexibility and was forced to rely more and more on fixed defensive positions modeled on the American military’s large Forward Operating Bases to compensate for its numerical weaknesses (Shamir 2011: 156). This proved to be a source of ethical troubles for the BA for two reasons. First, because most of soldiers’ efforts were taken up with defending their bases they had fewer opportunities to go on patrols and interact with the local population. This prevented the BA from establishing the level of report with the Iraqi and Afghan people that the ethics embedded in their counterinsurgency doctrine demands. Second, the BA was unable to engage in the same degree of self-examination and oversight over its soldiers as it had in previous operations.

During the summer of 2003, the size of the British force in Iraq went from the 40,000 soldiers who took part in the invasion to 12,000. The number sunk further in the fall, reaching 8,000 by end of the year (Ledwidge 2011: 23). The British Army’s strength remained at this level for the rest of the war. Most of these soldiers were not part of combat units. They were support personnel needed for administrative purposes, to maintain equipment, and to manage civil-affairs. Ledwidge reports that “of the force at his [General Richard Sheriff’s] command of about 7,000 soldiers, only 200 were available for patrolling Basra’s streets” (Ledwidge 2011: 39).

Initially the British soldiers in Iraq were able to patrol on foot, without carrying heavy weapons or wearing body armor. However, as the insurgency intensified, the British forces turned out to be too small to maintain a security. Given the low numbers of soldiers who could secure Basra and the surrounding territory, the BA changed its strategy. It withdrew into its bases and left much of the security work to be done by local militia and police forces. Following the first year, the soldiers’ primary duties were
providing security for these bases and escorting supply convoys. The three British
soldiers I interviewed who were in Basra after the spring of 2004 reported having less
interaction with the Iraqis. The Army continued to conduct patrols and searches for
insurgents, but it devoted most of its resources to protecting its bases and the important
pieces of Basra’s infrastructure. The Army also had to change its strategies. The small
foot patrols it had used in Northern Ireland and elsewhere became very dangerous
because of the size of the insurgent opposition and the insurgents’ willingness to sacrifice
themselves in attacks.

Ledwidge argues that the British quickly lost control of Southern Iraq as it became
more cautious. In the absence of a military presence beyond the bases, the British Army
had to rely on militias to act as the police forces (Ledwidge 2011: 28). “There were
insufficient forces to hold any area of Basra for more than a few hours, often even then
under severe fire” (Ledwidge 2011: 41). He goes on to say argue that the difficulties
providing security led to a deterioration of the BA’s ethics. The strain of the mission led
more soldiers to deviate from the minimal use of force strategy and reduced oversight of
these soldiers. “Unfortunately, the atmosphere of growing lawlessness engendered by the
lack of planning crept into the approach of a small minority of soldiers and some of their
commanders, who took the view that there were some occasions when the usual, tightly
enforced rules need not apply” (Ledwidge 2011: 29). The British typically enforced their
restrained use of force through the use of rigorous after action reports and investigations
of every engagement, but this became impossible. There was insufficient time to perform
these oversight functions with the soldiers already overwhelmed by other duties. Soldiers
interviewed did not describe this strain as causing an ethical decline as Ledwidge does,
but several agreed with him in describing the oversight as being weaker than it normally would have been.

The British occupation of Afghanistan followed a similar course to the one in Iraq. At their peak, the British only had around 10,000 soldiers in the country (Ledwidge 2011: 130). Most of these did not engage in combat, and a majority of those who did were needed to provide security for bases. As Fergusson says, “It was clear to everyone that the 650-strong battle group wasn’t nearly large enough to hold down an area that was roughly the size of Wales” (Fergusson 2008: 49). Most of the soldiers were needed to protect bases and local infrastructure, so few of the British soldiers performed tasks that led them to have regular contact with the Afghans. As in Iraq, soldiers found it necessary to deviate from their standard operating procedures and to relax oversight measures because of the demands placed on the small force.

The Army normally tried to account for every bullet fired in operations. Commanders in the field were supposed to fill out forms called a PIP (post-incident pro-forma) or a SIR (shooting incident report) whenever anything happened. But the battle group had deployed so fast and the tempo of fighting was so intense that the standard systems of accountability were somehow forgotten. (Fergusson 2008: 119)

The British soldiers in Afghanistan were unable to conduct the frequent patrols necessary to control territory. Instead, the soldiers often had to remain in their bases and wait to be attacked. Many of the accounts published by soldiers and journalists of the fighting in Iraq and Afghanistan are descriptions of continuous battles to protect the British bases with little to report aside from these defensive operations (Fergusson 2008). The fighting described in these accounts and by the interviewees who were deployed to Afghanistan tended to follow a familiar course. The Taliban strategy was to attack the
British and to incite them to respond with heavy firepower that would inflict civilian casualties. The British soldiers usually refrained from returning fire unless they could clearly identify the threats. This task became more difficult as the Taliban fighters learned to camouflage themselves better and to relocate their mortars after firing a salvo. Many became frustrated by what they thought to be excessively strict rules of engagement. They were usually unable to return fire against opponents that were not clearly visible and could therefore be rendered unable to respond to mortar attacks.

Several interviewees who fought in Afghanistan said that their rules of engagement were upsetting because the American soldiers did not seem to act with the same level of restraint. They said that the Afghans, who did not distinguish between the nationalities of the occupying forces, would associate the actions of American soldiers with those of the British. This meant that the British soldiers were put at greater risk because of the strict rules of engagement, but that they would still suffer the consequences of the American’s more liberal use of force.

The experience of the British Army in Iraq and Afghanistan show several of the potential limitations of a deontological system of ethics in war. First, the small size of British forces introduced a number of problems, including straining the BA’s usual oversight procedures and limiting soldiers’ opportunities to leave their bases and interact with the local populations enough to learn about the local population. Although the small force size would be a hindrance for any type of ethics, it is especially problematic for one that emphasizes interaction with noncombatants in order to build trust. Waging counterinsurgency operations while adhering to a deontological ethical system based on minimal intrusion into the lives of the civilian population and limited use of force is also
very demanding on the soldiers, making it more difficult as soldiers are placed under a
greater workload. Second, the goal of showing respect for the people living under
occupation turned out to be extremely difficult. Despite making much stronger claims
about the importance of cultural sensitivity and their willingness to learn about and
respect the Iraqi and Afghan cultures, British soldiers faced the same cultural barriers as
the Americans. Language presented a significant barrier, and while the soldiers generally
learned basic greetings, they had to rely on interpreters to serve as intermediaries in most
interactions with foreign civilians.

The small size of the British force had the indirect consequence of making the ethical
demands on most soldiers much lighter than they might have been otherwise. As chapter
8 argued, many of the ethical challenges that arise during counterinsurgencies occur
outside of combat, when soldiers had to interact with civilians and make decisions about
the escalation of force. Challenges of these types far outnumbered those encountered in
combat for most of the American and Israeli soldiers interviewed because these
challenges occurred more frequently than regular engagements with insurgents. Most of
the soldiers also perceived these noncombat situations as being more ethically
challenging. British soldiers agreed in finding noncombat ethical decisions to be more
difficult to resolve, yet they did not seem to encounter these as regularly as the American
and Israeli soldiers. This was largely due to the roles the British soldiers performed. They
were not as frequently tasked with guarding checkpoints or going on patrols, and so they
were not as frequently exposed to some of the most challenging types of ethical
dilemmas. Because its soldiers were usually needed for defending its bases, the British
Army maintained control of its areas of responsibility in Southern Iraq and the Helmand
Province in Afghanistan by relying on another of the classic British counterinsurgency strategies. They made arrangements for local militia groups to provide most of the local security needs. This was similar to what it had done in Malaya by cooperating with local auxiliaries (Nagl 2002) and in Northern Ireland, where it worked with protestant militias and police forces such as the Royal Ulster Constabulary (Alonso 2003; Geraghty 1998).

In Iraq, the British received assistance from the Mahdi Army and the Iraqi militias (Fairweather 2011; Ledwidge 2011). In Afghanistan, the British relied on help from the Afghan National Army and Afghan National Police to compensate for their numerical weakness.

Remaining on bases did not eliminate the need got soldiers to make ethical decisions, but it did lead to the soldiers being less exposed to some of the most difficult types of ethical dilemmas. Most of the American soldiers I talked to were regularly involved in guarding checkpoints and convoys. These were among the most ethically challenging types of missions the soldiers described because there was often a high degree of uncertainty about whether vehicles approaching the checkpoints and convoys were hostile. By contrast, the British soldiers reported that they were usually involved in foot patrols and civil-military affairs missions. Ledwidge explains that the more limited role of the British soldiers was because of the assistance the BA received from local militia and police forces (Ledwidge 2011).

The decision to rely on support from militias was itself an ethical decision, though it was one made at a high level and that was therefore not open to the enlisted soldiers and junior officers I interviewed. This decision helped to compensate for the British numerical superiority and freed soldiers from being involved in some ethically
challenging situations, but it came with a price. The soldiers I spoke to generally had favorable impressions of the Iraqi and Afghan security forces. One even fought alongside them against an insurgent ambush and said they behaved well under fire. However, British and American soldiers were generally critical of the local security forces and considered them unreliable. Three of the British soldiers and five of the Americans even gave examples of incidents of the local security forces instigating confrontations with civilians by stealing from them, conducting invasive searches, or acting disrespectfully.

Conclusion

Unlike the American Army and IDF, the British Army’s ethics is not an explicitly stated system of values or rules. Rather, it is embedded in the British style of conducting counterinsurgencies. This makes the BA’s ethics more flexible and open to revision than the more systematic ethics of the American Army and IDF. The British Army’s ethics are characterized by an attitude of minimal use of violence and minimal interference in the lives of the local civilian population. The British soldiers were able to follow these ethical guidelines because they were relatively disinterested, did not feel that the conflicts they were engaged in threatened national security, and had modest goals compared to those of the American soldiers. The British Army’s ethics were strained by the wars in Iraq and Afghanistan. The people of these countries were much less willing to cooperate with the occupying forces than British counterinsurgency doctrine assumes and there were large cultural and linguistic divisions between the soldiers and the people, which made it difficult to build cooperative relationships with them. In my interviews with soldiers and review of soldiers’ narratives I found that the soldiers felt a constant
challenge of acting according to the BA’s ethics, despite the many obstacles that limited its application.
Conclusion

The American, Israeli, and British militaries each train their soldiers to make decisions based on systems of military ethics that draw heavily on the three dominant traditions of western moral philosophy. These systems are not exact copies of the moral philosophies but rather appropriations that take certain elements of them and use them as the basis for training soldiers how to act during war. The American system is heavily based on virtue ethics. The American Army as an institution and most of the individual soldiers who were interviewed describe this institution as consisting in a set of guiding values that are based on a warrior ethos and that are unique to the Army’s professional community. The IDF’s ethical system mixes deontological and consequentialist reasoning; soldiers are taught to follow the former, yet they are also taught to notice exceptional circumstances that can justify suspending this system in favor of consequentialism. Finally, the British Army’s ethics are primarily deontological because it emphasizes the importance of respect for foreign people and cultures, minimal use of force, and local autonomy. However, the BA’s basis for favoring this ethical system is pragmatic, rather than moral, which violates Kant’s standard that actions always be performed based on good will.

The soldiers from each military proved to be very similar with respect to how they described the ethical challenges they encountered in combat. Most resolved these by balancing the demands to minimize noncombatant casualties against their own right to self-defense. The soldiers’ thinking in these situations was heavily influenced by the laws of war and their rules of engagement. Many of the ethical dilemmas soldiers must resolve are ones that they do not encounter while they are actively engaged in fighting. Although
most of the soldiers interviewed were direct participants in combat against insurgents, few encountered situations in which they had to make difficult moral decisions during a fight. Ethical dilemmas did arise in combat, but these were much less common than those that involved decisions about the escalation of force or interactions with civilians. Most of the ethical challenges arose when soldiers were on patrols, guarding checkpoints, protecting convoys, conducting searches, and other non-combat situations in which there was a strong threat of attack. The different ways of identifying ethical decisions that did not occur during combat and of overcoming these challenges show the influence of different ways of thinking about military ethics. These different ethical perspectives help to explain the kinds of problems these countries have encountered during counterinsurgency conflicts.

The ethical conduct of soldiers during war is an extremely important issue, not only to the soldiers who fight but also to anyone who is in a contested area or whose country is engaged in fighting. How the ethical decisions that arise during wars are resolved has an almost immeasurable impact on the lives of people who experience wars. As Hugo Slim correctly argues, military organizations and the individual soldiers in them, continually make judgments that have enormous moral significance:

> In all wars throughout history, general orders have been given or personal decisions have been taken about who should be killed or spared, raped or respected, rendered destitute or protected, enslaved or freed. In most cultures, it is religious authorities and political power which have defined who can be killed or hurt – sometimes generously and sometimes genocidally. (Slim 2010: 12)

Given the high costs of actions performed during wars, it is imperative that when wars are declared that they are waged with highest degree of restraint possible. Improving the conduct of individual soldiers should not replace the need to consider the legitimacy
of wars before they are declared or shift the blame for actions taken during wars from politicians and high-ranking military commanders to the enlisted soldiers, NCOs, and junior officers. It should also not detract from the problem that McMahan raises about the moral responsibility individual soldiers have to determine whether they will become participants in a war (McMahan 2006, 2008, 2009). However, whether a war is just or unjust and whether the soldiers fighting are acting morally or immorally by choosing to take part in the war, there are still more and less moral ways of fighting. It is therefore useful to conclude with some lessons that might be learned from this study that may help to improve military ethics doctrines and education.

First, as chapter seven showed, it is important for political and military commanders to attempt to wage wars in ways that will minimize the external and internal constraints that impede soldiers’ capacity for moral reasoning as much as possible. It is especially important to reduce the number of situations in which decisions of life and death are reduced to guessing should be avoided. Many of the ethical dilemmas reported in interviews and in other primary sources involved dilemmas that could not be solved using ethical reasoning processes. One such situation is standing guard at a checkpoint. While guarding checkpoints, soldiers are repeatedly faced with situations in which they must make a quick decision about whether to shoot at an approaching vehicle that failed to stop. In these cases, soldiers lacked sufficient information to make any sound ethical judgments and instead had to guess at the right course of action.

These challenges cannot be eliminated; friction and stress are intrinsic to combat environments. However, there may be ways of adjusting military strategies and tactics to limit these constraints. The American and British militaries attempted to limit the effects
of chronic stress and sleep deprivation by stationing most of their soldiers in relatively safe Forward Operating Bases. This has come at a cost of becoming more detached from the communities in which soldiers are stationed, but offers an example of how soldiers’ living conditions can be altered to prevent their performance from deteriorating. The American military also made a promising attempt to limit the effects of fog. One of the most difficult ethical decisions for soldiers who served in Iraq during the first half of the occupation was attempting to distinguish insurgents’ vehicles from noncombatants’ vehicles while they were guarding convoys. The decision to change the way convoys are protected, by erecting concrete barriers along transportation routes and creating fixed guard posts to provide security provided greater control over roads and reduced the burden of fog on individual soldiers. Other strategic and tactical changes might be able to further limit the effects of the external and internal constraints on ethical judgment.

Second, distinguishing military from police roles and conducting mission specific training is extremely important for ethical decision making, even when the training does not have an explicitly ethical component. Modern militaries tend to be rigidly segmented according to specializations. Soldiers are trained to carry out specific operations in specific environments. When the missions they are ordered to complete differ significantly from what they have been trained for, soldiers may be less competent in performing this new role and making ethical decisions. A recurrent complaint among soldiers in each army was that military and police functions had to be performed by different groups because they required different operating procedures and specialized training. The comparative difficulty dealing with combat-related ethical dilemmas and noncombat ethical dilemmas was symptomatic of the role conflict the soldiers in each
army experienced. The role conflict was especially strong for the American soldiers, who received less training for counterinsurgency fighting than the British and Israeli soldiers.

Third, militaries need to either devote more attention to developing ethics doctrines that are suitable for counterinsurgency operations or avoid using military forces in these roles. Many of the soldiers who took part in the interviews expressed frustration with being used in roles that they considered to be inappropriate for military forces. They acted as police rather than soldiers. In a study of American, British, and Israeli strategic thinking, Shamir reports that members of each force think that their training in cultural sensitivity and civil-military relations has become excessive. “Many officers believe that the time allotted to sensitivity training would be better spent preparing for combat – indeed, that the military had been infiltrated by civilians emphasizing compassion, understanding, and friendship rather than courage, honor, sacrifice, and skill at arms” (Shamir 2011: 159). This feeling is understandable given the much different roles soldiers must take on, yet as this study has shown the level of training in cultural sensitivity, civil-military affairs, and other noncombat aspects of counterinsurgency operations is currently inadequate. The number of ethical challenges that arise during noncombat activities and the fact that decisions in these situations, rather than in combat, pose the most difficult ethical dilemmas is evidence that as long as militaries are used in these conflicts, they must focus on their unique challenges.

Fourth, each of the three armies should devote more attention to ethics training for enlisted soldiers and provide enlisted soldiers with adequate information to make ethical decisions when they are in the field. These armies do recognize the problem of the strategic private – enlisted soldiers making important strategic decisions, usually
involving ethical dilemmas – yet they have been slow to address this problem. In
interviews with enlisted soldiers, I found that one of their chief complaints among
enlisted soldiers is that they are given inadequate information to make their own
decisions when interacting with the local populations or when making decisions during
combat. Many feel that their commanders filter information as it goes down the chain of
command and that by the time the information reaches the lower ranks, important
contextual information is missing. Without this information, it is difficult for them to use
their own judgment when faced with problems that are contextually embedded. This is
especially problematic for NCOs and senior NCOs who, although not officers, are
responsible for leading others and ensuring that their unit’s mission is accomplished.
Thus, the NCOs and the strategic privates and corporals may not be aware of how their
objectives fit into their units’ mission and how this is part of the overall strategy.
Sensitive information must be guarded to prevent leaks, but it seems that enlisted soldiers
feel that so much is withheld that they cannot play much of a role in contributing to the
political victory.

Fifth, guidelines for military ethics should leave open the possibility of
supererogatory acts – those that are good, but that are not required. Ideally they should
courage these types of acts. One of the advantages of the American and British systems
of ethics is that they seemed to permit greater freedom to deviate from their orders in
order to perform supererogatory acts. One sergeant major in the US Army told several
stories in which he attempted to illustrate how his values lead him to put himself at risk in
order to help others. In one instance, his patrol was attacked by an IED. He and the other
American soldiers, who were all in vehicles, sped away from the attack to escape a
possible ambush. Although none of his personnel were injured, he made the decision to
go back to the site of the attack to search for civilians who might have been wounded. He
found a man who had been struck in the thigh by a brick and, despite the medic’s
insistence that the man could not be saved, the sergeant major made his unit secure the
area and provide aid for the wounded man. Leavitt and Sowden, as well as Robert
Roetzel, describe seeing similar instances in which soldiers acted with more
consideration than was required by the rules of engagement (Leavitt 2010: 8; Roetzel
2010). These kinds of actions are not required by the Army’s ethics, yet they are
consistent with it because soldiers following a system based on virtue ethics or
deontological moral thinking have more freedom to deviate from their rules to perform
supererogatory acts.

Finally, some styles of ethical reasoning were stronger than others, though none was
without some flaws. Consequentialism was the most problematic of the three styles of
ethical reasoning because of the tendency to permit exceptions and to fit ethical demands
to the situation. Consequentialism also does not attribute any special status to
noncombatants. This makes it potentially dangerous since some of the most difficult
ethical challenges in a counterinsurgency conflict are those about the treatment of
civilians and how to distinguish civilians from insurgents. Virtue ethics is a more
promising guide for conduct than consequentialism because it is flexible, encourages
supererogatory acts, and easier to apply than deontological rules. However, it is only as
good as the virtues that comprise it and that type of character that it is used to develop.
The US Army’s virtue ethics education seemed to be extremely successful in terms of
encouraging soldiers to feel deep commitment to the Army and its values. However, the
Army’s values were in tension with its mission because they were developed to provide ethical guidance in conventional conflicts. In principle, deontological thinking offers the strongest foundation for military ethics in counterinsurgency. The Kantian imperatives to act with respect for human life and to apply universalizable standards of conduct offer an especially strong basis for thinking about the kinds of ethical challenges that emerge during counterinsurgencies. However, each of the militaries that attempted to employ a deontological standard of ethics ultimately undermined it – the IDF by allowing it to be superseded by consequentialist thinking and the British Army by attempting to follow this ethics without having the capacity. This type of ethics may therefore be more difficult to employ than the others.
Works Cited


ACLU. http://www.aclu.org/natsec/foia/log.html


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The Spirit of the IDF.

http://www.jewishvirtuallibrary.org/jsource/Society_&_Culture/IDF_ethics.html


Tupper, Benjamin. 2010. Greetings From Afghanistan, Send More Ammo: Dispatches from Taliban Country: NAL.


