

ABSTRACT

MARIS, CRISTIAN MIHAI. Military Ethics: Avoiding Moral Atavism in the Complex Operational Environment. (Under the direction of Dr. Karey Harwood)

Military ethic is fundamental to the military profession and leaders are entrusted with maintaining the essential characteristics of the profession of arms. This study attempts to emphasize and highlight the extreme importance military ethics have in any decisions involving the use of lethal power, especially in the most difficult conditions imposed by the asymmetric operational environment. Drawing partially from personal experience, as a former sergeant and as a cadet in a reputable Army commissioning program, I will endeavor to determine whether ethical training, provided in commissioning programs, is adequate and sufficient to prepare young officers for the uncompromising ethical requirements of the military profession.

The paper frames military ethics, regarding *jus ad bellum* and *jus in bello*, as representing the core of moral values of our society. However, as our society is not homogenous but divided on political, moral and religious lines, the moral values constituent to this core are heterogeneous. The lack of more elaborate ethical training becomes critical when decisions have monumental implications with ramifications far beyond the limited operational space. As media, science and technology have increased exponentially the pressure applied on military decision makers, ethical choices become more complex and their mounting impact is felt on a global scale. The case studies analyzed, constitute a convincing argument for the need of improvement in ethical training.

What this paper is advocating, is that in order to prevent systemic moral atavism, as a result of applying deficient ethical training mechanisms, in the context of increased moral

complexity of the operational environment, an approach to moral education in the vein of Lawrence Kohlberg's proposition is most suited. With increased ethical responsibility placed increasingly, doctrinally at lower levels on junior officers, acting as a moral compass for their men, Kohlberg's theory appears, *prima facie*, to represent the most suited theory that could form the backbone of a military ethics education course, for future junior leaders.

Furthermore, considering the tensions existent in just war theory, detailed to some extent in this paper, it appears that a Rawlsian individual reflective equilibrium, representing the individual goal for successful ethical training, demands principles of ethical theory that are consistent with virtue ethics, Kantian or neo-Kantian ethics, or a combination of these.

© Copyright 2016 by Cristian Mihai Maris

All Rights Reserved

Military Ethics: Avoiding Moral Atavism in the Complex Operational Environment

by

Cristian Mihai Maris

A thesis submitted to the Graduate Faculty of
North Carolina State University
in partial fulfillment of the
requirements for the Degree of
Master of Arts

Master of Arts in Liberal Studies
Raleigh, North Carolina
2016

APPROVED BY:

Karey Harwood
Chair of Advisory Committee

DEDICATION

This thesis is dedicated to my wife, Alina, and my baby girl, Eliza, who have been a consistent and loving support throughout my entire master's degree experience!

BIOGRAPHY

I was born and grew up in a small town in the Transylvania region of Romania. I graduated Babes-Bolyai University in Cluj-Napoca, the largest and most prestigious university in Romania, with a Bachelor of Science Degree in Financial Management, in 2003. After moving to the United States and working in hospitality business, I enlisted in the United States Army in 2010. I hope that while pursuing my officer career in the military, I will continue the work I started at NCSU, while completing my Master of Arts Degree, and advocate for the development of ethical training for our armed forces.

ACKNOWLEDGMENTS

I am exceptionally grateful to Dr. Karey Harwood for her sustained support, guidance and time dedicated towards the completion of this work. I would also like to thank Dr. Michael Garval, Director of the Master of Arts in Liberal Studies Program, for all his support during my two years in the program.

TABLE OF CONTENTS

Introduction	1
How Important is Military Ethic?	6
The Army Profession	7
Military Ethic in Army Doctrine	10
What Matters in Just War Theory?	15
Collectivist and Individualist Accounts	15
Jus ad Bellum, Jus ad Bello Distinction	17
Doctrine of Double Effect	19
Impact of Military Ethics	26
Complex World, New Demands	27
Moral Lessons from Abu Ghraib	31
Future Challenges	36
Officer as the Moral Compass	41
From My Lai to Clint Lorance	43
Ethical Education, Dampening Ethical Atavism	48
Ethical Training in Army ROTC	49
A Kohlbergian Approach to Military Ethical Education	55
Conclusion	64
References	67

Introduction

On the fateful morning of June 6th 1944, as he was riding in the amphibious landing vehicle towards Omaha beach, 2nd Lieutenant Jimmie Waters Monteith, Jr. had a clear and unambiguous idea of his mission. He was, on a moral level, equally apprehensive that the war he was fighting in was a just war that displayed all the characteristics of a justified cause. He also had clear knowledge of what the rules of engagement were for him, and the men in the platoon he was assigned to lead. Above all else he knew who the enemy was. The grey uniforms of the Wehrmacht or the black uniforms, bearing the feared Totenkopf or the Nordic runes, would provide him and his soldiers with a clear identity of the enemy. Lieutenant Monteith would meet his end at Omaha beach that day earning the Medal of Honor for actions of gallantry above and beyond the call of duty. There is little doubt that he died heroically following what he and others considered a just cause.

By the time Army First Lieutenant James Gardner would himself commit the ultimate sacrifice, with conspicuous gallantry and intrepidity in action, in February of 1966, earning for his actions the highest honor offered by the United States, the moral picture of the war he participated in was very different. Not only were the new enemies of the American forces not wearing distinctive uniforms that would make them easily identifiable from the civilian population, they practiced, for the most part, a guerilla type of warfare that relied at its core on their capacity to blend in the large mass of noncombatants that inhabited the jungles, villages and towns of Vietnam. The face of war had drastically changed in just two decades

on a tactical and strategic level, but most importantly it has changed on an ethical plane. The complexity and diversity of the moral challenges and dilemmas faced by military professionals, both soldiers and particularly their commanding officers, has expanded exponentially. It is a trend that would mark all future conflicts, to include the most recent wars in which the United States military has been involved, as well as all future conflicts that have the potential to involve our military forces.

On a tactical and strategic level, militaries across the world have been plagued by the so-called general's dilemma, as a prevailing inclination to prepare and fight for the last war, or to prepare in accordance with a general tendency to formulate a riposte that would attempt to avoid the mistakes committed in previous conflicts. It is not hard to accept that this principle transcends the strategic and tactical domains of the military. It has the potential to seep into the moral and ethical aspects of military philosophy, with quiescent potency to raise ethical problems in future conflicts. The rationale of this extension is simple. If strategic and tactical errors, generated by the application of obsolete principles and mechanism of implementation, can have tragic outcomes, resulting in unintended loss of property, soldier and civilian lives, ethical atavism, likewise has the potential to cause a pandemic of moral deficit, whose effects will be highlighted in this paper. The solution to this potential devastating conundrum rests in the very essence of the problem. If the complete spectrum of environment where wars are fought is constantly shifting and evolving, then in order to generate a proper reply, the fundamental principles, whether they are strategic or ethical,

need to be properly applied in the new contexts. This seems like a rather simple task to accomplish. However, when these fundamental principles are not comprehensively mastered, their accurate implementation cannot be obtained. This is increasingly complex when the fundamental principles belong to the moral philosophy domain. Furthermore, an uneducated application of ethical principles, in matters that have potential dire consequences, could lead to further complicated dilemmas and can exponentially increase the negative aftermath of every decision taken by military personnel.

This study will attempt to emphasize and highlight the extreme importance military ethics has in any decisions involving the use of lethal power, especially in the most difficult conditions imposed by the asymmetric operational environment. This operational environment, that defines asymmetric warfare, is characterized by a diverse set of parameters which describe it as “a conflict in which a weaker opponent uses unorthodox or surprise tactics to attack weak points of a stronger opponent, especially if the tactics include terrorism, guerrilla warfare, criminal activity, subversion, or propaganda” (FM 3-24.2¹, 2009, p. 58). Drawing from personal experience, as a cadet in the Army Reserve Officer Training Component (ROTC) commissioning program, I will endeavor to determine whether ethical training provided is adequate and sufficient to prepare young officers for the uncompromising ethical requirements of the military profession. Through a combination of case studies and literature research the paper will attempt to emphasize the importance ethics

¹ Army Field Manual No. 3-24.2 “Tactics in Counterinsurgency”, 21 April 2009

should play in preparing the new generations of leaders - future leaders who will have to operate in an extremely complex and fluctuating environment. In order to emphasize the importance proper military ethical education will have on the conduct of warfare, I will highlight the crucial role ethics plays in the military profession. This will require first a basic analysis of the fundamental concepts that underline military ethics as a part of moral philosophy, and highlight the importance high-level moral principles have in the theory of military moral judgement. Second the study will underscore the impact military activities, and through them the military ethic that provides their moral underpinning, have on all aspects of human life. This will focus on direct and indirect implications centered on the lives and activities of human beings involved in, or affected by military conflict.

By analyzing some of the most infamous historical ethical shortfalls the study will attempt to draw attention to the direct connection that exists between ethical readiness, or the lack thereof, and decisions with gruesome consequences. Further through case analysis of some more recent events, from United States recent military engagements, I will assert that ethical mistakes in military actions are far from being a distant history. Furthermore, these ethical mistakes, exacerbated by the lack of a proper educational background, will continue to be idiosyncratic to future military activities. The paper will undertake to conclude that, in a bureaucratic environment like the military, given the staggering social, political and human impact, ethical readiness is seriously troubled. In attempting to avoid some contemptible mistakes and to preserve our professional status, further steps in ensuring adequacy need to

be taken. This paper will argue that military ethical education, which is focused on case method, needs to be enhanced by a theoretical approach that bestows a deeper understanding of the necessary ideological foundations. This approach could potentially be the simplest and most immediate technique to ensure an appropriate level of ethical readiness. This has the conceivable outcome of preventing unnecessary human suffering and destruction while creating a military force with an increased level of readiness, ready to operate in the new asymmetric warfare environment disconnected of moral constraints.

How Important is Military Ethic?

Most people would consider that profession of arms is rooted in the beginnings of early human social organization. If we are to give credence to recent scientific discoveries, which challenge the classical school of anthropological thought, we are bound to accept that “warfare can and did occur in the absence of agriculture and complex social organization” (Stetka, 2016). Of course this does not provide sufficient evidence to prove the existence of a profession of arms in the early beginning of humanity. It points however to the early existence of organized warfare. Furthermore, from this antiquated form of warfare, through refinement over the course of centuries, the profession of arms transformed into the framework accepted today. As General Sir John Winthrop Hackett affirmed “from the beginning of man’s recorded history physical force, or the threat of it, has always been freely applied to the resolution of social problems” (Hackett, 1983, p. 9) indicating the very early inception of an occupation whose “members were the noble few who stood for what was morally right and ethically just, who endured the burdens, and who fought to defend their nation’s interests or to shield those who could not protect themselves”².

We can ascertain that even though far from being considered a profession, in its early stages, the occupation of arms had certain characteristics that would point to its future evolution into a profession. The most distinctive of these characteristics are a requirement to adhere to a certain moral and ethical standard, and the existence of a social connection, between the military and the society it provides a specific service for. In this context, it is

² “The noncommissioned officer and petty officer: backbone of the armed forces.” written by a team of enlisted leaders representing the U.S. Army, Marine Corps, Navy, Air Force, and Coast Guard with the participation and support of the National Defense University. National Defense University Press. Washington, D.C. 2014, p. 19

important to identify how the present military views the military profession and its distinctive characteristics, and if these attributes match the specific moral and ethical standard required by the social connection. It can be useful if we further analyze, to a certain extent, the impact that the military, as a profession, has on society, as the administrator and beneficiary of military's services. To accomplish this we can analyze the United States Army conception of the Army as a profession and broaden it to encompass all military services in the United States forces. Although this might limit the spectrum of the analysis, to a certain extent, by limiting the investigation to one service in particular, the United States Army (USA) is by far the largest component of the armed forces and highly representative of the military profession as a whole. Furthermore, from a doctrinal perspective, the distinction between the armed services is limited to their specific military functions, leaving the general moral concepts universally applicable to all of them.

The Army Profession

The Army, and through extrapolation the entire armed forces of our country, consider themselves as professionals, members of a distinctive profession. Thus, it is crucial to note that the Army defines a profession as “a trusted self-policing and relatively autonomous vocation whose members develop and apply expert knowledge as human expertise to render an essential service to society in a particular field” (ADRP 1³, 2013, p. 9). The same publication further expands this concept, thus we understand the core of any profession, as delineated by military doctrine, as having five fundamental aspects: a unique and vital

³ Army Doctrine Reference Publication No. 1

service is provided to society, expert knowledge and practice is employed in rendering this service, the trust of the society is earned through ethical application of expertise, self-regulation, and significant authority. We can acknowledge that although all five fundamental aspects are important for the definition of a profession, the trust of the society earned through ethical application of expertise is the key principle. Its importance above all the other fundamental aspects of a profession is simply derived from its necessity to the existence of the last two aspects. Since these two fundamental aspects are conditioned by the existence of the ethical principle, it is easy to derive that ethics are vital to the existence of any profession. If we accept Segal and DeAngelis (2009) idea that “ethic of professions is characterized as *cedat emptor*, let the taker believe in us” then we have to accept that from the army profession’s perspective “a self-policing Ethic is an absolute necessity, especially for the Profession of Arms, given the lethality inherent in what we do.”⁴ This is to say that given the nature of the activities the military professional could find himself engaged in, especially activities that have a lethal component, as Ficarrota (2010) would suggest “there is also a more or less well-defined *role* one occupies in the military structure and in the society at large, when one is a military professional” (p. 10). Furthermore “when someone assumes the military role, unless he is a fraud, he at once assumes some moral obligations which are attached to the role (whatever those obligations turn out to be)” (Ficarrota, 2010, p. 11). It is then the nature of the role the military professionals accept to perform, nature that as this paper will highlight is continuously becoming more complex and challenging, that generates

⁴ Army White Paper “The Profession of Arms”, 8 December 2010

a *prima facie* obligation to accept all conditions imposed by the role. The most important of these conditions being the ethical exercise of military expertise.

This assumption is not however free of contention, as Ficarrota would argue, this requirement for a higher moral standard is strictly functional in nature. He would contend that it is somewhat “doubtful that there is a brute demand in our culture for the military to be *more* moral than the rest of us in non-functionally grounded contexts” (Ficarrota, 2010, p.13). Therefore, outside of functional contexts, required by the role of the military in society, it would be hard to demand exceptional ethical standards for the military professionals; standards that do not apply to the society at large or to the very same military professionals outside of their role. While I do not believe American men and women in uniform to be some kind of knights in shining armor, always willing and ready to pursue a higher moral calling or ethical principles, at the expense of their own safety and sometimes lives, I do not completely agree with Ficarrota’s determination. Even if we accept that “military professionals are bound by *some* unique and/or especially strict moral standards, but they do not encompass all of morality” (Ficarrota, 2010, p. 15), that doesn’t necessarily imply that the high moral demands of their role, as entrusted by society, doesn’t translate outside of the functional context. Furthermore, since the functional context represents such a different circumstance than the normal moral flow of society - after all war doesn’t exactly fit in the standard ethical provisions of society - adherence to a higher functional moral role could generate general higher moral requirements for military professionals. This certainly represents the approach military doctrine has towards the connection between the military profession and military ethics. Be that as it may it is hard to believe that people, military

professionals included, can compartmentalize their ethical requirements based on the role they fulfill at one specific moment. In other words, can a military professional exhibit one set of ethical standards, exigent by the function of his societal role, while wearing the uniform and performing the duties entrusted to him by the public at large, while adhering to a reduced ethical requirement as soon as his daily duties are over? I find this hard to accept. A person, military professional or not, cannot follow different ethical ideologies just based on the specific role it performs in society at one given time. If we describe character as being composed, in an Aristotelian sense, of *phronesis* - understood as practical wisdom, virtue and good will - following different ethical principles, some that are higher when fulfilling a certain role, and some lower when outside of that role, that would imply that at least part of our character needs to change (at a minimum our practical wisdom) with the change in moral requirements. This seems at least counterintuitive. Rather if society demands high ethical standards from the military professionals, while performing their role, the same high moral requirements need be applied outside of functional role. Although this might seem, from a practical perspective, as excessively demanding of those members of society that choose the military profession, the alternative implies an incongruent character that is unacceptable for the achievement of the duties entrusted to the military professional.

Military Ethic in Army Doctrine

According to Army's doctrine, which for the purpose of our scrutiny is considered representative for the military doctrine in general, ethical behavior, while performing the functions associated with military's role in society, is quintessential to the view of the

military as a profession. As the society “will only continue to regard the Army as a profession based on our effective and ethical application of land power” (ADRP 1, 2013, p. 11), it is obvious the endorsement of ethical behavior, of a certain caliber, is necessary for the military to operate within society’s moral constraints.

The Army defines army ethic as “the evolving set of laws, values, and beliefs, deeply embedded within the core of the Army culture and practiced by all members of the Army Profession to motivate and guide the appropriate conduct of individual members bound together in common moral purpose” (ADRP 1, 2013, p. 11). This definition is presumed to encompass, from the doctrine perspective, more than just a causal relation between society’s expectation of the military role and the military profession. It is supposed to incorporate a practical moral compass because it “provides an additional moral dimension that aids in understanding the *why* behind right behavior” (ADRP 1, 2013, p. 12). The concept of Army ethic as an exhaustive moral compass to be followed in all ethical decisions seems to ignore the very definition of ethics. If we consider ethics as a diverse system of moral principles or as Ficarrota would define it as “a philosophical reflection on our ubiquitous moral experience” (2010, p. 58), then following this compass, that simultaneously pulls us in different directions, can be very counterproductive. The moral compass defined this way further fails to embody the crucial distinction between meta-ethics and normative ethics⁵ on one side, and applied ethics on the other. Although *prima facie* this distinction appears rather

⁵ I follow here Ficarrota’s own definitions for these concepts. He identifies meta-ethics as attempts to “answer questions about the very meanings of our most basic moral claims and vocabulary” (Ficarrota, 2010, p. 58), and normative ethics as “an attempt to systematize, relate, prioritize and otherwise make sense of our everyday moral judgments” (Ficarrota, 2010, p. 58). These two higher levels are responsible in his opinion for

unimportant, when it comes to the practical application of moral principles in dilemmas generated by military activities, it is paramount to understand the existence of this distinction. We have to, as Ficarrota suggests, “recognize that the high-level moral principles delivered by moral philosophy are not equivalent to simple moral decision procedures and do not replace the complex activity that is going on where ‘the rubber meets the road’” (2010, p. 60).

First this distinction becomes necessary, as it will be demonstrated later, in the context of ethical education in the military. Since the education of meta-ethics and normative ethics is not analogous, not making this distinction has the potential to defraud military ethical training of one of its essential components. By focusing on either of the two aspects while ignoring the other, ethical training for the military could potentially create dangerous gaps in the moral reasoning of the military members. Second, as the military “draws the moral foundations of its ethic from traditions, customs, and documents with immense moral content and civic importance for all Americans” (ADRP 1, 2013, p. 20) this ascertains a certain level of moral relativism⁶, in relation to the fundamental principles to be employed when making moral judgements. Furthermore, these moral principles are weaved by the Army “throughout its culture and the subcultures within it” (ADRP 1, 2013, p. 20) further

the delivery of the moral principles that need not be confounded with simple moral procedures associated with applied ethics (Ficarrota, 2010, p. 60).

⁶ Moral relativism, in this context, it is understood for the most part as descriptive realism. According to the generally accepted thesis of descriptive realism, as found in the Encyclopedia of Philosophy, it postulates that “moral beliefs and practices vary between cultures (and sometimes between groups within a single society)”, thus denying that “all cultures share the same moral outlook”. Although it is argued that human nature imposes limits on how much our moral systems could potentially diverge, from our perspective, depending on the level of subordination to various subcultures, this variation can have deviating impacts on military ethics viewed as unitary.

driving them away from the more general theoretical fundamental principles. Although parts of Army's ethic "originate from codified legal documents, such as the Constitution and the Uniform Code of Military Justice" (ADRP 1, 2013, p. 19), the lack of a theoretical philosophical background in applying normative ethics has the potential for disastrous outcomes.

This lack of emphasis on two distinctive aspects of moral philosophy, and their development through education is further complicated by the evolutionary characteristic of ethics in army doctrine. If the Army doctrine holds that "the constituent parts of our ethic are evolving with the changes in the practice of warfare and our societal norms, but the manifestation of our ethic has not changed since the Constitution was adopted in 1787" (ADRP 1, 2013, p. 11) it is rather unclear which of the two aspects of ethics are taken into consideration. It is hard to accept that fundamental principles that underline military ethics, drawn as they should be from meta-ethics, evolve with the transformation of warfare. Rather it is easier to accept that normative ethics are more directly correlated with the shifts that occur in the way the profession of arms is applied. However, these normative ethics should be, and in general are, strictly dependent on the meta-ethical principles they invoke. The fact that the "manifestation of our ethic", as unclear as that concept is, is constant in relation to our country's fundamental legal document doesn't enlighten the correlation it should have with fundamental moral principles. Alternatively, it should be the "manifestation", viewed as the application of constant moral principles, which should evolve in concert with the shifts occurring in the way war is fought in order to achieve what Rawls called "reflective

equilibrium”⁷ (Rawls, 1971, p.48). If we acknowledge that “military officership also entails commitment to a set of principles”, as Christopher (1999, p. 213) suggests, and we extend this idea to all soldiers not just officers, as from a moral permissibility perspective all soldiers regardless of rank can be considered equal, it follows that a deeper understanding of those principles is imperative for the military profession. In this context, it becomes compelling to address the need for knowledge of ethical principles that are invoked in traditional Just War theory.

⁷ In particular, I am referring here to Rawls’ conception of wide reflective equilibrium, where reflective equilibrium is viewed as the conclusion a person reaches through a process of reflecting on one’s own beliefs about, in this particular instance, morality. According to this account a reflective equilibrium is reached when one has achieved coherence among his moral beliefs, in that his beliefs are consistent with each other and can be used as base of support for other beliefs. Rawls believes that in order for this coherence to be achieved, our moral beliefs need to be tested against various moral theories.

What Matters in Just War Theory?

Walzer makes a strong point that “just wars are limited wars” (2004), further suggesting that “their conduct is governed by a set of rules designed to bar, so far as possible, the use of violence and coercion against noncombatant populations” (2004, p. 91). In this context, knowledge of this set of rules becomes imperative. However, when it comes to defining these sets of rules, their rationale, their importance, practical application and implications, the opinions are all but homogenous. Starting with the earliest ancient Roman attempts to define the rules of *justum bellum* and continuing through the middle ages and into the modern times with Augustine, St. Thomas Aquinas and later Hugo Grotius, a plethora of theories have tried to justify the necessity of war, laying the foundations of what is considered the Just War Theory. Although refined and enriched over centuries by many philosophers the principles that constitute the core of the Just War Theory are not uniform or universally accepted, and there are numerous critiques to the various aspects of the theory. Furthermore, as Frowe holds “many people think that the rules of war are *sui generis*: there is nothing else like war, and the rules governing it are thus unique” (2011, p.31), making some consensus about the rules a necessity for a functioning world.

Collectivist and Individualist Accounts

Despite this indispensability, controversy surrounds even what appear to be the most common and easily accepted definitions. Although the argument might *prima facie* appear non-essential, the clash between the collectivist and individualist accounts, in defining the war itself, is fundamentally setting the stage for further contentions on the other principles of

Just War Theory. On one hand Walzer's account, following Clausewitz's idea of war being "a continuation of politics by other means", represents the collectivist perspective articulating that "war itself isn't a relation between persons but between political entities and their human instruments" (2000, p.36). The idea will lead us to believe, like Frowe, that "war is essentially *political*". This denotes that "when combatants fight for their country, they fight not as individuals but as representatives of their state" (2011, p. 31). Thus, the collectivist perspective generates a specific set of moral rules concerning both the conduct of war, as well as the justification for the war itself, and the relation between the two. On the other hand, the individualist account claim "is not that situations in war are identical to situations in which one might use self-defense, but that they are, at root, subject to the same moral principles" (Frowe, 2011, p. 34). However subjecting war, in the individualist account, to the same principles that apply in cases of self-defense is at best problematic. This would imply that simply because violence has political ends the rules change so that what is impermissible between individuals becomes permissible in conditions of war (Frowe, 2011). The generating moral results would then be a set of rules that is extremely inhibitive of the actions that can be performed in war. Furthermore, as Frowe points out, as an individualist, McMahan "argues that we should not base the laws of war on the moral rules of war." (2011, p. 40), rather create a tiered set of rules that are then translated into law. From this perspective, the most direct implications of the individualist account are in separating *jus ad bellum*, justice of war, from *jus ad bello*, justice in war. Nevertheless, the distinctions between collectivist and individualist perspectives are not reduced to the straightforward debate of whether moral

rules that govern individual conduct can be applied to war. The distinctions further proliferate in all aspects of just war theory.

Jus ad Bellum, Jus ad Bello Distinction

The contrast between the collectivist and individualist account is probably best highlighted in the approach each has towards the relation between *jus ad bellum* and *jus in bello*. According to the most common definitions, *jus ad bellum*, the right to war, refers to the set of criteria that determine the justness of reasons for war, and it is concerned with the justification of and limits to the use of force for political or social reasons, whereas *jus in bello* is the body of legal norms governing battle and occupation, and the conduct of individuals and units toward combatants, non-combatants, property, and the environment.⁸

According to the collectivist view, which is associated closely with the traditional or orthodox approach of just war theory, “the wider political goals of the war are not the combatants’ concern” and that “combatants should follow the orders of their superiors and, provided that they do not breach the rules of *jus in bello*, they do nothing wrong even if their war is unjust” (Frowe, 2011, p. 118). In other words, combatants need only worry about following the moral principles that define *jus in bello* and not burden themselves with the justifications that are put forward for the war they are participating in. The approach, when understood like this, highlights the collectivist point that “war is a political struggle between states, not between individual combatants” (Frowe, 2011, p. 119). The main implication of the traditional separation of *jus ad bellum* and *jus in bello* is then related to the moral status

⁸ Retrieved from *Bouviere Law Dictionary*

of combatants, in that whether fighting a just or unjust war all combatants are morally equal. The perspective is consistent with a certain surrendering of one's rights when joining the military institutions, and an acceptance of the "possibility that they will end up fighting on the unjust side of a war" (Frowe, 2011, p. 121).

Antithetically the individualist account argues that *jus in bello* cannot be separated from *jus ad bellum*. The argument holds that as long as the war is *jus ad bellum* morally wrong, an unjustified war, that if the purpose of the war is wrong then any method to obtain it is wrong. It further argues that, as unjust combatants have no legitimate targets, their actions are morally impermissible and therefore cannot morally satisfy any of the rules of *jus in bello*. It results in the impossibility of the unjust combatants to be equal, from a moral perspective, with just combatants. This view underscores what McMahan calls a "moral oddity" in the traditional just war theory (Frowe, 2011, p. 125). Thus, the principal rule that unjust combatants seem to violate, amongst the *jus in bello* rules, is the principle of proportionality. The principle of proportionality, as Frowe describes it, "demands that one weigh the harm that one will cause against the good end that one will achieve" (2011, p.125). It follows then, in McMahan's opinion, that since unjust combatants cannot morally have any *good* cause to balance their negative actions against, they cannot, under any circumstances, fulfil the proportionality requirement of the *jus in bello*, and "any collateral damage they [unjust combatants] cause is disproportionate and therefore impermissible" (Frowe, 2011, p. 126). The implications of the individualist claims go well beyond the simple distinction between *jus ad bellum* and *jus in bello*. This separation leads to a potential moral

entanglement for the most employed principle⁹ of the just war theory, the principle of double effect. It further raises, in McMahan's opinion, the possibility of combatants to "have moral responsibilities that extend far beyond those attributed to them by the orthodox view" and therefore "they should not blindly follow orders, viewing themselves as mere instruments in the hands of their leaders" (Frowe, 2011, p. 127). This serious implication will be discussed further later on.

Doctrine of Double Effect

Although, as we have acknowledged earlier, the traditional just war theory approach to the consanguinity between *jus ad bellum* and *jus in bello* is not without criticism, nor does it have universal acceptance, opinions further reflected in this paper will remain, to a certain extent, consistent with this traditional view. This follows from the doctrinal evidence that indicates traditional war theory as the one most employed by the modern militaries around the world. However, we have to acknowledge that from the perspective of the ethical readiness of the military professional, knowledge of the alternate points of view is crucial for the complete understanding of the complexity military ethics have in modern conflict.

The principle of double effect is by far the most utilized principle in just war theory in every situation that has the potential to generate "collateral damage", understood here as loss of lives of innocent people, e.g. civilians or bystanders. Notwithstanding discussions around what specific category of people represent the innocent during the war, that are subject to

⁹ The principle has been used countless time in attempts to justify collateral damage in combat from the British Air campaign in World War II, to the bombings of Hiroshima and Nagasaki, use of Agent Orange in Vietnam and more recently in the air campaigns in Kosovo and Iraq.

vivid debates in themselves; we will follow here the most accepted definition of innocents as non-combatant persons not actively engaged in the act of war. It is universally accepted as true that “it is presumptively wrong to kill innocent persons” (Holmes, 1989, p. 184). It follows then that since wars inevitably involve killing of innocent persons, wars are morally wrong. Traditional just war theory, through separating *jus ad bellum* and *jus in bello* would rectify this apparent universal moral wrongness of war by saying that although in special circumstances, dependent only on the principles of *jus in bello*, certain acts in war (killing of innocents for example) are wrong, doesn’t follow that the war itself is wrong. As Holmes points out, “the most notable attempt to show this is mounted by just war theorists by the means of the principle of double effect” (1989, p. 193). To delineate exactly what the doctrine of double effect (DDE) entails Ficarrota’s (2010) definition is the most complete, and postulates that the principle of double effect:

It is constituted by four criteria for evaluating the moral permissibility of certain acts, specifically those acts that issue in both good and bad effects [...]

1. The act itself, considered independently from the bad effect(s) at issue, must be morally good or morally neutral;
2. The bad effect(s) will be foreseen, but must not be intended;
3. The bad effect(s) must not be the means to the intended good effect(s), but rather a concomitant side or after-effect;
4. There must be a favorable proportionality between the bad and good effects (p.87).

As Holmes (1989) indicates, referring to the most important aspect of the doctrine of double effect, the moral importance gravitates toward intending only the good, and “the principle expanded in this way constitutes virtually a moral theory unto itself” (p. 194). This theory has been appealed to time and time again through the history of warfare to justify different instances of “collateral damage”. However, the moral theory and especially practical application of this set of principles in *jus in bello* is not without criticism. If we accept the idea that in critiquing acts themselves we cannot incorporate intentions and motives in our judgement of the rightness of a certain act as Holmes suggests (1989, p. 198), then the straightforward application of the principle of double effect becomes at least problematic; or as Holmes further suggests “suffers from a serious practical shortcoming, which is that it lends itself to the justification of virtually any action its user wants” (1989, p. 199). This highlights that the implications for the principle of double effect, as a capable proponent for justifying collateral damage, are extremely complex. Nevertheless, we can gauge the depth of the moral shortfalls if we analyze the most common usage, in wartime cases as Holmes suggest, by evaluating the issue of killing “some innocent persons in the course of waging war in order to save other innocent persons” (1989, p. 209). This type of argument has been invoked numerous times through the history of warfare from the terror bombing of German cities in World War II, in which “some 300,000 Germans, most of them civilians, were killed” (Walzer, 2000, p. 255), to the annihilation of Dresden in the spring of 1945, and most likely in the morally challenged decision to drop the nuclear bombs on Hiroshima and Nagasaki. Even a just war theorist like Walzer accepts that “the only possible defense of the Hiroshima attack is a utilitarian calculation made without a sliding scale”

(2000, p. 266). But this type of utilitarian calculations, that the principle of double effect is susceptible to, lead to very steep moral downslope in the fact that they allow us to override the rules of war. Walzer would grant that following just war theory, utilitarian calculations need abrogate the principles of *jus in bello* only “when we are face to face not merely with defeat, but with defeat likely to bring disaster to a political community” (Walzer, 2000, p. 268). In any other situations, he argues, the rules of war that deem the killing of innocents being wrong rule supreme, accompanied by the rights of the individuals we are supposed to protect. Holmes’s summarization of Jeffrie Murphy’s opinion encompasses the essence of this restriction stating that although “no one has a *right* to be saved by others – to expect as a matter of obligation that they go out of their way, perhaps sacrificing their interest or even their lives, to preserve him. But everyone has a right not to be harmed or killed by others” (1989, p. 210).

The dispute around the doctrine of double effect is not limited to its utilitarian¹⁰ aspect, which might allow its principles to be applied in a way that overrides the rules of war, as ambiguous as they might be. If we are to detach from the utilitarian perspective, that seems at best prejudicial, we have to move beyond the type of moral calculation that might lead us to accept a lesser evil. This might lead us to endorse, like Ficcarotta, an idea that holds that “morality is not just about producing the best states of affairs or the best consequences” (2010, p.91). In this context justifications of the principles of double effect

¹⁰ Utilitarianism is understood here, in its simplest form as defined and expanded by John Stuart Mill, as a consequentialist moral theory, which asserts that an act is morally right or wrong based its capacity to maximize utility, or the good. According to utilitarian theory in general, whatever is being evaluated, we ought to choose the one that will produce the best overall results.

have to follow, as Ficarrota (2010, p.91) points out, a Kantian fundamental moral principle. Kant's Categorical Imperative, formulated as "act in such a way that you treat humanity, whether in your own person or the person of another, always at the same time as an end and never simply as a means" (1785, 36), seems to apply directly to the analysis of the four principles of the doctrine of double effect, especially for the third principle. Thus, it seems that the Categorical Imperative would forbid bad effects to be inflicted upon persons, both combatants and innocents, that cannot or do not consent despite the proportionality rule of *jus in bello* being satisfied. While it is commonly argued that by being active combatants and wearing the uniform those people indirectly give their consent, the innocents do not consent and further more cannot consent to be "collateral damage", thus rendering their harm a moral wrong, as a breach of the Categorical Imperative. Of course, as Ficarrota suggests, there are those that reject this Kantian approach (2010, p. 94) and his literature review on the matter is very detailed. However, I agree with Ficarrota's point that "we should understand the categorical imperative conjunctively as simultaneously prohibiting both use and disregard for ends-in-themselves, since these are two aspects of the same concern" (2010, p. 98). This leads to the major predicament of the doctrine of double effect not following a moral theory, in this instance Kantian moral requirements.

It of course could be objected that the doctrine of double effect need not follow any moral theory, but rather follow what Ficarrota calls "pre-existing moral intuitions" (2010, p.100). But leaving "collateral damage" cases, that most likely involve the death of innocents, and in some cases on large and terrifying scale, to be justified by a doctrine that appeals as its fundamental justification to human's moral intuitions seems hazardous, at least

from the fact that “our intuitions are *not consistent* across the range of cases” (Ficarrotta, 2010, p. 100). Notwithstanding, because as Holmes (1989) argues “realist attempts to insulate war either wholly or partially from moral consideration do not succeed” (p. 211), and because “human beings have as much right to be spared destruction by good people as by bad” (p. 211), acts involving “collateral damage” need be subject to moral scrutiny that is not corruptible in nature (non-utilitarian, as utilitarianism can allow for DDE to be shaped to justify any act). Given that there will be cases in future wars, where no matter our method of reasoning and moral theory that we follow, innocent people are going to lose their lives as “collateral damage” and without easily accepting that it’s the way of the war, we might be forced, as Ficarrotta (2010) suggest, to:

[...] Not use the DDE as a way to think about military targeting because we should not use the DDE as a reliable way to think about moral problems in any context. but embracing this Kantian understanding would be far more restrictive than the classic, DDE approach to considering collateral damage. Military planners would often need to give a trumping weight to the moral status of victims as ends in themselves, unless there were convincing reasons to think the victim would render hypothetical/idealized consent to being harmed (a consent that is not considered at all in the traditional uses of the DDE). (p. 106)

Walzer’s arguments for a deficient doctrine of double effect and its susceptibility to relinquish to utilitarian calculations, with potential cataclysmic effects, coupled with Ficarrotta’s assertion that its last three fundamental principles need to follow a moral theory

more closely related to the Kantian Categorical Imperative, lead us acknowledge troubled moral circumstances for what represents the fundamental method of justification for cases of “collateral damage”. A limited understanding of these contradictions and dialectic surrounding the doctrine of double effect, especially for young and unprepared leaders in the military profession, can create the sort of moral vacuum, when faced with critical decisions, that would lead to an unwarranted appeal to “pre- existing moral intuitions” (Ficarrotta, 2010, p. 100). As the nature of these intuitions is most likely relative, to one’s upbringing, social status and other conditions, it doesn’t fulfill the universalistic requirement that should be a characteristic of a sound moral theory. I will attempt to argue for the necessity of this universalistic requirement in a later section of the paper. For now, I will simply acknowledge this requirement and claim that in this context a program that would enhance knowledge of these tensions, and ultimately emphasize the limitations of the doctrine of double effect is more than warranted to ensure the ethical readiness demanded by future complex conflict environments.

Impact of Military Ethics

Ultimately these theoretical tensions in the moral construct of the ethical principles that govern the military ethics are translated into moral conundrums raised by the tasks and functions the militaries perform in society. If these tensions didn't translate into palpable impacts on the political, social and economic aspects of life their dilemmas would remain simply a theoretical one with limited consequences. But the military profession, viewed as an institution, has complex impacts with multilayered implications and with consequences that involve matters of life and death. The Army, and every other branch of the military, consider themselves as an institution. According to doctrine, the Army "as one of the oldest American institutions, it predates the Declaration of Independence and the Constitution" (ADP 1, 2012, p. 15) and it highlights that "very few American institutions have a history as rich or long as ours" (ADP 1, 2012, p. 31). Above all, given that U.S. military forces are stationed across the globe and involved in conflicts that span across all continents, the Army, and thus all other military branches, are not just an institution but rather an international institution. If we accept that as an international institution the military is a bureaucracy, and multiple characteristics of the military institution point in this direction, then we have to acknowledge like Barnett and Finnemore that "bureaucracies have autonomy and the ability to change the world around them" (2004, p. 3).

Barnett and Finnemore suggest that "bureaucracy is a distinctive social form of authority with its own internal logic and behavioral proclivities" (2004, p. 3) and furthermore bureaucracy "is a ubiquitous feature of modern life" (2004, p. 17). Nevertheless, according to

the same authors “every bureaucracy has the potential for pathology” (2004, p.41) that is not limited in their opinion to bureaucratic universalism, a certain normalization of deviance, insulation, and cultural contestation. Although they are all potentially damaging for the effectiveness of every institution, insulation, in which “bureaucracies, by their nature, concentrate professionals inside organizations, and concentrations of people with the same expertise or professional training” thus creating “an organizational view distinct from the larger environment” (Barnett, Finnemore, 2004, p. 40), seems to be detailing the pathology with the potentially most negative impact on the young military professional. Therefore military professionals, as members of the military institution, seem to be left open, at least on an ethical perspective, to a certain level of ethical readiness deficiency as the “inability to evaluate performance, either within the organization, so it can self-correct and learn in rational fashion, or from the outside, increases the potential for pathologies” (Barnett, Finnemore, 2004, p. 40). This vulnerability to moral insufficiency is only exacerbated, in this institutional context, by the nature of evolution of the environment the military as a bureaucracy has to operate in, coupled with the demands imposed on the young leaders by this new operational environment.

Complex World, New Demands

In 1973, at a time when the war in Vietnam was at the stage when American involvement was coming to an end, Peter Singer was writing that “from the moral point of view, the development of the world into a ‘global village’ has made an important, though still unrecognized, difference to our moral situation” (1973, p. 232). Singer’s hypothesis is

extremely important in the context of the impact social, political and technological environment has on the military institution, and implicitly on the military profession and military ethics. Singer's "global village" was just beginning to take shape at the time he was writing about it. Over the next decades it became constantly more complex, and at the same time better defined. New factors of influence came to have bearing on its distinctive components, and in return the "global village" generated increasingly heterogeneous pressure on institutions, from this moral perspective. By far the most extensive influence of the new global environment is in the way it shapes war and conflict, viewed from the perspective of moral demands. If we accept that the new global environment has fairly different moral demands, compared to sixty years ago, then it follows that war and the military institutions that are responsible for its conduct cannot be impervious to these sundry demands. This is not to say that moral demands that were characteristic of past conflicts are not present today. However present moral demands tend to be transformations and exacerbations of past ones viewed through the scope of modern conflict. Communications, nature of the operations conducted, that combines soft or socio-political approaches with hard force, and the complexity of the future battlefield, that incorporates sophisticated manned and unmanned technologies, transform and convolute the moral demands soldiers have to adhere to. At the same time, an overreliance on advanced technology, like smart guided munitions, could simultaneously generate a state of laissez-faire in the moral spectrum of the operations.

The Army recognizes the paramount impact the new operational environment has on the way it conducts operations, doctrinally stating in the Army Operating Concept¹¹ that:

Shifts in the geopolitical landscape caused by competition for power and resources influence the character of armed conflict. These shifts, and violence associated with them, occur more rapidly than in the past due to advances in technology, the proliferation of information, and the associated increased momentum of human interaction. (p. 6)

The most important feature of this acknowledgement is the emphasis it places on the human interaction factor in the context of increased technological advancement. Therefore the doctrine recognizes that “the speed at which information diffuses globally through multiple means increases the velocity, momentum, and degree of interaction among people” (TRADOC Pamphlet 525-3-1, 2014, p. 9). This heightened interaction projected globally has as the most immediate effect in that “amplifies and accelerates interaction between people, governments, militaries, and threats” (TRADOC Pamphlet 525-3-1, 2014, p. 9). If we couple this with another doctrinally recognized factor of influence for future operations, that in increased urbanization “adversaries operate among the people in these urban areas and other complex terrain to avoid U.S. military advantages and they operate in cities because war, as a political phenomenon, is inherently about people” (TRADOC Pamphlet 525-3-1, 2014, p. 10), we have to countenance that Singer’s hypothesis can be straightforwardly applied to military ethics.

¹¹ Taken from TRADOC Pamphlet 525-3-1 “The US Army Operating Concept” *Win in a Complex World 2020-2040*, 7 October 2014, that specifies operational concepts for the development of the future force.

The most direct implication of Singer's hypothesis, for morals in future military conflict, is that an evolution of the operational environment needs to be accompanied by an associated evolution of military ethics. This is necessary in order to ensure an evolutionary parallelism and prevent grave ethical errors in the application of land power in the new operational environment. Operational environment is defined here as "a composite of the conditions, circumstances, and influences that affect the employment of capabilities and bear on the decisions of the commander" (JP 1-02¹²). According to ADP 3-0¹³ the operational environment is influenced by a set of variables that include but are not limited to political, military, economic, and social factors along with information, infrastructure, physical environment, and time. An intricate intersection of these factors is what determines the nature and characteristics of the space where conflict will unfold in the future. The intricacy of the new operational environment is so conspicuous that even what should be considered routine interactions that are not necessarily military in nature, i.e. business contracts with civilian contractors for development work, are transformed into potential moral pitfalls for military personnel¹⁴. Understanding the complexity and the evolutionary nature of this future space, our military's answer resides in its commitment to "maintain high levels of readiness and deliver the capabilities and capacity needed to achieve national security objectives" through "an understanding of continuities in the nature of war as well as an appreciation for changes in the character of armed conflict" (ADP 3-0, 2011, p. 22). What seems to be

¹² JP 1-02 – Joint Publication 1-02 "Department of Defense Dictionary of Military and Associated Terms" as amended through January 2015 available at http://www.dtic.mil/doctrine/new_pubs/jp1_02.pdf.

¹³ ADP 3-0 – Army Doctrine Publication 3-0, 11 October 2011.

¹⁴ I am grateful for this point to Lieutenant Colonel Timothy Hudson, Professor of Military Science at North Carolina State University, for sharing his personal experiences and ethical challenges encountered during his deployments to Iraq. The difficulties encountered when dealing with complex environments are ideally highlighted by the ethical difficulties raised by some of these routine interactions.

missing *prima facie* is an emphasis on a similar understanding of the new moral challenges that accompany this complex environment, and an attached demand for ethical readiness to match this threat.

Moral Lessons from Abu Ghraib

The complexity of the present operational environment highlights two of the main idiosyncratic aspects of present and future war environment as its hybrid nature, and asymmetrical character. Of course, neither of these two aspects is entirely novel or unexplored. The first aspect, hybrid warfare, has been encountered from the earliest organized forms of warfare. What makes modern hybrid warfare particularly distinctive is the way technology and communication blur the lines between what used to be considered distinctive components of warfare, i.e. kinetic combat operations, economic aspects, psychological warfare. This is made obvious by increased prevalence of the constabulary¹⁵ nature of operations in conflicts like Iraq and Afghanistan as opposed to Korean or Vietnam wars. Therefore, this obscuration of boundaries places increased pressure on the ethical aspects of military operations, as Enemark (2013) remarks “new forms of warfare challenge us to rethink traditional ethical principles that govern and restrain the use of force” (p. 6).

The second aspect, the asymmetrical character, needs to be understood within the classical Clausewitzian definition of warfare as “always the shock of two hostile bodies in collision, not the action of a living power upon an inanimate mass, because an absolute state

¹⁵ Merriam-Webster definition: an armed police force organized on military lines but distinct from the regular army. I am referring here to fact that counterinsurgency operations, prevalent in the recent conflicts in Iraq and Afghanistan, have increasingly displayed law enforcement characteristics, combined with strictly military aspects of operations.

of endurance would not be making War” (von Clausewitz, 1982, p.104). In this context asymmetry will be defined as “an imbalance so obvious and so profound that one side is apparently unable to apply – in a just fashion, at least – any strength at all against the other” (Enemark, 2013, p. 59). The impact that asymmetrical nature of modern warfare has on the application of ethical principles is well presented by Rodin’s argument that “when conflict diverges too drastically from the assumption implicit in the chessboard image of war we experience serious difficulties in interpreting and applying standard judgments of just war theory” (Rodin, 2006, p.153).

Nowhere are the difficulties, imposed by the blurring of distinctive war functions in hybrid and asymmetric warfare, more obvious than in the War on Terror where “thus far, America’s leaders have arguably wanted to have it both ways; to be able to use force more freely because it is warlike, and also to present the United States as the morally superior dispenser of justice” (Enemark, 2013, p. 66). This ambivalence, in a complex operational environment, has generated extreme ethical conflicts that have resulted in some of the worst ethical failures of modern conflict, represented by the military’s abuses of the prisoners at Abu Ghraib. There in 2003, in what is by now the most publicized case of prisoner abuse, members of the U.S. military tortured and abused Iraqi prisoners on a scale that sent shocks through the entire world. The abuses happened despite the fact that “the U.S. military may have one of the best-articulated, most consistent set of professional values today” p.135) and against the existence of “a special social responsibility on the military—the obligation to apply violence only for socially approved purposes in a socially approved manner” (p. 136), as Reinke (2006) points out. And yet abuses happened despite a general knowledge that in

situations like the one at Abu Ghraib humanitarianism, as a fundamental requirement that all parties respect the “person, honor, conviction and religious practices” of those in custody (Reinke, 2006, p. 137), is the key principle involved. Furthermore, abuses happened despite the fact that “the military deliberately socializes each of its members into a professional ethic through the initial training process and reinforces that ethic in further training programs and the promotion process” (Reinke, 2006, p. 138).

But is Abu Ghraib just an institutional failure, as a result of inadequate conditions and leadership, or do the failures move beyond the institutional framework and highlight failures of ethical reasoning? As Reinke (2006) points out the failures at Abu Ghraib highlight a complex situation where “living and working in a stressful, dangerous place, under circumstances that foster a sense of distrust and dislike for the local populace” (p. 140) needs to be compounded with confusion in what policy is required to be applied, with a general approach of laissez-faire in leadership, and ultimately with the inadequacy of training provided to the soldiers (p.141). This undoubtedly emphasizes an administrative failure that “created a situation that greatly and unnecessarily increased both the stress level on soldiers and the likelihood of prisoner abuse and mistreatment” (Reinke, 2006, p. 143).

Notwithstanding the failures go beyond administrative faults, and the existence of these “does not excuse the behavior of those who mistreated and abused prisoners—such behavior is inexcusable” (Reinke, 2006, p. 143). Neither does the fact that leadership, in this case on all levels, failed to follow and enforce what should have been deeply rooted moral principles, as cultivated by the military doctrine. Is it possible that overreliance on moral intuition and an appeal to moral relativism have come short in the case of Abu Ghraib?

If we accept Staub's (1989) assertion, as quoted by Snow (2009), that "in the difficult life circumstances that can activate physical and psychological needs that press for satisfaction, the turn to violence is made more likely by predisposing cultural tendencies" (p.556) the answer doesn't seem as difficult. This appears to indicate that although the military trains military professionals to engage in aggression, this aggression is supposed to be controlled and directed. This begs then the question of what exactly could potentially curb aggression that has the capacity to turn into uncontrolled and gratuitous violence when certain conditions of psychological stress and institutional failure are being met. Snow (2009) identifies, based on work by Albert Bandura, moral principles as one such source that is capable of reducing aggressive tendencies (p. 558). Against moral principles, that should be a bastion of defense, Snow (2009) identifies five factors that exert negative influence and could potentially lead to ordinary people, including soldiers, to commit evil acts such as those perpetrated at Abu Ghraib:

- (1) difficult life conditions activate deep-seated physical and psychological needs, including needs for safety and self-esteem, that press for satisfaction;
- (2) cultural tendencies predispose individuals to satisfy these needs through violence;
- (3) mechanisms of moral disengagement function to blunt the force of internal self-sanctions that might otherwise curb aggressive tendencies; these mechanisms also help to form the perspectives of perpetrators, which differ from those of victims;
- (4) novices who begin to commit evil acts learn by doing, and, through the repeated performance of evil actions, come to see harm doing as routine and to take pleasure in

it; and (5) harm doing can be a way of taking control of an environment that is otherwise largely out of the control of the perpetrators. (p. 560)

Given the institutional failures discussed by Reinke, the psychological counter intuitive mechanisms, which dispute and defy moral principles, implied by Snow and the setting of Abu Ghraib events in a hybrid operational environment might raise the question of the need for ethics to be involved. However, in this situation Snow's (2009) suggestion that "these abuses were not just failures of military discipline wrought by the effects of situational forces on soldiers' inner resiliency" but that "they were also forms of harm" and "the fact that the abuses were forms of harm places the incidents at Abu Ghraib squarely into the ambit of ethics" (p. 560) is extremely compelling. If we further acknowledge that "the army reservist who blew the whistle on Abu Ghraib was a man who simply believed that it was morally wrong" as Otis (2012, p. 111) suggests, the case for the necessity of ethical evaluation is further strengthened. Of course, the case for an imperative appeal to ethics is only made stronger here, by the discussions concerning the moral status of terrorism and terrorists¹⁶. Although I do not completely agree with Snow's endorsement of Stoic ethics¹⁷, as the one and only solution which could potentially prevent future Abu Ghraibs, her argument is more than convincing in suggesting enhanced ethical training as a backbone for ethical resilience.

Snow's (2009) concept of "encouraging a thoroughgoing integration, at appropriate points, of

¹⁶ I am referring here to extensive philosophical debates, on the subject of terrorism and terrorists' moral status, by Michael Walzer "Arguing About War" (2004, p. 51 – 66) and Helen Frowe "Ethics of War and Peace" (2011, p. 168 – 207), which due to their lengthy nature are only mentioned here for their significance in relation to the demand for ethical evaluation of this case.

¹⁷ What Snow endorses here is an integration of stoic values with military education, as they cohere well with military values. This is a valid point if we acknowledge that stoicism identifies moral virtues with knowledge and thus advocates we should strive for perfecting our rational nature. I believe, however, that a Kantian or neo-Kantian approach can have the same practical functionality.

Stoic values and perspectives throughout the entire course of military education” (p. 562), if expanded to incorporate other normative ethic theories, especially those that as we have seen are better at justifying the principles of *jus in bello*, appears adequate. Any thorough military training, which incorporates fundamental theoretical aspects, is in these circumstances intent on generating a military force that is better prepared to operate in the complex operational environment described, and has the potential to counteract psychological tendencies and institutional failures of a future Abu Ghraib.

Future Challenges

Nevertheless, the complex challenges of the hybrid war space are not limited to those where institutional failures and extreme psychological conditions generate an erosion of morals on the magnitude of those seen at Abu Ghraib. There are particularly three types of operational domains that might raise particularly complicated ethical challenges for the military professionals at all levels of leadership. One operational domain has been an integral part of military operation throughout history, and its only new characteristic is its intersection with the hybrid war space, while the other two are completely novel aspects of the hybrid warfare. The former is represented by military operations inside the homeland, and the later by drone and cyber warfare. If operations in the homeland only raise ethical challenges generated by the application of military power in an environment that is different in nature compared to the standard operational environment for the armed forces, the use of drones and cyberwarfare pose very unique challenges to the just war ethical system, and implicitly to a leadership decision process based on the traditional understanding.

When required to operate inside the homeland the armed forces mission is clearly stated in the Army doctrine, as outlined in ADRP 3-28¹⁸, in that the “Army forces seize, retain, and exploit the initiative to save lives, alleviate suffering, and protect property. In addition, they strive to create the conditions for civil authorities and nonmilitary responders to carry on without military support” (2013, p. 39). The doctrine also recognizes the crucial importance of the sets of skills military professionals in that “the skills that allow Soldiers to accomplish their missions on battlefields can support local, state, tribal, and federal civil authorities, especially when domestic emergencies overwhelm the ability of local government agencies to respond adequately” (ADRP 3-28, 2013, p. 40). Within this set of skills the Army recognizes the importance of the ethical readiness in this context through the fact that “commanders and all Soldiers and Army civilians providing support in the homeland make decisions and perform their duties ethically” and furthermore that “commanders maintain values-based, moral-ethical decision-making and behavior” (ADRP 3-28, 2013, p. 40). However, as we stated earlier, the moral and ethical background, represented by the just war theory, that leaders and military professionals are expected to utilize in their decision-making rationale is not without contention. Furthermore, the values and principles that military professionals appeal to are not always synchronized with the values and principles of the greater society. As William Banks recently argued, the martial orientation of the armed forces, generated by the nature of the fundamental mission of armed forces, and the fact that military, in the framework of recent conflicts, tends to be acculturated to a position of control can and do come in conflict with the values and tenants

¹⁸ Army Doctrine Reference Publication No. 3-28, 14 June 2013.

of American society¹⁹. History through the words of Thomas Jefferson, who stated that "if no check can be found to keep the number of standing troops within safe bounds while they are tolerated as far as necessary, abandon them altogether, discipline well the militia and guard the magazines with them. More than magazine guards will be useless if few and dangerous if many" (Jefferson, 1788) shows clearly that the relations between the American public and the standing army have not always been unproblematic. Therefore, for the military to maintain its trusted status as a profession, custodian of the force of the nation, the application of the ethical principles, when operating in the homeland, needs to be without blemish. In this context, some fundamental principles of the just war theory, i.e. the principle of military necessity²⁰, need to be adapted, reinterpreted or abandoned altogether, as their application to morally problematic situations in the homeland can have devastating effects on the morality of any future action in similar conditions.

While operating in the homeland requires an adjustment of ethical principles, the other two aspects of hybrid warfare mentioned earlier have on the other hand, through their novel nature, the capacity to compel *ex nihilo* sets of moral rules or an extensive deconstruction and adaptation of the existing ethical principles. The extensive use of drones has increased exponentially with the onset of the Global War on Terror. Simultaneously the

¹⁹ Remarks by Dean William Banks, Director for National Security and Counterterrorism at Syracuse University during the discussion panel *Civil-Military Relations in the Era of Hybrid Threats* part of "Hybrid Threats=Hybrid Law?" Conference organized by Center on Law, Ethics and National Security at Duke University, 26 – 27 February 2016.

²⁰ The moral implications of the principle of military necessity and its complex moral assessment are extensively discussed by Paul Christopher "The Ethics of War and Peace" 1999, p. 157 -178.

cyberattack against Iran's nuclear facilities in 2010 using Stuxnet²¹, seen by many as “as the harbinger of even more devastating attacks to come, or the leading edge of a cybersecurity Revolution in Military Affairs” (Lindsay, 2013, p. 366) and the use of cyberattacks by Russian linked activists in its brief war with Georgia in 2008, have opened the door for another extremely ethically challenging domain of hybrid warfare. Although the two aspects seem to have little in common, they both raise serious questions about the ethical application of principles of just war theory as generally accepted and interpreted by current military doctrine.

From the *jus in bello* perspective, if “the ‘weak’ side on the receiving end of US drone strikes were completely deprived of any ability to retaliate, all individuals on that side would be ‘innocent’ and unable to be targeted” (Enemark, 2013, p. 61) thus raising serious questions about the application of the principles of discrimination and military necessity. Although decisions related to drone strikes have to go through a rigorous vetting process at high levels of leadership, as Enemark points out “non-combatants within the strike range of a drone-launched missile are at risk of being killed unintentionally – as ‘collateral’ when an enemy combatant is struck, as a result of technical malfunction, or because of an intelligence-based targeting error – and also, in theory at least, as a result of a drone operator’s deliberate decision to violate the discrimination principle” (2013, p. 62). This highlights the genuine need for ethical training, especially if we accept that using drone technology tends to devalue

²¹ Stuxnet – refers to a computer worm virus that infected Iranian computers at the Natanz nuclear facility. Although the source of the super-virus is yet to be precisely established computer experts point to the fact that such a virus could only be the result of joint governmental efforts by both US and Israel. See Lindsay Jon. *Stuxnet and the Limits of Cyber Warfare*. 01 August 2013.

the life of non-combatants in comparison to the life of drone operator, which is outside of any risk of harm, and generates tensions “with the principle of discrimination, especially if the lives of combatants are accorded the highest value in any proportionality calculation” (Enemark, 2013, p. 63). If we agree with Walzer’s argument that “even if the target is very important, and the number of innocent people threatened relatively small, [users of force] must risk soldiers before they kill civilians” (2000, p.157) then we can easily perceive that drone warfare generates complex concerns for the traditional just war theory. On the other hand, if we accept McMahan’s reasoning and we endorse his individualist account, it follows that a “rejection of the moral equality of combatants necessarily involves privileging *jus ad bellum* over *jus in bello*”, thus “if what matters most morally is not what combatants *do* but rather what they do it *for*, everything seems to ride upon the existence of a just cause” (Enemark, 2013, p. 70). And this approach generates even more complexity from the normative ethic perspective. Furthermore, the development and inevitable utilization on the battle fields, in a not so distant future, of autonomous weapon systems will exponentially convolute the ethical picture as “persons who authorize the use of, direct the use of, or operate autonomous and semi-autonomous weapon systems must do so with appropriate care and in accordance with the law of war, applicable treaties, weapon system safety rules, and applicable rules of engagement” (DoDD 3000.09²², 2012, p. 3). However, if the law of war doesn’t seem to present a unified moral standard the use of autonomous weapons will be extremely problematic from an ethical perspective.

The cyberwarfare domain raises similar challenges and questions. As some military experts and professionals are even reluctant to acknowledge that the cyber domain is an

²² Department of Defense Directive No. 3000.09, 21 November 2012. Subject: Autonomy in Weapon Systems.

integral part of warfare, and thus subject to the ethical rules of the just war tradition, it is increasingly important to educate young military leaders on the ethical problems they might encounter. It is not hard to imagine that in the absence of a clear set of rules, a young officer in combat might be inclined to appeal to the principle of proportionality and respond with lethal force to a cyberattack that leads the death of his soldiers. How should governments and military professionals respond to the threat of or use of cyberattacks is a matter highly debated in legal and political circles. Notwithstanding from the ethical perspective the rise of cyberwarfare might require the *ex nihilo* creation of norms, or an acclimatization of principles to the cyber domain. Either way, it is absolutely necessary to ensure a basic level of ethical readiness for all military professionals, to incorporate, at a minimum, discussions about the ethical challenges of drone and cyberwarfare.

Officer as the Moral Compass

In the increasingly complex operational environment represented by the hybrid and asymmetric warfare, as detailed earlier, ethical dilemmas are bound to challenge military professionals on all levels. Walzer's (2000) provision, that "soldiers [...] are not responsible for the overall justice of the wars they fight" and furthermore that "judgements about usefulness and proportionality are very difficult for soldiers in the field" (p. 304), marks specifically the difficulty of ethical decision making in these intricate situations. If we further compound this with his absolute rule that "self-preservation in the face of the enemy is not an excuse for the violations of the rules of war" (Walzer, 2000, p. 305), then following the rules of *jus in bello*, besides being an imperative obligation for every soldier, is the cardinal obligation of every officer.

Furthermore, in the context of increased operational environment complexity, the military places increased responsibility on junior leaders through the concept of mission command, defined as “the exercise of authority and direction by the commander using mission orders to enable disciplined initiative within the commander’s intent to empower agile and adaptive leaders in the conduct of unified land operations” (ADP 6-0²³, 2014, p. 1). This emphasizes the fact that junior officers are, at an increasing rate, susceptible to find themselves in complex situations that demand application of ethical reasoning. As their responsibility extends beyond their own decisions and actions, to the decisions and actions of their soldiers, they become a moral beacon for their subordinates. This responsibility is clearly depicted in cadet’s training guidance²⁴ as it highlights the expectations for a junior officer:

Upon taking the Army oath, you enter into an agreement with the nation, its leaders, and your subordinates. These subordinates deserve competent, professional, and ethical leadership. They expect you as an Army leader to respect them as valued members of an effective and cohesive organization. They expect you to embrace the tenets of ethical leadership. (Values and Ethics Cadet Training Guidance – para 2.4.2)

Therefore, it is obvious that, as officers are responsible for the moral conduct of their subordinates, their ethical readiness is paramount for conducting military operations and preventing ethical errors with dire consequences. Yet embracing the tenets of ethical leadership and maintaining the highest ethical and moral standards might be complicated by

²³ Army Doctrine Publication No. 6-0. Mission Command. 12 March 2014.

²⁴ Army ROTC Cadet Training Manuals retrieved from http://www.rotcebooks.net/Values_and_Ethics/index.html

the lack of understanding and preparedness in ethical theory. Even if we accept that, “as a military officer, being acquainted with situation ethics, will enable you to have a better grasp during difficult battlefield choices without relying solely on intuition, common sense, or sympathy, even if all of these enter the equation” (Values and Ethics Cadet Training Guidance), the conflicting approaches to just war theory have the potential to create ethical predicaments for the junior officers.

From My Lai to Clint Lorance

The United States military has taken great strides in cultivating ethical conduct. The days of dropping Agent Orange, indiscriminately, in the jungles of Vietnam, in the name of military necessity and without concern for secondary or tertiary effects, are over; and smart bombs and technologies make fighting the future war more in keeping with moral imperatives. And yet when it comes to the ethical conduct of soldiers in combat and the ethical readiness of their junior leaders’ situations have not progressed as far as they should.

It is the same Vietnam conflict that presents us with one of the most horrific scenarios of ethical failure at multiple levels, but especially the ethical failure of the unit’s moral compass, the junior officer. It was Lieutenant Calley, in the My Lai massacre, that following his Captain’s confused orders, “led the unit that entered the village, gave far more specific orders, commanding his men to kill helpless civilians who were neither running nor hiding, let alone carrying rifles, and repeating the command again and again when they hesitated to obey” (Walzer, 2000, p. 310). And just like the Wehrmacht soldiers before them, and many others prior that committed atrocities, the soldiers under Calley’s command claimed they were just following their leader’s orders. Yet despite the fact that the soldiers themselves are

not blameless, and as Walzer (2000) argues they can “never be transformed into mere instruments of war” (p. 311) the greater responsibility and the capital ethical failure is that of their leaders. We have to accept, as I believe we easily should, that ignorance and the threat of harm, most commonly invoked by soldiers in the defense of their actions, are not strong enough justifications for any action like those perpetrated at My Lai. No appeal to the principle of military necessity in its classical sense can be used, by the virtue of what Walzer (2000) argues in that “ordinary moral sense and understanding rule out killings like those at My Lai” (p. 313). That is to say that even if one attempts to justify acts of this nature through an appeal to some principal of military necessity, moral principles universally accepted, like the respect for human life, ought to always override them. However, even if we grant the common soldiers a right to justify their actions, through their obligation to follow orders, not the same right can be granted to their officers.

Antithetically officers, as we have shown, have a responsibility to always follow the ethical conduct, and furthermore to instill and enforce the same in their subordinates. This responsibility is elevated further, as Walzer (2000) points out, because “they have in their control the means of death and destruction” (p. 316). Furthermore, although killing is part of war and no officer will ever be criminally liable for deaths in war that fall within the limits of the law “the moral responsibility is clear, and it cannot be located anywhere else than in the office of the commander” (Walzer, 2000, p. 317). When the commander is young, and most often inexperienced, as are many junior officers recently appointed from commissioning courses, their level of ethical readiness, as their abutment in discharging their responsibility, is often inadequate. This inadequacy leads to young leaders, like Lieutenant Calley, to not

only fail to be the moral compass of their subordinates, but to also corrupt their individual moral convictions and disturb the character of the organization over which they have command.

Forty-four years later the same paucity in ethical readiness and the same disregard for the ethical tenets of just war theory will drive First Lieutenant Clint Lorance to order his men to fire on three innocent civilians in Afghanistan, killing two people. Lieutenant Lorance invoked in the defense of his actions the safety of his men, who had suffered casualties, and the danger posed by men like those he fired upon that may have had ties to bomb makers (Philipps, 2015). What the young lieutenant seems to have completely disregarded is that, as Walzer (2000) points out “the war convention requires soldiers to accept personal risk rather than kill innocent people” (p. 305). Furthermore, if his justification for the attack on civilians was relying on the doctrine of double effect, knowledge of the tensions between this doctrine and Kant’s Categorical Imperative might have persuaded the young officer to follow a different course of action. He would have realized that shooting those men would mean using them merely as a means to protect the lives of his soldiers. Of course, in rapidly fluid situations, like the one Lorance found himself, the time for moral judgment might be extremely constricted not allowing for a full rationalization of facts. However, that doesn’t excuse the fact that had the adequate ethical foundation been endowed, to be further developed and enhanced, a moral judgment could be reached more expeditiously simply by appealing to the ingrained moral norms. By having conducted the rationalization process, to reach the reflective equilibrium, at an earlier time, one can more readily access the

rationalization mechanism and conclusions, radically reducing the reflection time needed to make a moral decision.

Despite blurry reports about the exact conditions that led to incident, and not considering the justness of the war from the *jus ad bellum* perspective, Lieutenant Lorance could not have appealed to the *jus in bello* military necessity. The fact remains that one of the fundamental features of following the ethical conduct prescribed by the rules of *jus in bello*, even in their non-Kantian form, is that “soldiers cannot enhance their own security at the expense of innocent men and women” (Walzer, 2000, p. 305). Admitting, the complex nature of the modern operational environment makes it extremely difficult, in certain situations, to make a distinction between enemy combatant and non-combatants. Be that as it may, this only makes a stronger argument for appeal to even higher moral standards, which inherently value the lives of innocents as ends in themselves.

Although the argument can easily be settled here it is worth mentioning that when it comes to valuing lives as end in themselves and not merely means, the lives of the civilians that are potentially collateral damage, are not the only ones affected. The lives of the soldiers that are ordered to commit an unethical act are also fundamentally transformed. For although, as Walzer (2000) mentions, they “can ignore an immoral command or answer it with questions or protests” and even refuse to obey it with the risk of reprimand or even incarceration (p. 314), they are “not excused for the murder of innocent people by the threat of demotion” (p. 315). The soldiers themselves will bear the effects of their forced moral shortcoming. Some of these effects are life lasting and haunting. Soldiers involved in Lieutenant Lorance’s incident reported being stalked by anger and regret, having trouble

sleeping and displaying clear symptoms of post-traumatic stress disorder (Philipps, 2015). These are not abnormal occurrences if we consider the nature of the life in the military viewed as a fortress that “encompasses the way of life and the physical communities in which the military members live, as well as their mental and psychological world” (Hall, 2008, p. 55). In complex combat situations being forced to follow orders, by one’s own feelings of duty or sentiment of belonging to a group, can and does come into conflict with soldier’s own beliefs and moral values, especially if these are antagonistic to values and principles behind the order to be followed. This can cause stress injuries, like those experienced by Lieutenant Lorance’s soldiers. Due to the fact that these injuries are invisible makes, like Nash (2007) points out, “more difficult for warriors to forgive themselves for developing symptoms of stress injuries” (p.17). However, this impact is not limited to soldiers themselves as “veterans do not experience war alone and that the experience of war does not end when the tour is over. Families, maybe for generations to come, are affected in many ways” (Wakefield, 2007, p.5). Therefore, we can envision how a leader’s moral failure has pervasive impacts beyond the battle field and into the families and communities of those directly involved.

Ethical Education, Dampening Ethical Atavism

So far, the paper has highlighted the existence of a theoretical conflict in military ethical philosophy, identified historical cases where grave ethical errors have been committed and showcased the potential for similar or even more afflictive errors to be committed in the increasingly complex circumstances of the future operational environment. This does not automatically imply that all potential ethical errors are on the scale of those at My Lai or Abu Ghraib. Conversely the majority of ethical offenses are not on the scale of the cases presented, they are rather more mundane in nature, as the GAO Report²⁵ (September 2015) points out military misconduct is mostly related to “among other things, sexual behavior, bribery, travel, use of government funds, and cheating” (p.1). This is not to say that the presence of these rather less dismal ethical errors, especially when accumulated in both number and over time, doesn’t highlight a negative state of ethical readiness. Furthermore, the same GAO Report (2015), while highlighting the crucial importance of value based ethics programs “that focus on upholding a set of ethical principles in order to achieve high standards of conduct” (p. 6), has identified that “DOD has taken steps toward developing a values-based ethics program but has not fully addressed the recommendation of the Panel on Contracting Integrity²⁶ to develop a department-wide values-based ethics program” (p.11). Quoting surveys conducted in 2010²⁷, the report further points out that despite Federal

²⁵ United States Government Accountability Office. Report to Congressional Committees. *Additional Steps Are Needed to Strengthen DOD's Oversight of Ethics and Professionalism Issues*. September 2015.

²⁶ Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; *Panel on Contracting Integrity 2008 Report to Congress* (Jan. 5, 2009)

²⁷ Council of Ethical Organizations and Human Resources Research Organization, *United States Department of Defense Survey Report* (Aug. 31, 2010).

Sentencing Guidelines²⁸, which “encourage organizations to train all employees periodically on ethics” (p. 14), “the number of employees who acknowledge regularly receiving ethics information and training is comparatively low” (p. 13). The list of shortcomings, identified by the GAO Report (2015), also mentions a lack of implementation of ethical training tools (p. 21) and the lack of metrics to measure the progress of ethical training (p.31).

At the same time the paper has implied that many of these possible future errors, and implicitly ethical atavism, are potentially avoidable should the appropriate ethical training be cultivated in the upcoming junior officers, as leaders with a considerable higher impact in future conflicts. However, before the paper suggests a potential ethical training model and considers conceivable criticism of such a model, a description of the present ethical training methods is warranted. To accomplish this task the paper will consider the case of ethical training in the Army’s Reserve Component Officer Training (ROTC) program²⁹.

Ethical Training in Army ROTC

The first question that arises when attempting to highlight ethical training potential shortfalls, especially for junior officers across all military services, is the relevance of ethical training for a single component of the armed forces. According to the latest report³⁰ published by Department of Defense out of the total number of junior officers in all military branches over thirty-seven percent belong to the Army and at the same time thirty-four

²⁸ U.S. Sentencing Commission, *Guidelines Manual* (November 2014).

²⁹ A caveat is necessary. A large part of the information pertaining to how ethical training is conducted in ROTC programs is based on the author’s personal experience as a cadet, part of the Corps of Cadets at North Carolina State University, between 2014 and 2016.

³⁰ January 2016 report from DoD Personnel, Workforce Reports & Publications, retrieved from https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp.

percent of all cadets are Army cadets. If even we were to consider that there are serious discrepancies between the way ethical training is conducted for Army cadets as opposed to Navy or Air Force, that high percentage, coupled with a general propensity for junior Army officers to more readily encounter, in the context of the complex future operational environment, situations that require solid value based ethical reasoning would endorse the significance of the ethical training conducted in the Army. Furthermore, when scrutinizing the ethical requirements for Navy midshipmen at the United States Naval Academy, as part of the core curriculum³¹, required for successful completion and granting commission in the US Navy, there is only one ethical course present, “NE203 – Ethics and Moral Reasoning”.

Nevertheless, a further objection can be brought against the significance of the ethical training program in the Army’s ROTC program compared to the program used by the United States Military Academy at West Point. However, the ROTC program is the largest officer producing course in the United States Army, producing approximately sixty percent of the Second Lieutenants in the Army³². Simultaneously the Military Academy only offers more advanced ethical studies as part of their Art, Philosophy and Literature Major³³. Furthermore, as Wilson (2013) argues, there is no “claim that non-USMA officers are of lesser moral caliber than the members of the Long Gray Line [USMA cadets]”, rather that the “USMA graduate will be the officer best equipped to lead, by example and otherwise, the character development process in his or her Army units, due to the theoretical and practical underpinnings the four-year immersion in a process of character development has provided”

³¹ United States Naval Academy Curriculum available at <http://www.usna.edu/Academics/Majors-and-Courses/Course-Requirements-Core.php>.

³² Data obtained from <http://www.goarmy.com/rotc/legacy-and-value.html>.

³³ United States Military Academy Curriculum available at <http://www.usma.edu/curriculum/SitePages/Home.aspx>.

(p.37). This leads to the conclusion that overall, through the number of junior officers it commissions in the armed forces and the similarities in curriculum with other commissioning programs, the ethical training conducted in Army ROTC programs, across more than two hundred and seventy-five different programs, can be considered archetypal for the ethical training of future junior officers.

I have already highlighted through the GAO Report (2015) that deficiencies have been identified in the Department of Defense's ethical training programs. The issue then becomes to identify specifically which of these shortcomings, if any, manifest in the ROTC's ethical training program and ultimately attempt to propose a solution. What I am suggesting here, for the case of ROTC ethical training and to a certain extent for all military ethical training programs, is a deficiency related to the method of teaching ethics to cadets. This methodological deficiency presupposes a certain lack of consistency in content, which left unaddressed not only has the potential to cause grave ethical failures, but also generate a systemic ethical atavism with potentially disastrous effects. First step in identifying this deficiency is accomplished through analyzing the specifics of ethical training curriculum for Army ROTC cadets, and then comparing this to prevalent theories of ethical training.

For example, for the cadets' final year, before their commissioning as Second Lieutenants in the United States Army, the current mandatory military science syllabus³⁴ prescribes four hours of ethical training divided over the course of two semesters. Out of the prescribed four hours, according to the syllabus, three are dedicated to ethical case studies and one to organizational ethics. The previous year's military science syllabus has the same

³⁴ Syllabus available by request from the University's ROTC program, or from United States Army Cadet Command Fort Knox, KY.

structure as the one for the final year. This means that, at best, over the course of four years a cadet will receive a maximum of sixteen hours of ethical instruction, out of which more than three quarters will focus on case studies alone. None of the ethical training classes prescribed to cadets before their commissioning mandates in depth theoretical training, a more in depth study of just war theory or its underlying principles and theoretical tensions that occur within just war theory, all things that, as I have highlighted in previous passages, are of acute importance for sound military ethical reasoning. Admitted, discretionary readings of basic ethical theory are made available to cadets³⁵, however they do not have a mandatory nature and the assessment mechanism for cadet's access and utilization of this tool is nonexistent. Although military ethics courses across armed force's institutions include among other methods of ethical education, as Robinson (2013) points out, pragmatic methods where there is no formal ethical education, formal classes in moral philosophy – that are non-existent in the ROTC mandatory curriculum –, and case studies, as “probably the most favored pedagogical method because they give abstract theories practical relevance and show the importance of the issues under discussion” (p.9), the overreliance on the latter has serious weaknesses. The most grievous of these weaknesses is identified, by Miller (2004), in that “very few moral problems truly constitute dilemmas”, and thus the use of poorly constructed cases can “seduce practitioners into ... the quasi-reflective life ... that relies upon moral judgments that are inadequately grounded in theoretical commitments” (p.210). If we further accept Ficarrota's (2013) assumption that “plainly, doing everything required for full moral

³⁵ An online resource is made available to cadets at http://www.rotcebooks.net/Values_and_Ethics/index.html. It contains modest theoretical information without essential in-depth analysis, which as highlighted in this paper is fundamental for proper ethical reasoning in hard cases.

education could not easily be done in a single course, or even a sequence of courses” (p.65), then we can understand his contention holding that “taking a forced core course, with no prior work in philosophical ethics, a practice-judgment-only approach can be disastrous—the discussions easily devolve into sophomoric ‘food fights’ and may cause students falsely to believe that moral judgment is mere opinion mongering” (p. 66).

In addition, the minimal ethical theory, that is supposed to supplement and enhance the case studies provided by the Center for the Army Profession and Ethic³⁶, rests on equivocal principles of reasoning in ethics. For example, the Military Science 401 lesson 21 “Army Leaders Ethics” (2015) it recommends among six principles, that need to be used when deciding on the rightness or wrongness of an action, intuition, which is highlighted as self-evident, and “greater good for the greatest number”, as two key fundamental principles. The dangers of relying on one’s intuition when conducting moral reasoning are the subject of extensive philosophical debate, and it suffices in this case to draw attention to the discussions in previous sections related to Abu Ghraib and My Lai to reject intuition as a relevant mechanism in ethical reasoning, especially the one pertaining to hard cases of collateral damage or the status of non-combatants. The utilitarian nature of a reasoning method, which follows “greater good for the greatest number”, should simultaneously bar this from consideration as a viable criterion for ethical decisions, of the nature of those this paper has discussed. Furthermore, neither of these two reasoning methods is endorsed by any form of just war theory, as integral to the justification and moral reasoning process. Even if we accept that certain moral theories do condone and encompass reliance on reasoning principles

³⁶ The case studies, available at <http://cape.army.mil/case-studies/>, are extensive in content and varied enough to cover diversified ethical dilemmas.

similar in nature to intuition, or some utilitarian principles, I agree with Ficarrota's (2013) assumption that as "moral experience is complex and multi-layered", it follows that "educating for morality will necessarily be a lengthy and involved process" (p. 71) and cannot be reduced to a few hours of case studies. Additionally, both reasoning principles mentioned above assume a certain level of moral relativism. Moseley's (2013) argument, that due to the "unedifying plasticity that can be warped for ends far removed from core human values" that characterizes relativism any theory over reliant on relativist principles "cannot therefore form the basis of ethical education" (p.177), is also extremely compelling.

The argument constructed this way needs some further consideration. First, we have to consider Moseley's (2013) argument that as military atrocities generate societal demands, "military ethics can respond to those demands to help produce a more effective teaching program to help recruits work through ethical issues and dilemmas" (p. 180). However, he also grants that "with regards to specific ethics teaching, this means that the values that have emerged from military experience, while possessing an excellent grounding for initial training, must also be subject to soldiers' thorough examination" (Moseley, 2013, p.178). This showcases the extreme importance that needs to be placed on teaching, in every military ethical course, the fundamental theoretical underpinning, which alone can provide the necessary tools to conduct this thorough examination. Second as we accept the importance of character, without diving too deep in the qualities and importance of virtue ethics for the military, in conducting the necessary moral reasoning Wilson's (2013) conviction that "the military establishment assumes the burden of defining good moral character [and] developing methods for teaching soldiers how to develop good moral character" (p. 31) complements the

necessity to move beyond the “practice-judgment-only approach”. However, I do not believe that pragmatism in ethical training, as described by Wilson (2013, p. 33), despite the fact that, as he points out, “officer education programs in ethics at the pre-commissioning level and in junior officer schools are somewhat more theoretical” (p.33) can successfully provide an adequate response especially given “the unique position the young lieutenant occupies in the organizational hierarchy, where the youngest and least experienced officers are charged with the most demanding leadership challenges” (Wilson, 2013, p.33). If we further accept that an honor code, central to the development of character required for effective moral reasoning, “demands selfless adherence to the deontological notion of the absolute primacy of principle in any conceivable situation involving a breach of character in another person” (Wilson, 2013, p.36), then opposed to Wilson’s claim it might not seem “farfetched to argue that every soldier take a college level introduction to ethics and international relations during basic training” and indeed there is, especially in case of future junior leaders, “a place for more theoretical foundation-laying at the lowest level of the military hierarchy, before soldiers become immersed in the normative proscriptions of the law of land warfare (which are often presented to soldiers in ‘PowerPoint’ briefings” (Wilson, 2013, p. 39).

A Kohlbergian Approach to Military Ethical Education

All things considered it seems that the most appropriate approach to ethical education in the military, one that can successfully respond objections like the ones raised by Ficarrotta and Moseley, needs to move beyond the specter of pragmatism and relativity and account first for a fundamental theoretical understanding, as a basis to be then further supplemented

by what Ficarrotta calls “practice-judgment-only approach”, that is most consistent with the case study method employed currently. Sher’s (2001) idea that “the moral outlook that we have been nonrationally caused to acquire is best viewed not as a permanent fixture of our thought, but rather as a starting point that we may hope successively to improve through ongoing critical reflection” (p.73), where moral outlook is understood as “the combination of a person's moral beliefs and his ways of assessing evidence and weighting values” (p. 69) is fundamental to understanding this requirement. It is then hard to accept that the foundations for the ongoing critical reflection can be acquired through appeal to various scenarios without a reflection on moral theories. To fully identify which moral theory would be the most appropriate for military ethics education is beyond the intended scope and the capacity for philosophical debate of this paper. Nevertheless, it is worth mentioning that if we accept Walzer and Ficarrotta’s accounts discussed earlier, among many others who engaged in comprehensive analysis of just war theory, the consequentialist and utilitarian moral theories are deemed unsuitable for ethical reasoning in military matters. The paper has discussed to a certain extent what the objections against utilitarianism are. Among the other ethical theories that could provide the broader theoretical backing for the enhanced ethical training envisioned, Kantian or neo-Kantian deontology seems most suited, if we follow Ficarrotta’s (2013) argument detailed in previous sections about Kantian ethic’s suitability in enhancing the doctrine of double effect. This is not to say that some form of virtue ethics or Stoicism, as the one Snow (2009, p. 561- 567) argued for, cannot provide a complementary augmentation. As a matter of fact, I believe that all these moral theories should be, at least, presented to

students, and their shortcomings and advantages in justifying and enforcing the principles of just war theory detailed and extensively discussed.

What this paper is advocating, is that in order to prevent systemic moral atavism, as a result of applying deficient ethical training mechanisms, in the context of increased moral complexity of the operational environment, an approach to moral education in the vein of Kohlberg's (1989) proposition would be the most suited. When analyzing Kohlberg's (1989, p.8) stages of moral judgment it is easy to assert that kept in the present form, as it is over reliant on case studies and experience, military ethical education is locked in Level II named Conventional and at best in Stage 4, of this level, named "Social system and conscience". What this entails is that a person, at this stage of moral development, would do what is right "to keep the institution going as a whole, to avoid the breakdown in the system 'if everyone did it,' or the imperative of conscience to meet your defined obligation" (Kohlberg, 1989, p. 9). Furthermore, as Kohlberg (1989) suggests, for a person at this stage what is right is represented by "fulfilling the actual duties to which you have agreed" and moreover "laws are to be upheld except in extreme cases where they conflict with other fixed social duties" (p.9). Of course, at first look this seems to be a perfectly acceptable level of moral development. Only if we consider that accepting one's judgment on this level of moral reasoning could easily lead to potential justifications for cases like My Lai or Lieutenant Lorance, then it appears that for military professionals a higher level of moral judgment would be appropriate and necessary. The solution is then developing an ethical education system that attempts to move military professionals, in particular junior leaders, to a more advanced stage of moral judgment.

The ideal stage where a military professional should conduct his moral reasoning and base his ethical judgments corresponds, in my opinion, to what Kohlberg (1989) identifies as Stage 6 “Universal ethical principles” of Level III “Post-conventional or principled”. This stage is characterized by the fact that, a person reasons for doing what is right are found in “the belief as a rational person in the validity of universal moral principles, and a sense of personal commitment to them” (p.9). Kohlberg (1989) further characterizes what is right at this level of moral judgment as follows:

Following self-chosen ethical principles. Particular laws or social agreements are usually valid because they rest on such principles. When laws violate these principles, one acts in accordance with the principle. Principles are universal principles of justice: the equality of human rights and respect for the dignity of human beings as individual persons. (p. 9)

If we agree with this formulation, and I believe a counterargument to it is difficult to support without abandoning crucial military doctrinal tenets, then it is easy to countenance that had junior officers, like Lorance and Calley, received enhanced ethical training, which would endeavor in bringing their moral judgment level to something close to Kohlberg’s Level 6, it is possible that grave ethical errors could have been prevented. It is of less significance to which particular moral theory these universal principles of justice belong to, excluding utilitarianism which we have already discredited as being inadequate for military scenarios. Of course, not all moral principles belonging to one or another moral theory can have a universalistic character, and this limits to a certain extent the span of moral theories

that can be utilized. However Kantian and neo-Kantian principles, which are subject to satisfying Kant's Categorical Imperative, necessarily have a universal character as they need to respect the requirement that one has to "act only according to that maxim by which you can at the same time will that it should become a universal law" (Kant, 1785).

Renouncing the requirement for the universal character of the principles, that are to be used in ethic rationalizing in military matters, is a challenge to the impartiality of principles and at the same time exposes these principles to relativist challenges. That endorsing these relativist principles is erroneous is what I will attempt to determine next. Through this I hope to demonstrate that impartial, universalistic principles are best suited for military ethical reasoning, and therefore one should be endorsing Kohlberg's approach, that advocates the appeal to just such principles. One such objection is formulated by Gilligan and ascertains, according to Blum (1988), that "there is an appropriate place for impartiality, universal principle, and the like within morality and that a final mature morality involves a complex interaction and dialogue between the concerns of impartiality and those of personal relationship and care" (p. 474). In other words, Gilligan believes that morality is not necessarily solely based on impartial, universal principles, but that they are complemented by concerns for personal relationship. This means that she rejects Kohlberg's view that "morality is ultimately a matter of the individual rational being legislating for himself and obeying laws or principles generated solely from within himself", and "portrays the moral agent as approaching the world of action bound by ties and relationships (friend, colleague, parent, child) which confront her as, at least to some extent, givens" (Blum, 1988, p. 475).

Therefore, for Gilligan, morality becomes an intertwining of emotion, cognition and action, based on notions of care and responsibility, interpreted as non-subjective standards of act evaluation (Blum, 1988, p. 476). The major shortcoming of this objection, in our case, is the fact that while the types of relations envisioned by Gilligan do exist, they do not manifest, on the scale she assumes, in military ethical judgments. These special relations of care and responsibility do not have the substance Gilligan assumes when it comes to relations between soldiers and non-combatants, in a potential collateral damage situation. While soldiers definitely have a responsibility towards non-combatants, it is not the type Gilligan can use as a counterargument to the necessity of impartial and universal principles. Simply put, as Blum (1988) recognized in the possible rebuttal to Gilligan's assumption, "it is better to act from impartial principle than care because, for example, impartial morality ensures consistency and reliability more than care" (p.479). More so what, at first impression appears as a critique of Kohlberg's Kantian approach in that "the adoption of certain philosophical starting points led Kohlberg to arbitrarily restrict the moral domain to conscious, reason-governed activity of the moral agent" (Maxwell, 2010, p.168) is the ideal condition for military ethical reasoning, which undoubtedly needs to be reason governed.

The second serious objection to Kohlberg's universalistic and impartial principles comes from normative relativist theories. The generally accepted definition of normative relativism holds that, Lyons (1976) accurately describes it, "as the notion that an act is right if, and only if, it accords with the norms of the agent's group" (p. 109). Normative relativism, thus defined, rests on descriptive relativism. Descriptive relativism is the thesis that holds

that “the values, or ethical principles, of individual’s conflict in a fundamental way”, where fundamental is defined as manifesting “only if ethical appraisals or valuations are incompatible, even when there is mutual agreement between the relevant parties concerning the nature of the act that is being appraised” (Brandt, 1967, p. 75). In line with the precepts of normative relativism, objectors to Kohlberg’s theory suggest that there it displays a certain inconsistency between morality and self-interest, where self-interest is seen as the force behind the difference in values, or ethical principles. This presupposes that “behaving morally entails advancing one’s interests in ways that advance the interests of others by upholding mutually beneficial systems of cooperation” and furthermore it challenges that “largely neglected in Kohlberg’s model, selfishness and self-serving biases may well be a more formidable enemy of morality than low-stage moral reasoning” (Krebs, Denton, 2005, p. 646). The implications of this assertion are serious. They entail the fact that the authors do not believe that “helping people acquire sophisticated structures of moral reasoning or inducing them to sacrifice their interests for the sake of others is the key to moralization”, rather the contenders believe “that the key resides in creating the conditions that enable people to achieve their goals and advance their interests in cooperative ways” (Krebs, Denton, 2005, p. 646).

To respond to this significant challenge we have to appeal, once again, to the specific nature of moral decisions in military operations in the more general ethical domain. It requires us to point out that while self-serving biases and interests may lead, in general conditions, to the type of cooperative endeavors Krebs and Denton find essential for

morality, it cannot simply be the case for military ethical dilemmas. Returning to Walzer's argument that "the rule is absolute: self-preservation in the face of the enemy is not an excuse for violations of the rules of war" (2000, p.305) we can easily dismiss any type of contention based on self-interest. Furthermore, Krebs and Denton (2005) themselves seem to accept a variation in moral judgments based on the specifics of the institution an agent belongs to, when they state that "different types of relationships and different social institutions are guided by different principles of care and justice, different sets of rights and duties, and different criteria for moral evaluation, which are reflected in different kinds of moral judgments" (p. 634). This would support the assessments that although, in general, individual's moral reasoning is subject to selfishness, there are social institutions whose principles can determine specific moral judgments. I believe that one such institution is the United States Army. This line of reasoning should, however, settle the invalidity of relativistic objections, for the military case, to Kohlberg's theory.

The Army, in its current doctrine, seems to have a dualistic approach to the essence of morality it endorses. On one hand, it acknowledges a normative relativist stance in stating that Army ethic draws its foundations "from traditions, customs, and documents with immense moral content and civic importance for all Americans" (ADRP 1-0, 2013, p. 20). As the American society is comprised of numerous individual groups with specific and particular moral norms, outlooks and interests, the foundations for the Army ethics are, therefore, bound to be as diversified as their sources. Simultaneously the doctrine embraces a more universalistic approach in advocating the Army culture defined as "a system of shared

meaning held by Army professionals. The Army Ethic is at the core” and who consists of “the shared attitudes, values, goals, and practices that characterize the larger institution over time” while being “deeply rooted in long-held beliefs and customs and evolves slowly” (ADRP 1-0, 2013, p. 43). It is these shared meanings, attitudes and values that I believe Kohlberg’s approach could further enhance and harmonize. As relativist and other objections fail to justify, in the military case, a discarding of this theory, and as we have demonstrated its superiority, in achieving the desired ethical reflective equilibrium, an ethical education course based on Kohlberg’s theory could have a substantially positive impact, and prevent ethical atavism in the military.

Conclusion

The goal of this paper was to highlight and defend the hypothesis that there is a method to prevent atavism in military ethics. To accomplish this I have first endeavored to illustrate that there is a need for enhancing and developing the way ethics are taught to the military professionals, and specifically to future junior leaders. In addressing this need the argument was developed twofold. First I have highlighted the crucial role the military ethics play in military operations and beyond. This was achieved through an expansive description of the complex future operational environment. Through highlighting essential differences and novel challenges that might be encountered, on a moral level in this complex new environment, I asserted that there is a correlation between the evolution of the battlefield and a necessary evolution of ethics that govern it. This was further demonstrated through the identification, description and analysis of tension that exist in approaches to military moral theory. By contrasting the collectivist and individualist accounts perspectives on the relation between *jus ad bellum* and *jus in bello*, I portrayed a just war theory whose interpretations are not universally accepted or free of controversy. The importance of this controversy for military ethical education is beyond doubt, as in its most basic form, it delineates obligations, responsibilities and expectations for all military personnel. The more substantial implication of the existence of this controversy is found in the fact that despite its crucial impact, the ethical education, as currently conducted in the military schools, doesn't include any analysis of these implications.

Second, in order to further emphasize the momentous impact of military ethics while at the same time highlight shortcomings of the current military ethical education system, I

presented two cases where ethical failures had dramatic outcomes. In analyzing these cases, My Lai and Lieutenant Lorance's case, I highlighted on one side the significant role the junior officers play, as the moral compass of their men. At the same time, through this analysis, I deduced that these grave moral failures were preventable, to a certain extent, through ethical training that: considered the tensions existent in just war theory, strived through discussions and reflections to reach an individual reflective equilibrium and embraced, at least in its most general form, principles of ethical theory that are consistent with virtue ethics, Kantian or neo-Kantian ethics, or a combination of these.

Once the parameters for such ethical training have been identified the paper proposed a theoretical method that could accomplish this task. The theory identified is similar, in its general characteristics and principles, to Kohlberg's approach to moral education. After identifying the attributes and criteria that make this theory most suitable, the paper has defended the theory against the most pertinent objections, the charge against its universality and impartiality and the objection from normative relativism. In both cases the defense of Kohlberg's theory focused on its applicability for the military ethics, showing that both severe objections are not readily appropriate in the case of military ethics.

Kohlberg's theory thus successfully defended appears, *prima facie*, to represent the most suited theory that could form the backbone of a military ethics education course, for future junior leaders. Of course, this does not mean that Kohlberg's theory could straightforward be applied in military ethics as the only instrument to prevent ethical regression. A first debate to be had is related to which particular moral theory should be forwarded by this ethics course. While Kohlberg and Ficarrota would endorse Kantian

ethics, Snow would argue in favor of stoicism, while other would endorse a moral theory similar to Rawls' social contract approach. As the ultimate goal is that of reaching a reflective equilibrium, as the starting point of proper decision making in difficult ethical dilemmas, a mandatory basic ethics course, that approaches and debates all moral theories with significant contribution to just war theory, would be a good prelude for further development. Combining a course of this nature with the existent scenario and experience based instructions, currently employed by military education programs around the country, could only benefit the future force operating in increasingly complex environments.

References

- Amichay, A. & Jenkins, B. War by what means, according to whose rules? The challenge for democracies facing asymmetric conflicts: Proceedings of a RAND–Israel Democracy Institute Workshop, December 3–4, 2014. Santa Monica, CA: RAND Corporation, 2015.
- Army Doctrine Publication 1 (ADP 1). The army. Department of the Army, September 2012
- Army Doctrine Publication 3-0 (ADP 3-0). Unified land operations. Department of the Army, October 2011.
- Army Doctrine Publication 6-0 (ADP 6-0). Mission command. Department of the Army, May 2012.
- Army Doctrine Reference Publication 1-0 (ADRP 1-0). The army profession. Department of the Army, June 2013.
- Army Doctrine Reference Publication 3-28 (ADRP 3-28). Defense support of civil authorities. Department of the Army, June 2013.
- Barnett, M., Finnemore, M. Rules for the world: International organizations in global politics. Ithaca, NY: Cornell University Press, 2004.
- Blum, L. Gilligan and Kohlberg: Implications for moral theory. *Ethics*, Vol. 98, No. 3, Apr 1988, pp. 472-491.
- Brandt, R. Ethical relativism. In Paul Edwards (ed.), *The Encyclopedia of Philosophy*. New York, Macmillan, 1967.

Christopher, P. *The ethics of war and peace: An introduction to legal and moral issues*. Upper Saddle River, NJ: Prentice-Hall, 1999.

Clausewitz, C. *On war*. USA: Penguin Group, 1982.

Department of Defense Directive No. 3000.09. *Autonomy in weapon systems*. Department of Defense, November 2012.

Department of Defense Personnel, *Workforce Reports & Publications*, retrieved from https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp.

Enemark, C. *War, conflict and ethics: Armed drones and the ethics of war: Military virtue in a post-heroic age*. Florence, KY, USA: Routledge, 2013

Ficarrotta, J. C., Professor. *Kantian thinking about military ethics*. Farnham, GB: Ashgate Publishing Group, 2010.

Field Manual No. 3-24.2 (FM 3-24.2). *Tactics in counterinsurgency*. Department of the Army, 21 April 2009.

Frowe, H. *The ethics of war and peace*. Florence, US: Routledge, 2013.

Hackett, J.W. *The profession of arms*. New York: Macmillan, 1983.

Hall, L. K. *Counseling military families: What mental health professionals need to know*. NY: Routledge, 2008.

Holmes, R. L. *On war and morality*. Princeton, NJ: Princeton University Press, 1989.

Kant, I. *Groundwork of the metaphysics of morals*. Cambridge: Cambridge University Press, 2012.

- Krebs, D. & Denton, K. Toward a more pragmatic approach to morality: A critical evaluation of Kohlberg's model. *Psychological Review*. 2005, Vol. 112, No. 3, 629–649.
- Lindsay, J. R. Stuxnet and the limits of cyber warfare. *Security Studies*. 2013, No. 22, 365–404.
- Lyons, D. Ethical relativism and the problem of incoherence. *Ethics*. 1976, Vol. 86, No. 2, 107-121.
- Maxwell, B. Does ethical theory have a place in post-Kohlbergian moral psychology? *Educational Theory*. 2010; Vol. 60, No. 2, 167-188.
- Miller, J.J. Squaring the circle: Teaching philosophical ethics in the military. *Journal of Military Ethics*, 2004, Vol. 3, No. 3, 199-215.
- Moseley, A. The ethical warrior: A classical liberal approach. In Robinson, P., de Lee, N., Carrick, D. (Eds.). *Ethics education in the military*. Abingdon, GB: Ashgate, 2013.
- Nash, W.P. The stressors of war. In Figley C.R and Nash W.P (Eds.). *Combat stress injury: Theory, research and management*. NY: Routledge, 2007.
- Otis, P. Ethics in the times of war. In Patterson, E. (Ed.). *Ethics beyond war's end*. Washington, DC, USA: Georgetown University Press, 2012.
- Philipps, D. Cause célèbre, scorned by troops. *The New York Times*. 25 February 2015.
- Power, C., Higgins, A., Kohlberg, L. *Lawrence Kohlberg's approach to moral education*. NY: Columbia University Press, 1989.
- Rawls, J. *A theory of justice*. Cambridge, MA: Belknap Press of Harvard University Press, 1971.

- Reinke, S. J. Abu Ghraib: A case of moral and administrative failure. *Public Integrity*. 2006, Vol. 8, No. 2, 135–147.
- Robinson, P. Introduction: Ethics education in the military. In Robinson, P., de Lee, N., Carrick, D. (Eds.). *Ethics education in the military*. Abingdon, GB: Ashgate, 2013.
- Rodin, D. The ethics of asymmetric war. In Sorabji, R., Rodin, D. (Eds.). *The ethics of war: Shared problems in different traditions*. Aldershot: Ashgate, 2006.
- Segal, D., DeAngelis K. Changing conceptions of the military professions. In Nielsen, S.C., Snider, D.M. (eds.), *American civil-military relations: The soldier and the state in a new era*. Johns Hopkins University Press, 2009.p. 194-212.
- Sher, G. But I could be wrong. *Social Philosophy and Policy*. 2001, 18 (2):64.
- Singer, P. Famine, affluence and morality. *Philosophy and Public Affairs*. 1972, Vol. 1, No. 3, 229-243.
- Snow, N. E. How ethical theory can improve practice: Lessons from Abu Ghraib. *Ethical Theory and Moral Practice*. 2009, Vol. 12, No. 5, 555-568.
- Stetka, B. Prehistoric carnage site is evidence of earliest warfare - Discovery of 27 skeletons in Kenya point to the primal origins of conflict. *Scientific American (online)*. 22 January 2016.
- Training and Doctrine Command (TRADOC) Pamphlet 525-3-1. The US Army operating concept: Win in a complex world 2020-2040. Department of the Army, October 2014.
- Wakefield, M. Guarding the military home front. *Counseling Today*. 2007, 49 (8).

Walzer, M. *Arguing about war*. New Haven, CT, USA: Yale University Press, 2004.

Walzer, M. *Just and unjust wars*. New York: Basic Books, 2000.

Wilson, J. *An ethics curriculum for an evolving army*. In Robinson, P., de Lee, N., Carrick, D. (Eds.). *Ethics education in the military*. Abingdon, GB: Ashgate, 2013.