

SPECIAL REPORT

A SELECTION OF PAPERS PRESENTED AT THE 2019 FORT LEAVENWORTH ETHICS SYMPOSIUM

2019 Fort Leavenworth Ethics Symposium



Ethical Implications of Large Scale Combat Operations



An intellectual forum co-sponsored
by the U.S. Army Command and General Staff College and the CGSC Foundation, Inc.

March 25, 2019
Lewis and Clark Center
Fort Leavenworth, Kansas



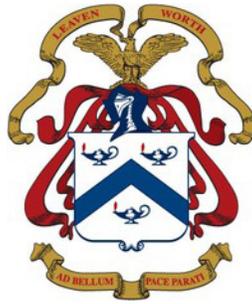
About the Simons Center

The Arthur D. Simons Center for Interagency Cooperation is a major program of the Command and General Staff College Foundation, Inc. The Simons Center is committed to the development of military leaders with interagency operational skills and an interagency body of knowledge that facilitates broader and more effective cooperation and policy implementation.

In addition to sponsoring programs at the U.S. Army Command and General Staff College, the Simons Center publishes the *InterAgency Journal* as well as special reports and publications.

For more information about the Simons Center and the CGSC Foundation visit:

www.TheSimonsCenter.org www.cgscfoundation.org



About the U.S. Army Command and General Staff College

The mission of the U.S. Army Command and General Staff College is to educate and develop leaders for full-spectrum joint, interagency, and multinational Operations; act as lead agent for the Army's leader development programs; and advance the art and science of the profession of arms in support of Army operational requirements.

Since its inception in 1881 as the School of Application for Infantry and Cavalry, the Command and General Staff College has evolved to meet the educational and operational needs of the United States Army. Since World War II, it has generally been known as the school for Army majors, though the College contains other schools and it educates officers from other military services and from other countries.

For more information about the College visit:

<http://usacac.army.mil/organizations/cace/cgsc>

Ethical Implications of Large Scale Combat Operations

*A Selection of Papers Presented at the
2019 Fort Leavenworth Ethics Symposium*

Foreword by

Roderick M. Cox

President & Chief Executive Officer

Command and General Staff College Foundation, Inc.

Edited by

Elizabeth Ditsch

Arthur D. Simons Center
for Interagency Cooperation

Fort Leavenworth, Kansas

Special Thanks to

Chaplain (Major) Jonathan Bailey, Dr. Ted Thomas,
and the U.S. Army Command and General Staff College
Department of Command and Leadership
for coordinating the Fort Leavenworth Ethics Symposium.

Copyright 2019, CGSC Foundation, Inc.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted by any means without the written permission of the CGSC Foundation, Inc.

The papers included in this publication represent the opinions of the author(s) and do not reflect the official views of any United States government agency, the Department of Defense, the Department of the Army, the U.S. Army Command and General Staff College, the Command and General Staff College Foundation, the Simons Center, or any other non-government, private, public or international organization.

Advertisements, promotions, statements, and logos are those of U.S. Army Command and General Staff College, the CGSC Foundation, Inc., or other organizations supporting this program. The United States Army neither states nor implies any endorsement, association, or recommendation with regard to the CGSC Foundation or other organizations.

Publications released by the Simons Center are copyrighted. Please contact the Simons Center for use of its materials. This publication should be acknowledged whenever material is quoted from or based on its content.

Questions about this publication should be directed to the Arthur D. Simons Center, Fort Leavenworth, Kansas 66027 - email: office@TheSimonsCenter.org, or by phone at 913-682-7244.

Fort Leavenworth Ethics Symposium
Ethical Implications of Large Scale Combat Operations
March 25, 2019

Agenda

Monday, 25 March

- 8:30-9:30 a.m. Keynote by Dr. Shannon E. French
- 9:30-9:45 a.m. Break
- 9:45-11:00 a.m. Breakout Sessions
- 11:00-11:15 a.m. Break
- 11:15-12:30 p.m. Panel: Genocide, War Crimes, and Other Atrocities
- 12:30-1:30 p.m. Lunch and Break
- 1:30-2:45 p.m. Breakout Sessions
- 2:45-3:00 p.m. Break
- 3:00-4:15 p.m. Panel: Transhumanism, Artificial Intelligence, and Large Scale Combat Operations
- 4:15-4:30 p.m. Recognition and Awards

Panel Discussion Topics

When Things Go Wrong: Genocide, War Crimes, and Other Atrocities

Moderated by Dr. Shannon French, General Hugh Shelton Distinguished Visiting Chair of Ethics, Command and General Staff College Foundation; Inamori Professor in Ethics, Case Western Reserve University

Transhumanism, Artificial Intelligence, and Large Scale Combat Operations

Moderated by Dr. Shannon French, General Hugh Shelton Distinguished Visiting Chair of Ethics, Command and General Staff College Foundation; Inamori Professor in Ethics, Case Western Reserve University

Contents

Foreword	9
<i>by Roderick M. Cox</i>	
Bear River Massacre and the Ethical Implications for Large Scale Combat Operations	11
<i>by Michael Andersen</i>	
A Survey of Military Oaths in Russian History	23
<i>by Shushanna Baumann</i>	
The Persistent Holocaust and the Kielce Pogrom of July 1946	29
<i>by David Cotter</i>	
Captain Miller or Major Powers? Developing the Proper Ethical Culture for Large Scale Combat Operations	37
<i>by William J. Davis, Jr. and Mark Kormos</i>	
Can the United States Wage Existential Warfare Without Foundational Principles or Truths?	45
<i>by Eric Dean</i>	
War Crimes in the Philippines during WWII	53
<i>by Cecilia Gaerlan</i>	
The Military Officer in Moral Jeopardy or The Problem of Serving Under Unethical Senior Leaders: A Philosophical Essay	61
<i>by Prisco R. Hernández, Ph.D.</i>	
Reimagining “Honorable Death” in Future Large Scale Combat Operations.	69
<i>by E. Ann Jeschke, Ph.D. and Sarah L. Huffman, Ph.D.</i>	
Ours is to Reason Why: The Ethics of Tactical Risk Assessment in Large Scale Combat.	81
<i>by Trent J. Lythgoe</i>	
Military Intelligence Officers Analytical Integrity Education	91
<i>by William A. Martin</i>	

Contents (*cont'd*)

The Ethical Considerations of Unmasking Procedures	99
<i>by Joshua A. Metz</i>	
“Plans from Hell”: Ethical Implications of the Third Reich’s Vision for War in the East	111
<i>by Mark V. Montesclaros</i>	
The Ethics of Acquiring Disruptive Technologies: Artificial Intelligence, Autonomous Weapon and Decisions Support Systems	129
<i>by C. Anthony Pfaff</i>	
The Moral Leadership Training Model: Addressing the Army’s Dearth of Moral Leadership Training Tools	157
<i>by Derek M. Pottinger</i>	
Ready or Not (?) The Ethics of Time in Preparing for Large Scale Combat Operations: Navigate Chronos Lest We Die	173
<i>by Samuel L. Rico</i>	
Strategic Value of an Ethics-Based Army Public Affairs Program Setting the Stage for Credibility in Large Scale Combat Operations	181
<i>by Chase Spears</i>	

Foreword

by Roderick M. Cox

Beginning in 2009, the Command and General Staff College Foundation has partnered each year with the U.S. Army Command and General Staff College to host an annual ethics symposium at Fort Leavenworth. These annual symposia provide an opportunity for academics and practitioners to come together to discuss ethics as they relate to the profession of arms, the practice of state controlled violence, and national security.

The 2019 Fort Leavenworth Ethics Symposium was conducted March 25, 2019, with the theme of “Ethical Implications of Large Scale Combat Operations.” The symposium included a variety of guest speakers, panel discussions, and paper presentations.

Over thirty papers were accepted for presentation at the symposium. This publication is a collection of sixteen of those papers, published largely as submitted. Other papers were published in a special edition of the Simons Center’s *InterAgency Journal* earlier this year, and are listed below.

InterAgency Journal Vol. 10, Issue 3 (2019)

“Military Neuro-Interventions: Solving the Right Problems for Ethical Outcomes”
by Shannon E. French and Jacob A. Sandstrom

“The Decembrist Revolt and its Aftermath: Values in Conflict”
by Robert F. Baumann

“Coding Just War Theory: Artificial Intelligence in Warfare”
by Dana Gingrich

“When Asimov’s Robots Encounter the Laws of War”
by Michael H. Hoffman

“Defense Against Weaponized Information: A Human Problem, Not Just A Technical One”
by Nicholas J. Kane

“Bridging the Accountability Gap: The Special Court for Sierra Leone”
by Dale McFeatters

“Engineering Telos: Flourishing in the Context of AI and Transhumanism”
by Braden Molhoek

“The Role of Cognitive Dissonance in Dehumanization: Denying Humanity through AI”
by Bobbie Murray and Beata Moore

“Artificial Intelligence-Enabled Autonomous Weapon Systems and the Laws of Armed Conflict”
by Dustin P.J. Murphy

“The Influence of Transhumanist Thought on Human Enhancement”
by Jeff Sheets

Bear River Massacre and the Ethical Implications for Large Scale Combat Operations

Michael Andersen

One hundred fifty-six years ago, the U.S. Army California Volunteers found themselves protecting a remote area in the west while the majority of the army was struggling to fight in places like Bull Run and Shiloh. Utah settlers had experienced persecution in Missouri and Illinois and now had the U.S. Army watching over their conduct. The Northwestern Shoshone, like many other tribes of the plains, found their land overtaken by a rapidly growing population of settlers and emigrants passing through. Ultimately, these three parties found themselves intertwined in social, political, economic and cultural factors that eventually resulted in tragedy.

What transpired at Bear River remains the largest massacre of Native Americans west of the Mississippi. With estimates between 200 to 400 men, women, and children killed on the Utah-Idaho border the question arises: what caused the battle between Shoshone Warriors and American Soldiers to transform into a massacre? This essay explores this tragic event, not only as a historical case study but as a way to understand factors that led up to the massacre. As the U.S. Army pivots towards large scale combat operations today, this case study provides lessons for understanding both the operational environment and strategic roles that we can and should carry forward.

The U.S. Army

Colonel Patrick Connor was born in Ireland in 1820. However, he spent most of his childhood in New York after his family immigrated to the United States.¹ Patrick joined the First U.S. Dragoons at Fort Leavenworth at the age of 19 where he served for a few years before returning to New York to pursue other work.² When the Mexican War started, Connor left New York and joined the Texas Volunteers. He saw action at Buena Vista—fighting under General Zachary Taylor—where he was injured and left the service.³ Connor then went to California for mining but stayed involved with local militias. In 1861, with the fall of Fort Sumter, Connor volunteered his services for Union Forces and assumed command of the Third California Volunteer Infantry.⁴ His assignment was to protect the Overland Mail Trail between Fort Bridger, Salt Lake City, and Carson Valley from raiding forces of Native Americans. The California Volunteers resented their desert assignment, as the regimental chaplain recorded the desire was “to serve their country shooting traitors instead of eating rations and freezing to death around sagebrush fires...”⁵ Colonel Connor attempted to convince the General-in-Chief Halleck of the War Department to redirect his unit to the east where they could participate in the Civil War. The men of the Third Volunteers were so determined that they offered \$30,000 of their own money to cover the cost; however, General Halleck denied this request.⁶

Although names like the Sioux and Apache tribes are often thought of as the most violent tribes during this time in American history, in fact, the Shoshone tribe was responsible for more attacks on settlers and travelers than other tribes. Between 1840 and 1860, American Indians killed 362 emigrants. Ninety percent of which died along the south pass trail along the Snake and Humboldt rivers, by which the Overland Mail trail crossed.⁷ Colonel Connor moved the Volunteers from California over the summer and gained a reputation of being tough on Native Americans with a series of attacks along the Humboldt River en route to Utah. A report of an American Indian raid at Gravely Ford that resulted in the deaths of twelve settlers

reached Connor, who promptly dispatched Major McGarry to investigate. Connor gave orders to, “destroy every male Indian whom you encounter in the vicinity of the late massacres. This course may seem harsh and severe, but I desire that the order may be rigidly enforced, as I am satisfied that in the end, it will prove the most merciful.”⁸ It is important to mention that Colonel Connor did distinguish that only male American Indians be the subject of this order. Major McGarry carried out his orders which resulted in 24 American Indian deaths.

Initially, Colonel Connor planned to occupy the previously abandoned Fort Crittenden. However, while the regiment was moving along the Humboldt trail, Connor conducted an initial recon of the area and recognized the need to relocate his unit to the Salt Lake Valley. Therefore, he established Camp Douglas in Salt Lake City in October of 1862. This new location allowed his unit access to the resources of the Salt Lake while enabling him to keep a closer eye on the Mormons. In his letter to the Department of the Pacific Adjutant General, he noted his intent, “I intend to quietly entrench my position, and then say to the Saints of Utah, enough of your treason.”⁹ Further, in his letter, Connor describes his impression, “I find them to be a community of traitors, murderers, fanatics, and whores.” Colonel Connor and Brigham Young set the tone for their communities and, in large part, determined relationships between the Soldiers at Fort Douglas and the Mormons. Colonel Connor required that Mormons who conducted business with the Army take an oath of loyalty.¹⁰ In response, Brigham Young designated one representative from each congregation that was allowed to conduct business with the Army.¹¹

The Mormons

The Church of Jesus Christ of Latter Day Saints, or Mormons, had a tenuous relationship with the U.S. government throughout its migration across the United States. In Missouri, their economic practice of communal resourcing, friendly attitudes towards Native Americans, anti-slavery beliefs, and claims they belonged to the one true religion put them at odds with their neighbors.¹² A series of mob attacks from local Missourians led to the formation of a Mormon militia to defend itself. A series of contentious interactions precipitated in 1838 when Missouri Governor Boggs issued an extermination order to the state militia, “The Mormons must be treated as enemies, and must be exterminated or driven from the state.”¹³ The Mormons were forced from the state and relocated to Illinois.

Once in Illinois, the Mormons experienced a period of peace. The same issues that caused them problems in Missouri surfaced again, although the Mormon destruction of a printing press accused of printing defaming material was a breaking point.¹⁴ Joseph Smith turned himself over to authorities and while awaiting trial in Carthage was killed by a mob. Under the direction of Brigham Young, the settlers moved west, arriving in Utah in 1847. While moving across the plains, the Mormons provided 500 men to the U.S. Army to support the Mexican War effort.¹⁵ Brigham Young chose the Utah Territory because it belonged to Mexico and believed the Saints would be able to establish their Zion without federal government intervention.¹⁶ This belief was short-lived, as the following year the Guadalupe-Hidalgo treaty ceded the Pacific southwest—including the Utah area. Washington, D.C. appointed Brigham Young as the territorial governor, and once again the religion, commerce, and politics of the Mormons were intertwined.

Nearly a decade after arriving in Utah, President Buchanan sent 2,500 soldiers from Fort Leavenworth to Utah to replace Brigham Young as the territorial Governor and enforce federal law.¹⁷ In fact, before the civil war, the largest concentration of U.S. Forces was located at Fort Crittenden in Utah.¹⁸ Despite the tension between the Army and Mormons, the residents of the territory appreciated the protection the Army offered from the American Indians in central and southern Utah. This relationship existed until the army abandoned the fort at the start of the civil war. When news of the California Volunteers march towards Utah came a year later, it came with added tension as President Lincoln had signed the Morrill Act making the practice of polygamy illegal.¹⁹

The Mormons in Northern Utah, particularly the Cache Valley, had established a working relationship with the Shoshone Indians, adhering to Brigham Young's philosophy that it was "manifestly more economical, and less expensive to feed and clothe them than to fight them."²⁰ As the flow of settlers continued to grow in the valley, the Shoshone resources became increasingly strained. Although incidents of Mormon settlers encroaching on Shoshone land and theft of Mormon settlers' property by Shoshone natives occurred, the overall atmosphere was relatively calm in comparison to the Black Hawk and Ute Wars being fought elsewhere in the state.

The Shoshone Indians

The first notable interaction of settlers and the Shoshone took place in 1805 with Lewis and Clark.²¹ The seven groups Shoshone were divided into seven groups: Eastern Shoshone, Fort Hall Shoshone, Bannock Shoshone, Lemhi Shoshone, Boise Shoshone, Bruneau Shoshone, and the Northwestern Shoshone. These groups spanned present-day Nevada, Oregon, Idaho, Wyoming, and Utah. Just as the geography varies vastly across this span of land, so did the livelihood of each of the groups. The Northwest Shoshone, the tribe, primarily involved in this paper, were located in the Weber, Cache, and Malad valleys of Utah.²² Blessed with fertile land, access to the Snake River, and horses, the Northwestern Shoshone were able to transition from grass huts and sagebrush clothing that their neighbors to the west were accustomed.²³

Confusion existed within the Department of Indian Affairs over the jurisdiction for the Shoshone Tribe as the borders between the territories of Oregon, Washington, and Utah were still vague. While the Northwestern Shoshone received gifts from Salt Lake, the Lemhi and Fort Hall Shoshone received very little from their representatives located far away in Oregon and later Washington.²⁴ The Northwestern Shoshone experienced rapid change to their territory as the California, Oregon, and then the Montana Trails crossed through. Estimates from 1849 to 1862 have nearly 240,000 emigrants and 1.5 million animals crossing the area consuming firewood, killing large game, and overgrazing the land with severe impacts to Shoshone.²⁵ By 1862, the Shoshone people were starving, and the Superintendent of Indian Affairs in Utah lamented that no agent existed to represent these people from Fort Laramie, Wyoming to California.²⁶

Chiefs Sagwitch, Bear Hunter, and Pocatello were the local leaders for the Northwestern Shoshone. As the tension for competing resources increased in Cache Valley, so did the tension between the Shoshone and the U.S. Army. In September of 1862, Major McGarry left Fort Douglas with a contingent of the cavalry in response to a report that the Shoshone in Cache Valley had a kidnapped boy from two years prior in Idaho. A two-hour skirmish took place, which resulted in the capture of Chief Bear Hunter.²⁷ Major McGarry demanded the release of the boy in exchange for the release of Chief Bear Hunter. The following day the Shoshone turned over a boy. However, it is doubtful it was the same child as this boy had forgotten all English in two short years. A subsequent revelation indicated that this boy was most likely Chief Washakie's nephew, of the Eastern Shoshone, given up to gain the freedom of Chief Bear Hunter.²⁸ In retaliation, the Shoshone punished the Cache Valley settlers, demanding more goods and stealing livestock.

Once again in December of 1862, a report of stolen livestock near Brigham City caused Connor to deploy Major McGarry. Once again Major McGarry captured four Shoshone and demanded the livestock returned in exchange for the release of the Shoshone captives. When the remaining Shoshone fled, McGarry had the four prisoners tied to the ferry rope, shot and left in the river.²⁹ Once again the Shoshone responded with increased demands on the Cache Valley residents and travelers along the Montana trail. Tensions finally culminated in January of 1863, when eight men traveling through Cache Valley had their livestock stolen and one of them, John Henry Smith, was killed. One of the men in the company gave a sworn statement to Chief Justice John Kinney in Salt Lake who then issued a warrant for the arrest of Chiefs Bear Hunter, Sanpitch, and Sagwitch.³⁰ Justice Kinney directed the territorial marshal Isaac Gibbs to coordinate with Colonel Connor for his assistance to arrest the chiefs. Colonel Connor had already been planning an expedition and in response to the warrants expressed, "my arrangements for our expedition

against the Indians were made, and that it was not my intention to take any prisoners, but that he could accompany me.”³¹ Meanwhile, the Shoshone had settled down for the winter in the Franklin Idaho region of Cache Valley.

The Bear River Massacre

Despite the cold conditions of Utah in January, Colonel Connor decided to make a hasty advance north explaining, “Feeling assured that secrecy was the surest way to success, I determined to deceive the Indians by sending a smaller force in advance, judging and rightly, they would not fear a smaller number.”³² Colonel Connor split his element into two groups, with Captain Samuel Hoyt and K Company of infantrymen in advance, while Colonel Connor and the remaining body departed two days later. The movement plan included two elements traveling separately and then meeting at Franklin, Idaho just twelve miles away from the Shoshone encampment for final preparations. Choosing a winter assault in the west was uncommon, as the Soldiers were “ill-equipped for such extreme weather; covered only in typical cavalry garb of the times reinforced by extra blankets. Twenty-five years would pass before the army routinely issued cold-weather gear suited for the mountain blizzards of the West.”³³

Colonel Connor directed that 20 days of rations be carried in 15 wagons with K Company along with two howitzer cannons and 100 rounds for them.³⁴ He also instructed every soldier to pack their haversack with three days of rations pre-cooked. With split elements following separate routes on different timelines, Colonel Connor had the Soldiers carry the food that they would need for the movement to the battle site. The infantry marched just over a hundred miles, with snow a foot deep, stopping at Mormon settlements on the way.³⁵ Despite the harsh conditions for the infantry, the cavalry experienced a far more difficult movement.

Connor and the Cavalry departed after nightfall two days later in an effort to prevent forewarning the Shoshone. Typically, cavalry would ride forty miles in a day, however, Colonel Connor pushed the cavalry an impressive 68 miles through freezing conditions.³⁶ Soldiers noted how cold it was and that their whiskey rations froze in their canteens.³⁷ As Soldiers fell casualty to frostbite and hypothermia, Colonel Connor was forced to leave them in small towns along the way. By the time Colonel Connor had reached Brigham City, he had lost 75 Soldiers to frozen feet and other cold weather injuries but still had to traverse the divide with snow over four feet deep.³⁸

The Infantry made it to Franklin on January 28, 1863, six days after leaving Fort Douglas. Despite Colonel Connor desire to surprise the Shoshone, Chief Bear Hunter spotted the infantry while he was in Franklin trading. Although he did not see the more significant part of the force, including the cavalry, the Shoshone knew the military was in the area.³⁹ When Colonel Connor arrived that afternoon, he relayed his plan to cross the frozen river and surround the Shoshone village before sunrise. Connor instructed Captain Hoyt to leave for the village at 1:00 a.m.⁴⁰ Captain Hoyt had difficulty finding a local guide to assist his element in crossing the river until local leadership convinced Edward and Joseph Nelson, to help Captain Hoyt at 3:00 a.m.⁴¹ This delay caused the cavalry to pass the infantry four miles from the river. Also at this time, the Third Volunteers heavy wagons and howitzers got stuck in snow drifts and would eventually stay in place six miles from the battle—never to be used.⁴²

The Shoshone bands of Chiefs Sagwitch and Bear Hunter were camped down in the bluffs of the Bear River and Battle Creek. This area was a regular winter stop for the Northwestern Shoshone as it provided shelter from the winter blizzards and natural hot springs for heat.⁴³ Lea Neaman’s oral tradition history mentions that this area also served as a place for spiritual rejuvenation and healing.⁴⁴ The steep bluffs, coupled with the dense vegetation of willow trees provided both cover and concealment. The swift Bear River was between 70 and 150 feet wide, with a 3-4 foot depth and floating pieces of ice that presented a formidable barrier to the U.S. Army.⁴⁵ Foxholes around the village had been dug by children the previous summer as an area for the children to play, would provide additional cover for the Shoshone that morning.⁴⁶ The week

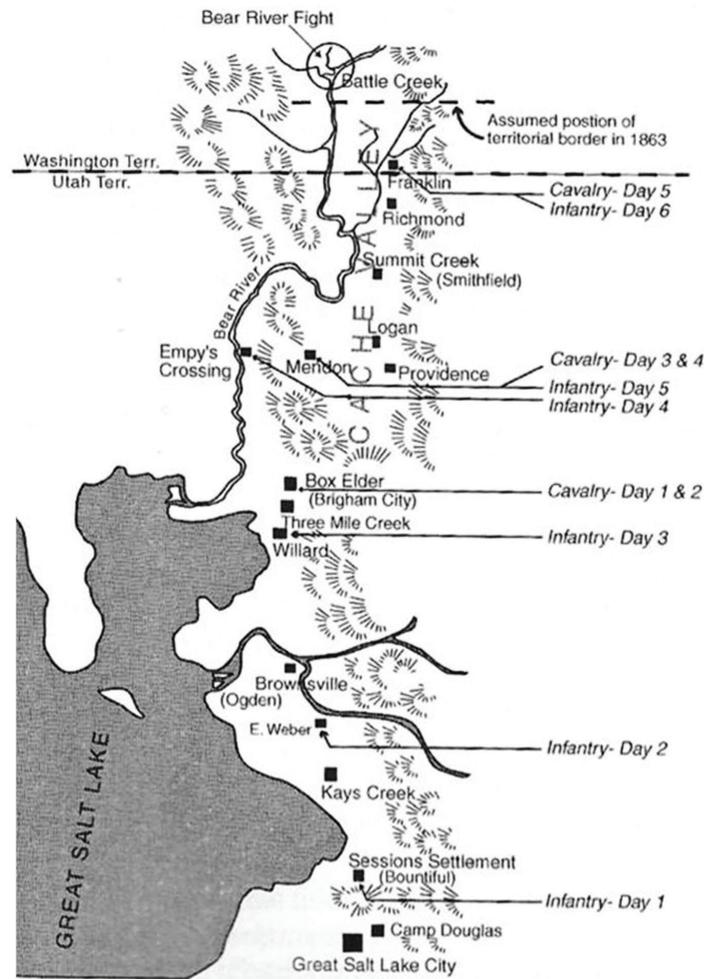


Figure 1. Connor's movement of the infantry and cavalry to Bear River.
 (Used by permission, Dr. Robert McPherson, Utah State University.)

before the massacre Chief Pocatello's band had been present for the Warm Dance, had the Army attacked then it would have more than doubled the slaughter. Additionally, two nights before the tragedy, an elderly man named Tin Dup had a vision in which pony soldiers killed his people. He told the Shoshone of his dream, and some of the families decided to leave with him.⁴⁷

Major McGarry and the cavalry crossed the river with instruction from Connor to encircle the enemy and then begin the fight while the infantry would follow behind.⁴⁸ Upon crossing the river, McGarry realized he had an open field of 500 yards to the Shoshone village with thick brush obscuring his view of the village.⁴⁹ A group of Shoshone Indians appeared and taunted McGarry's forces by screaming and displaying a woman's scalp.⁵⁰ Although according to Shoshone accounts, Chief Sagwitch saw the mist from the cavalry horses' breaths and had to wake the village.⁵¹ Sagwitch instructed his people not to fire on the Army, as he believed they would only demand the guilty party and then depart. McGarry's forces rode forward and received a volley of fire from the Shoshone Indians. With one in four soldiers remaining behind to hold the horses, the cavalry found themselves pinned down. It was here the U.S. Army suffered the most casualties with 14 killed and 20 wounded within 30 minutes.⁵² McGarry withdrew his forces out of range, at which point Connor arrived with the rest of the army. Colonel Connor directed McGarry and the cavalry to maneuver around the north side of the Shoshone Camp, while Captains Clark and Quinn were sent the south to prevent

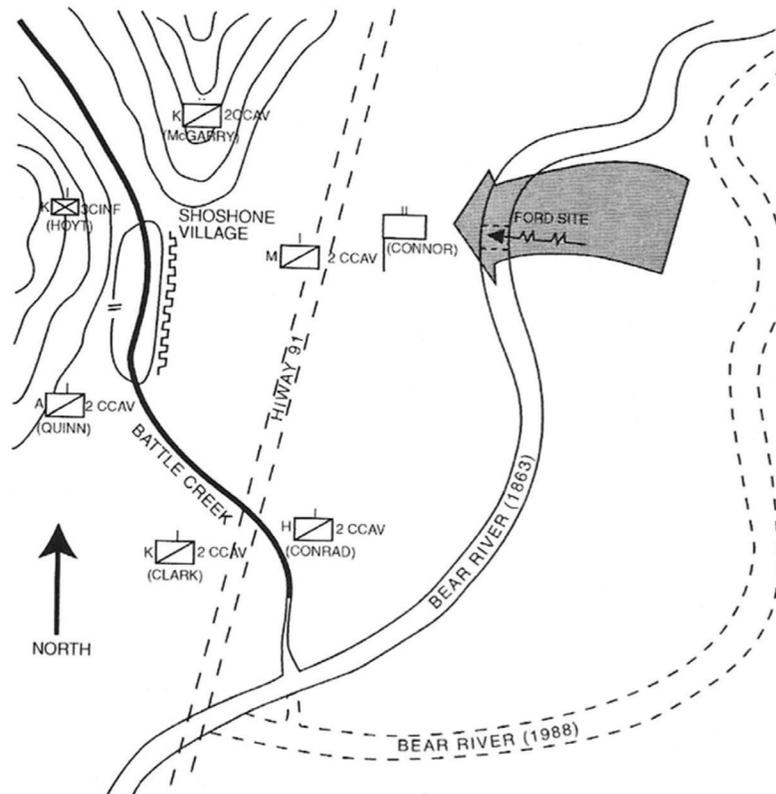


Figure 2. Encirclement of the Shoshone Village.
 (Used by permission, Dr. Robert McPherson, Utah State University.)

any escape, while he and Captain Price's forces would pin the enemy against the Cedar Bluffs that served as a backdrop for the village.⁵³ Once the U.S. Army moved into position, the battle quickly ended with the Army sending a barrage of fire into the village.

As the soldiers moved into the village, they discarded their rifles and began using pistols. Shoshone warriors had run out of ammunition as some were killed attempting to mold bullets in the midst of the battle. At this point, the contest had ended, and the massacre of men, women, and children began. Shoshone accounts describe Chief Bear Hunter's vicious death at the hands of the soldiers.

Perhaps it was the cruelest death in the White-Indian struggle. Knowing that he was one of the leaders, the soldiers shot Bear Hunter; they whipped him, kicked him and tried several means of torture on him. Through all of this the old chief did not utter a word, as crying and carrying on was the sign of a coward....One of the military men took his rifle, stepped to burning campfire and heated his bayonet until it was glowing red. He then ran the burning hot metal through the chief's ears. Chief Bear Hunter went to his maker a man of honor.⁵⁴

Sergeant William Beach of Company K described the action as the soldiers moved into the village.

The Boys were fighting Indians and intended to whip them. It was a free fight every man on his own hook....Midst the roar of guns and sharp report of Pistols could be heard the cry for quarters but their [*sic*] was no quarters that day....The fight lasted four hours and appeared more like a frolick [*sic*] than a fight the wounded cracking jokes with the frozen some frozen so bad that they could load their guns and used them as clubs.⁵⁵

The U.S. Army shot any Shoshone Indians who attempted to escape in the river. Multiple accounts of soldiers exist describing acts of violence against children and Shoshone women. One report from a Mormon local explains, "Several squaws were killed because they would not submit quietly to be ravished, and other squaws were ravished in the agony of death."⁵⁶ Elva Schramm, a descendant of Chief Bear Hunter, recounted, "They'd grab these little children by the legs like a jackrabbit and they'd hit their heads on the ground."⁵⁷ Another account depicted a soldier finding a dead Shoshone woman with a baby clutched in her arms who, "in mercy to the babe, killed it."⁵⁸ Mae Parry Timbimboo, a descendant of Chief Sagwich, described one woman's escape.

One Indian lady, Anzie chee, was being chased by the soldiers. She jumped into the river and went under an overhanging bank. By keeping her head up under the bank she was saved. She watched the battle from her hiding place at the same time trying to nurse her shoulder and breast wounds she had received...She also told of throwing her own baby into the river where the child drowned and floated down the river with the other dead bodies and bloody red ice."⁵⁹

Colonel Connor reported that 160 women and children were taken captive after the battle and that he left them provisions as the army withdrew with its wounded and killed.⁶⁰

While accurate accounts of the U.S. Army casualties exist, 22 enlisted killed, one officer died and 40 wounded not including the 75 who suffered cold weather injuries during the movement, no exact numbers for the Shoshone Indians exist.⁶¹ Low estimates put the Shoshone Warrior deaths around 130, with 90 women and children killed, while higher estimates exceed 400. The U.S. Army received support from Mormon scout Porter Rockwell, who was able to procure 18 sleds from Cache Valley to help evacuate the wounded and dead to Fort Douglas.⁶² The U.S. Army spent a couple of days in Cache Valley as they had to solicit the help of locals to clear a path through the divide back to Brigham City. When Colonel Connor returned to Salt Lake, he received praise from his superiors, with General-in-Chief Halleck rewarding his success with a promotion to Brigadier General.⁶³

It is worth noting that the following year Colonel John Chivington asked Brigadier General Connor for advice on how to deal with a band of Arapaho and Cheyenne in Sand Creek, Colorado.⁶⁴ Colonel Chivington used a similar approach of a winter attack in the early morning and massacred 130 men, women, and children. However, this time it was nationally condemned and resulted in multiple government investigations. It is not clear why the far bloodier massacre a year before was largely ignored.

Large Scale Combat Operations

The United States Army currently has over 178,000 soldiers deployed around the world conducting operations across the range of military operations. The U.S. Army's strategic roles support the joint force by shaping operational environments, preventing conflict, conducting large-scale combat, and consolidating gains. Lieutenant General Michael D. Lundy provided a foreword for FM 3-0, *Operations*, in which he stated, "The Army and joint force must adapt and prepare for large-scale combat operations in highly contested, lethal environments where enemies employ potent long range fires and other capabilities that rival or surpass our own."⁶⁵ With this pivot in training and readiness towards large scale combat operations (LSCO), other missions along the range of military operations do not appear to be going away. Although we may reasonably assume that if the country were to find itself engaged in LSCO most of these other missions may be suspended, it is unlikely that all of them would be. Much like the men of the Third California Volunteer Infantry, equipped, trained, and prepared to fight on the large battlefields of the civil war, soldiers prepared to execute a multi-division and possibly multi-corps level fight could find themselves conducting a variety of operations below the threshold of LSCO.

Could manning, equipping, and training Soldiers for LSCO encourage commanders to escalate their role into prevailing in large scale conflict where they have trained to be more comfortable? Both shaping the operational environment and preventing conflict are roles that typically precede prevailing in large scale combat. Commanders who have deliberately prepared for LSCO must be able to demonstrate the ability to adapt to lower intensity roles. FM 3-0 clearly outlines the purpose of these other strategic roles and the importance of restraint within them. With shaping the operating environment the field manual provides, “optimally, shaping activities ensure regions remain stable, a crisis does not occur, and there is no need for an escalation of force.”⁶⁶ While in regards to preventing conflict activities, FM 3-0 poses that, “care should be taken to avoid undesired effects such as eliciting an armed response should adversary leaders perceive that friendly [flexible deterrent options] or [flexible response operations] are being used as preparation for a preemptive attack.”⁶⁷ Commanders must be able to understand their mission within the context of the Army’s strategic roles and be able to communicate this to their subordinates to prevent unintended escalation. Although Colonel Connor did not operate under the current operations framework, this case scenario provides an example of how a flexible response operation can rapidly escalate into tragedy.

Colonel Connor arrived in Utah in an already complex situation, with multiple cultural and social issues converging in his area of operations. Although tempting to judge Colonel Connor against the values and understandings we have today of the situation, we should instead reinforce the importance of the commander’s role in the operations process. A commander’s ability to understand the situation and complex relationships that exist will only become more critical as cultural, social, and military relationships continue to collide with greater complexity than ever before. FM 3-0 articulates that, “leaders must consider all factors that make up their [operational environment], including social factors initiating and sustaining a conflict. Failure to do so may lead to faulty plans that do not address the desired end state.”⁶⁸

The Mormons, Shoshone Indians, and California Volunteers all contributed to the Bear River Massacre, although a vast majority of the responsibility lies with the U.S. Army and Mormon settlers. The traversing emigrants and encroaching Mormon settlers had nearly stripped the Shoshone territory of its life-providing essentials. Their inability to sustain themselves drove Shoshone Indians to raid Mormon farms and Overland Mail route stops, sometimes resulting in the deaths of emigrants and settlers. The Mormons had been forced to Utah by multiple state militias resulting in distrust for the government and military. Their contentious relationship with the military, coupled with increasing tension in Cache Valley over expanding settlements, led them to allow the situation to come to a boiling point. Colonel Connor’s harsh approach to American Indian affairs, combined with a genuine disdain for Mormons and desire for large scale combat on the battlefields in the east, contributed greatly to the inferno that occurred in January of 1863.

The Bear River Massacre provides modern day practitioners an example of the army conducting operations in multiple roles in separate theaters and the unfortunate outcome of needlessly escalating the situation. This case also provides an opportunity to reinforce the importance of the commander’s activity to understand the operational environment and the complicated relationships that accompany it. As the Army moves forward with this evolution in readiness, FM 3-0 offers an approach that could incorporate these lessons, “Soldiers must conduct realistic training that prepares them for combat by including unexpected tasks and *moral-ethical* challenges that help develop *agile, adaptive and innovative leaders*. Training scenarios should require Soldiers to make right decisions consistent with moral principles of the Army Ethic, including the Army Values.”⁶⁹

End Notes

- 1 Rod Miller, *Massacre at Bear River First, Worst, Forgotten* (Caldwell: Caxton Press, 2008), 24.
- 2 Brigham D. Madsen, *Glory Hunter A Biography of Patrick Edward Connor* (Salt Lake City: University of Utah Press, 1990), 12.
- 3 Miller, *Massacre at Bear River*, 24.
- 4 Robert S. McPherson, *Staff Ride Handbook for the Battle of Bear River*, 29 January 1863, 19.
- 5 Madsen, *Glory Hunter*, 56.
- 6 Ibid.
- 7 Ibid., 57.
- 8 Kass Fleisher, *The Bear River Massacre and the Making of History* (Albany: State University of New York Press, 2004), 49.
- 9 Madsen, *Glory Hunter*, 65.
- 10 Ibid., 73.
- 11 Miller, *Massacre at Bear River*, 30.
- 12 Ibid., 7.
- 13 Fleisher, *The Bear River Massacre*, 20.
- 14 Miller, *Massacre at Bear River*, 12.
- 15 Ibid., 15.
- 16 Fleisher, *The Bear River Massacre*, 24.
- 17 Miller, *The Bear River Massacre*, 20.
- 18 Ibid., 19.
- 19 Fleisher, *The Bear River Massacre*, 43.
- 20 Ibid., 25.
- 21 Ibid., 14.
- 22 Madsen, *Glory Hunter*, 59.
- 23 Fleisher, *The Bear River Massacre*, 10.
- 24 Ibid., 16.
- 25 Ibid.
- 26 Brigham Madsen, *The Shoshoni Frontier and the Bear River Massacre* (Salt Lake City: University of Utah Press, 1985), 161.
- 27 McPherson, *Staff Ride Handbook*, 24.
- 28 Madsen, *The Shoshoni Frontier*, 173.

- 29 Ibid., 174.
- 30 Ibid.
- 31 Ibid., 178.
- 32 McPherson, *Staff Ride Handbook*, 28.
- 33 Miller, *Massacre at Bear River*, 91.
- 34 Madsen, *The Shoshoni Frontier*, 180.
- 35 Ibid., 181.
- 36 Ibid., 182.
- 37 Madsen, *Glory Hunter*, 80.
- 38 Ibid.
- 39 Madsen, *The Shoshoni Frontier*, 183.
- 40 McPherson, *Staff Ride Handbook*, 28.
- 41 Fleisher, *The Bear River Massacre*, 55.
- 42 McPherson, *Staff Ride Handbook*, 37.
- 43 Newell Hart, *The Bear River Massacre* (Preston: Cache Valley Newsletter Publishing Company, 1982), 143.
- 44 Aaron L. Crawford, *The People of Bear Hunter Speak: Oral Histories of the Cache Valley Shoshones Regarding the Bear River Massacre* (Logan: Utah State University, 2007) 47.
- 45 Ibid., 32.
- 46 Hart, *The Bear River Massacre*, 143.
- 47 Ibid., 144.
- 48 Madsen, *The Shoshoni Frontier*, 186.
- 49 Madsen, *Glory Hunter*, 82.
- 50 Fred Rogers, *Soldiers of the Overland* (San Francisco: Grabhorn Press, 1938), 71.
- 51 Crawford, *The People of Bear Hunter Speak*, 27.
- 52 Madsen, *The Shoshoni Frontier*, 187.
- 53 Madsen, *Glory Hunter*, 82.
- 54 Hart, *The Bear River Massacre*, 147.
- 55 Fleisher, *The Bear River Massacre*, 80.
- 56 McPherson, *Staff Ride Handbook*, 52.
- 57 Crawford, *The People of Bear Hunter Speak*, 46.
- 58 Madsen, *The Shoshoni Frontier*, 193.

59 Hart, *The Bear River Massacre*, 147.

60 Ibid., 190.

61 Madsen, *Glory Hunter*, 85.

62 Madsen, *The Shoshoni Frontier*, 194.

63 Madsen, *Glory Hunter*, 86.

64 Fleisher, *The Bear River Massacre*, 167.

65 Headquarters Department of the Army, *Field Manual 3-0 Operations* (Washington D.C., 2017), 1.

66 Ibid., 3-1.

67 Ibid., 4-4.

68 Ibid., 1-13.

69 Ibid., 2-54.

A Survey of Military Oaths in Russian History

Shushanna Baumann

Editor's Note: Look for Robert F. Baumann's companion piece to this paper, "The Decembrist Revolt and its Aftermath: Values in Conflict," in Vol. 10, no. 3 of the InterAgency Journal featuring papers presented at the 2019 Fort Leavenworth Ethics Symposium.

Oaths, pledges of loyalty to a ruler or government, have a long history in Russia and they reflect the main sources of moral authority at any given time. What follows is a concise review of some of the Russia's most important oaths at different historical periods.¹

The first recorded reference to an oath in Russia (modern Russians claim descent from what was then referred to as Rus'), taken by members of the so-called prince's guard (княжеская дружина), dates back to the ninth century. The administration of the oath was an important ritual in which warriors pledged faithful service and undying allegiance to their ruler. (The term Tsar was not yet in use. Kievan rulers were considered princes.) Witnessing before God was common in oaths of various types of legal proceedings in this period.²

Boris Morozov, adviser to the second Romanov tsar, Aleksei Mikhailovich, authored an oath in 1647 that would serve as a base document for future editions throughout the dynasty. A later text of the oath, published in 1775 in the "Military Regulations for warriors concerning artillery and other matters of military science," expanded to include the full set of drills and procedures for Russian soldiers. Based on versions dating back to 1607, the regulations demanded not only true and unswerving loyalty to the Tsar under any circumstances, but adherence to 663 specific instructions.³

Under Peter the Great, who helped edit the oath himself, the text changed a bit, replacing the word to "swear" with "promise," and elaborating on some aspects of loyalty to the ruler. The word "promise" was more secular, which probably pleased Peter, and more closely adhered to legal phraseology.⁴ An English version of the text follows:

I (name of the person), promise under the **Almighty God** to serve lawfully his Majesty Peter the First, our **Tsar and Autocrat of all the Russias**, and so on...and the rightful heir with all my might without sparing my health or property. I am obliged to carry out all decrees and edicts by His Majesty as well as any decrees He and his government will make in the future. I must everywhere and in all circumstances warn, protect and advise His interests and those of his **Nation**, and if I hear something said against Him, I will defend him. I will find and oppose all enemies who would harm him and I will expose all I discover who would act against him. And so I will serve His Majesty and his Government of my own **Christian Conscience**, without lying and equivocating, as any honest person of good will should do, who will have to answer on Judgment Day. May **Almighty God** help me to do my duty.⁵

Peter introduced a form of military conscription to Russia and, therefore, the oath highlighted service to the tsar and the state.⁶ As we can see, religion played an important role in the process of taking an oath. The person should be loyal not only to the Tsar but also to *Almighty God*. Indeed, in the text of the

oath, Christian devotion to God demands faithful service to the tsar. Besides, he should be devoted to his *Motherland* and be ready to denounce if he hears something said against the Tsar or the current system in the country. It is interesting to mention that every time a military man was promoted he had to renew the oath.

In 1743 under the reign of the Empress Ekaterina Alexeevna the oath became even more personal and included the necessity to swear not only to the Empress, but also her son, Pavel Petrovich.

With the promise set forth below, I swear before the **Almighty God and His Holy Evangel** that I will be devoted to Her Majesty, My All-merciful and Great Empress, Ekaterina Alexeevna, and her **dearest son Pavel Petrovich**, legal heir of all the Russias. I swear to serve faithfully and sincerely and to obey the laws truly, without regard for my own health and willing to **fight to the last drop of blood**. Let Almighty God help me in all this. In conclusion of this oath I am kissing **the Words and Cross of the Savior**. Amen.

In this oath we can see such religious symbols as the Savior's Cross and His Words which were not mentioned in previous oaths. *Fight to the last drop of blood* is another innovation, showing devotion and faithfulness to the Empress and the heir. It is interesting to note that the Government is not mentioned at all. The oath is very personalized and includes some religious elements.

According to the martial law in 1869 “an oath is a pledge which a soldier takes in God's name and in front of the Savior's Cross and the Gospel..., to go and fight for the Motherland bravely and cheerfully. The betrayer will receive no mercy, neither in this life, nor on Doomsday.”⁷

Присяга есть клятва, которую солдат дает перед лицом Божиим на кресте Спасителя и на святом его Евангелии: служить Богу и Государю верою и правдою ..., смело и весело идти в бой за Царя, Русь Святую и Веру Православную. Изменнику же присяги не будет пощады ни на белом свете, ни на Страшном Суде Божьем.⁸

In this oath we see that there is no direct punishment for refusal to fight against the enemy. It was considered that God and higher forces would punish a person who failed to do his duty. The expectation of a soldier “to fight bravely and cheerfully” without thinking about death highlights readiness to sacrifice oneself. Soldiers often went to war singing patriotic songs to elevate their morale and distract them from thinking too much about the battle to come.

Russia's February 1917 Revolution ushered in a new regime without a dynastic autocrat. Still, the practice of taking an oath remained very important. March 7, 1917 was the day when the Provisional Government, headed by Georgy Evgenievich Lvov (1861–1925), a member of Ministerial Counsel, created a new text for a martial oath.⁹

In this oath, we see a new reference to the “soldier's honor” and nothing was more valuable than that. It stated, “I promise to obey the temporary Government which currently heads Russia until a new Government is formed *by the people's will*.” Until that time, Russia's soldiers would obey and fight for the provisional regime up to *their last drop of blood*. They swore to be honest, conscientious, and brave officers (soldiers) and never to violate their oaths for *dishonest gain, friendship, and enmity*. Nothing could be allowed to distract them from serving the state.¹⁰

As events turned out, the Provisional Government barely lasted half a year. On April 22, 1918 the All-Russian Central Executive Committee of the Bolsheviks created the text of the new oath which was called the Formula for a Ceremonial Promise.

Formula for a Ceremonial Promise

Asserted in the working session of All-Russian Central executive Committee among the Soviet of Workers, Soldiers, Countrymen and Cossack Deputies.

From April 22, 1918

1. I the son of working class people, a citizen of the Soviet Republic take the rank of a working-class warrior.
2. Before the working class of Russia and the World I promise to carry this rank with honor, learn military arts responsibly and guard the people's and military's belongings as a just and lasting peace.
3. I promise to follow revolutionary discipline strictly and steadfast and execute orders given by the Working Government without question.
4. I promise to prevent my friends and myself from actions defaming and shaming the dignity of a Soviet Citizen and direct all my actions and thoughts to the main goal which is to liberate working people.
5. I promise to protect the Workers' Government at a word from all the danger and attempts from all the enemies and never to be afraid to die for Socialism and the brotherhood of nations.
6. If I diverge from this promise, let everyone despise me and let the revolutionary law punish me severely.¹¹

As we see, the approach changed a little in this oath. There are no such symbols as God and Religion. Instead, *revolutionary law* would punish all betrayers. *Working class people and the idea of socialism* are at the head of this pledge. Revolutionary discipline and the ideas behind it lead and guided most people at that time. Nothing could be possibly worse than saying something bad or acting against the *brotherhood*.

On January 3, 1939 a decree from the Presidium of the Supreme Soviet of the USSR adapted a new text of the military oath. It was called *the Military Oath of the Workers' and Peasants' Red Army*.¹² Not surprisingly, the text reflected the priorities of Stalin's regime. Besides obligations mentioned in previous oaths, this one includes the necessity to keep state and military secrets. There is also reference to the Soviet motherland, indicating the revival of traditional patriotic symbolism in a new package. Now soldiers had to be faithful to the USSR and the Red Army, and fight bravely for the interests of the government of workers and peasants.

Of course, as regimes changed, oaths did the same. Soon after the collapse of the Soviet Union, on February 11, 1993 there was a new military oath for the Russian Federation. It is called the Military Service Oath.¹³ Here for the first time, the Russian Constitution is the most important object of the soldier's loyalty.

I, (the name of the person),
Swear with a formal ceremony
To be devoted to my Motherland—
The Russian Federation.
I swear to comply with
The Constitution of the Russian Federation,
Fulfil all the requirements
Of Military Regulations, Commanders' orders.
I swear to meet all military obligations,

Protect bravely freedom, independence,
And constitutional regime of Russia,
People and my Motherland.¹⁴

Most recently, the *Yunarmia* (Youth Army) has appeared as the National Military Patriotic Social Movement Association supported and funded by the Government of Russia. Established in 2015, it too has an oath reflecting expectations for patriotic Russian youth.

The Oath of a Youth Army Member

I, joining Yunarmia, am taking a solemn oath in front of all my friends:

- to be always faithful to my Motherland and Yunarmia Brotherhood
- to follow all Yunarmia rules and be an honest Yunarmia member, follow all traditions of valor, courage and comradely assistance
- to always protect the weak, overcome all the difficulties in order to gain justice and the truth
- to strive for victory in studying and sports, lead a healthy lifestyle, get ready for serving the Motherland
- commemorate the heroes fighting for the freedom and independence of our Motherland, be a patriot and a dignified citizen of Russia
- to carry the rank of Yunarmia member with valor and honor

I pledge!¹⁵

As we can see, children are being prepared to serve the Russian Army and state, and the government encourages them to join Yunarmia in order to gain some knowledge about patriotism and the army in general. The oath stresses being ready to help your friends in any situations and being faithful to Russia, ready to fight for it if required. Teenagers swear this oath in front of their teachers, family, and friends, and it is considered to be a serious step for young Russian people.

End Notes

1 Translations of oaths are by the author.

2 *Ustav ratnykh, pushechnykh I drugikh del kasaiushchiikh voinskoi nauki*, [Military Regulation for Warriors concerning Artillery and other Matters of Military Science] St. Petersburg: 1777. For a good review of imperial Russian oaths, see these Russian sites: “Kak meniaetsia tekst voennoi prisiagi v Rossii v raznoe vremia. Istoriia nashei voennoi prisiagi,” [How the text of the military oath in Russia changed over time. A History of our military oath], accessed March 29, 2019 at https://pikabu.ru/story/kak_menyalsya_tekst_voennoy_prisyagi_v_rossii_v_raznoe_vremyaistoriya_nashey_voennoy_prisyagi_6329947; “Istoriia priniatiia voennoi prisiagi v rossii” {History of Taking a Military Oath in Russia] accessed March 29, 2029 at <https://poisk-ru.ru/s42738t6.html>; Russkaia imperatorskaia armiia. [The Russian Imperial Army] accessed March 29, 2019 at https://pochta-polevaya.ru/aboutarmy/history/russkaya_imperatorskaya-armiya/history_the_military_oath.html. For a basic Russian definition of a military oath, see “Prisiaga voennaia,” in *Voennyi entsiklopedicheskii slovar’* [Military Encyclopedia dictionary] (Moscow: Voenizdat, 1983), 591.

3 “How the Text of the Military Oath Has Changed over Time” at https://pikabu.ru/story/kak_menyalsya_tekst_voennoy_prisyagi_v_rossii_v_raznoe_vremyaistoriya_nashey_voennoy_prisyagi_6329947

4 Artem Krechetnikov, “*Voennaia prisizga Rossii: ‘Obeshchanie vmeste ‘kliatva.’*” [The Military Oath of Russia: Promise instead of Pledge], BBC Russian Service, December 24, 2012 at https://www.bbc.com/russian/russia/2012/12/121224_russia_military_oath.

5 Krechetnikov.

6 “Petr I,” in *Voennaia entskilopediia*, 553.

7 “How the Text of the Military Oath changed over Time.”

8 Ibid.

9 Ibid.

10 Ibid.

11 Ibid.

12 Ibid.

13 Ibid.

14 Ibid.

15 *Kliatva iunarmeitsa* [Oath of the Young Army], accessed 23 March, 2019 at https://gym1583s-new.mskobr.ru/files/klyatva_yunarmeica.pdf. For more on the Yunarmiiia, see the site of the Ministry of defense of the Russian Federation at <http://stat.mil.ru/youtharmy/info.htmor>.

The Persistent Holocaust and the Kielce Pogrom of July 1946

David Cotter

Well after the fall of the Third Reich, forty-two Jews in Kielce, Poland were murdered and another forty wounded, some mortally, in an outbreak of anti-Jewish violence on July 4, 1946.¹ The massacre of July 4 was not a singular event. It had been preceded by numerous other similar post-war pogroms, the most notable in Krakow and Rzeszow.² The savagery of the Kielce attack was unchecked by the authorities for hours and while the numbers may not seem staggering, especially in light of the millions killed during the war, the viciousness of Kielce was such that it served as a catalyst for post-war hopes of Polish Jews. The Second World War may have ended and with it the Nazi regime, but anti-Semitism in Eastern Europe endured and actually grew. In Poland in particular anti-Jewish fervor flourished, in many instances encouraged by the Church and local governments. The durability of anti-Jewish violence became manifest as a Persistent Holocaust and following the events in Kielce, would cause the Jews who had survived the concentration and death camps to flee their Polish homeland in order to survive. They had no future in Poland.³ The war was over but the genocide was not.

The impetus for the killing resulted from the Jewish community's alleged kidnapping and murder of Christian children purportedly to fulfill ritual requirements of so-called blood libel.⁴ Blood libel is a myth that dates to the Middle Ages which intimates a Jewish requirement for the blood of Christians to complete secret religious rituals. The blood of children was deemed especially valuable. In the post-Holocaust era, the blood libel charge underwent changes that included accusations of Jews kidnapping Christian children to steal their blood to offset war-caused malnutrition among Jews arising from their lengthy imprisonment in concentration and labor camps.⁵ In Kielce some days before the 4th of July, a young Polish boy, 9-year-old Henryk Blaszczyk slipped away from home for several days to be with his friends in an adjacent town. Fearing that his parents would punish him for running away, he told them upon his return that he had been kidnapped and held in the basement of Planty 7, a building owned by the Jewish Committee of Kielce and which served as temporary housing for many war-displaced Jews. Taken to the police station by his father, Henryk identified a resident of the building, Kalman Singer, "the man in the green hat" as the man who had lured him into the building.⁶ A mob soon formed and the massacre ensued. In addition to the maddened crowd, the Polish Army, the state-level police and security service as well as the local police all participated in varying degrees from actively committing murder to allowing the mob to run amok.⁷

Jewish Life in Kielce Before the War

Anti-Semitism in Poland is not a product of the Second World War. It has been a matter of centuries-long standing and a matter that was advocated by the socially and politically influential Catholic Church in Poland. Kielce is located in the Ecclesiastical province of Krakow, the Archdiocese, which exercised religious and administrative authority over the Kielce diocese. For many years, Jews had been prohibited from settling in Kielce because the Krakovian bishops would not allow Jews to set up permanent residence within the city.⁸ The prohibition was only lifted after the Tsar's imperial edict on the equality of rights in 1862 but the anti-Jewish animus did not disappear with the edict.⁹ Jews were constrained in many ways by legal, religious, and social discrimination, and sporadic outbreaks of anti-Jewish violence were not uncommon. Nevertheless, the Jewish population grew steadily and, albeit segregated, made inroads into the

community. By 1905 the number of Jews had reached 10,500 and was thriving in many areas of commerce and trade including as small plant workers, petty merchants and craftsmen. The census of 1931 indicated that Kielce had a population of 58,236, of which 18,073 were Jews. Despite the expansion of Jewish presence in Kielce and their rising influence in the commercial sector, anti-Semitism was more pronounced and overt in Poland than in Germany, at least before 1933, and the Jews of Kielce were relegated to second-class status as a function of their faith and were strictly confined to designated neighborhoods in the city.¹⁰

The Nazi Holocaust

Hitler's rise to power generated a directed campaign of increasing violence directed against the Jews in the areas that came under Nazi influence. Beginning in 1933 Nazi persecution of the Jews accelerated and spread concomitant with the spread of Nazi power. With the invasion of the Soviet Union in Operation Barbarossa In 1941, the period of Nazi persecution ended and the mass murder stage began, what we would come to know as the Holocaust or the Shoah. Many millions of soldiers and civilians perished in the war, but no population was so utterly victimized as were the Jews. Nowhere was that more true than in Kielce.

The German invasion of western Poland began in September 1939, and the Nazis immediately initiated reprisals against Poles with a special emphasis on Polish Jews.¹¹ Nazi actions against Christian Poles were primarily directed against the intelligentsia, but the energy applied to the Jews was not specifically focused on any sub-group, it targeted the whole of the Jewish community. With impunity, German soldiers robbed Jewish homes, organized raids, and imposed forced labor. The Jews were forced to wear the six-pointed star on their clothing. The best Jewish homes were wrested away, and other Jewish wealth was seized including quarries, mills, brickworks, lumber mills, and myriad small enterprises. The owners of the larger appropriated properties were immediately shipped off to concentration camps. Every Jewish store in the city center was compelled to close. Jews from the surrounding countryside were concentrated in Kielce and the population swelled to ~30,000. On March 31, 1941, an order was issued to create a "Jewish quarter in the city of Kielce."¹² The ghetto was located in the poorest part of the city and bound by walls and wire. Most of the houses had no running water or sewage capability. Thirty-thousand Jewish civilians were penned in an area with capacity for 10,000. Forced to live in indescribable filth, Otto Dietrich, Hitler's press chief, described the living conditions as "inconceivable dirt" when he accompanied the Führer on a visit to the ghetto on September 10, 1941.¹³

It became clear in the summer of 1942 that the Germans were planning to physically eradicate the Jewish population and, to that end, began to liquidate the ghetto. The first transport of Jews to death camps took place on August 20, at 4 a.m. Approximately 6,000 Jews were shipped to Treblinka. On August 22, another 6,000 were taken on that second transport and 7,000 were taken away on August 24. Approximately 1,500 to 2,000 people remained alive – those who were young and able to work. They were confined in a very compact ghetto area between Stolarska and Jasna streets. The ghetto operated until the summer of 1944, after which the workers who had managed to survive were sent off to Auschwitz. Of the city's twenty-some-odd thousand Jewish inhabitants, only some 500 survived the war and occupation.

Conclusion of the War and Post-War Poland

The Second World War in Europe was formally concluded on May 8, 1945, and although some fighting continued in isolated locations, for the most part, the German combat threat was eliminated. As the Anglo-American led Allies had closed in from the west and the Soviet-led forces had converged from the east, the death camps, the labor camps, and concentration camps were liberated as they came under Allied control. There were many sites of concentrated persecution but perhaps the most notable were Auschwitz and Majdanek in the east and Buchenwald, Dachau, and Bergen-Belsen further west. Not liberated because they had been destroyed by the Nazis were the special status camps committed exclusively to mass murder, the less famous but perhaps more notorious Operation Reinhard camps, Treblinka, Sobibor, Belzec.¹⁴ From

these camps there were essentially no survivors, having accounted for nearly two million of the deaths before the end of 1943, and the Nazis razed them in an attempt to hide their crimes.

With the war ended, and with it the Nazi capability to exterminate Jews, the Holocaust was over. Or was it? The situation in Poland is more complex. Poland had suffered terribly in World War II, enduring sequential Nazi and Soviet invasions, a set of conditions that Timothy Snyder has described as a catastrophic “double occupation.”¹⁵ Some 5 million Poles were killed during the war, 3 million of those were Polish Jews. Of Poland’s approximately 27 million pre-war citizens, about 2 million non-Jewish Poles, 7.5%, perished—a horrific number. In perspective, two million dead of Poland’s 3.2 million Jews, 3 million were killed, over 90%.¹⁶ Poland’s uniquely catastrophic World War II experience had made them both victims and victimizers as we shall see.

As the war had progressed the Jews had been dispossessed and removed first to ghettos and later to camps. Yet there were survivors among the Jews at the end of the war and as the camps were liberated most found themselves in Displaced Person Camps established by the controlling Allied powers as they wrestled with the complexities of reintegrating the populations. This became increasingly problematic because there was little enthusiasm for the returning Jews in Kielce and elsewhere throughout Poland. Many opted to leave and begin anew in other countries and of Kielce’s 500 or so survivors, some 300 opted to not return. For the remainder, some landed in Spartan yet adequate displaced person facilities. Others were less fortunate. Despite their mean status, however, many began to prepare to return to the normalcy of their pre-war hometowns. Schools were established within the camps, as were occupational facilities. Synagogues and the communities that formed there held religious and social ceremonies, too as they prepared to return home. Most of those returning from captivity held little hope that they would recover their lost personal funds and possessions, but many fully expected to have their confiscated real property restored and it was here that the seeds of the Kielce Pogrom were sewn.

Many Poles had benefited materially from the dispossession of the Jews as they were uprooted into ghettos and transported to camps. The relative material advantage gained was in peril with the return of the Jews, posing a threat to many of the beneficiaries of the re-allocated assets. Additionally, the displaced Jews who survived returned home to Poland were greeted with the deeply rooted and very powerful anti-Semitism that had been extant well before Hitler’s rise and that had weakened not at all during the war. As mentioned above, the blood libel myth had taken on new life in the post-war era. Thus, anti-Semitism was exacerbated by both avarice and fear, a formula that was not favorable to amicable reintegration of the returning Jews.

Frequently, the force that moved feelings of fear and avarice into violence was anti-Semitism. Rumor of the modified Blood Libel arose in which the older idea of Jews taking the blood of Christian children for religious rituals morphed into Jews taking blood from children to help ameliorate their years-long malnutrition. The blood libel rumors were very durable and ignited a number of violent responses to returning Jews of which two, as noted above, are worthy of consideration.

The first event occurred in Rzeszow on June 12, 1945, after the first wave of returning Jews arrived in Poland from the displaced person camps. Riots broke out following rumors of ritual murder. None were killed but a number were beaten and the violence served as a portent for the Jews and marking the beginning of the exodus of the surviving Jews from Poland, a direct result of the Persistent Holocaust.

The second event was the Krakow pogrom of August 11, 1945. Again, rumors of ritual murder generated riots that left five killed and dozens wounded, many grievously. Hospital staff refused to treat the wounded because they were Jewish. On victim related that “nurses... threatened us, saying they were only waiting for the surgery to be over in order to rip us apart.”¹⁷ After observing the violence for several hours, the local and state security services asserted control after several hours of violence.

As anti-Jewish violence became more frequent, Jewish leaders asked the Polish primate, Cardinal August Hlond, to intervene with his coreligionists and he flatly refused declaring that since Jews were communists they had only themselves to blame for the righteous reaction of the Catholic Poles who abhorred the Soviet state.¹⁸ Thus, the returning Jews could expect no protection from the Church.¹⁹

The Kielce Pogrom

Following the initial post-war violence experienced by the returning Jews, many Jewish communities established local organizations for security and support as the returnees attempted to re-settle in their former towns. In Kielce, the Jewish Committee established a residence on Planty 7 that provided secure temporary housing for as many as 180 returning Jews in 1946.²⁰ It was to this location that the police came at approximately 8:00 a.m. on July 4, 1946, accompanied by Henryk and his father, to begin the investigation into the charges of child kidnapping. Once the police presence was sensed by the community, a crowd began to gather and became increasingly restive. At about 9:00 a.m. the local police entered the building and immediately determined that it had no basement which was a problem because young Henryk had described his basement incarceration in detail. A Sergeant Szelag accused the boy of lying while the crowd accused the police of trying to cover up the Jewish crime.²¹ A military unit arrived to secure the scene at about 10:00 a.m., and the Jews inside the building “sighed with relief,” but then the shooting began.²² The soldiers, far from being saviors, focused their attention and their weapons on the Jews, not the increasingly restless crowd. At this time the assault on Planty 7 began in earnest and continued until a lull at about noon. The various authorities present, local and state police and military units who were answerable to different headquarters, all competed for supremacy, some contributing the violence while others ignored it. Shortly after noon, the crowd was bolstered by a contingent of civilians from the Ludwikow Foundry on their lunch break who came armed with clubs and iron bars. The workers charged the building and the inner courtyard and “the whole area was turned into a vast killing field.”²³ The courtyard was left “littered with blood-stained iron pipes, stones and clubs which had been used to crush the skulls of Jewish men and women.”²⁴ The pogrom spread throughout the city and there was an especially grisly series of events at the railroad station in which Jews transiting through the city’s station were taken from the trains in which they were traveling and clubbed and stoned, sometimes to death.

In the immediate aftermath of the slaughter the official response was muted because the state and city leadership thought it prudent to avoid “any action that might indicate that authorities were siding with the Jews against ‘the people.’”²⁵ The intervention of local, regional, and state Communist agents altered that course and within days of the massacre the Polish secret police identified and arrested twelve individuals upon whom they placed the blame for the pogrom. The twelve were subjected to the summary justice of a military tribunal the next week, and nine were executed by firing squad and the remaining three were sentenced to prison terms. Significantly, the security officials who had been on scene and, in some cases precipitated the violence, largely escaped unscathed. The final tally was 42 dead and 40 more injured, many of whom did not survive.

Consequences: The Persistent Holocaust

The firing squads signaled the end of the pogrom but not the end of the Persistent Holocaust for the Jews of Poland. The anti-Semitism that had been well entrenched in Polish society for generations was fully in force in the post-war period. The anti-Jewish violence in Rzeszow and Krakow had been harbingers of the unabated hatred that awaited returning survivors of the Nazi camps. Despite those signals, many Polish Jews continued to return to their homes. Kielce was transformative in that it served as the final dismissal of hope for Polish Jews to remake their lives in Poland. Of the more than 3 million Jews of pre-war Poland, fewer than 240,000 survived the war to attempt to return home. In the aftermath of Kielce, by early 1947, the number of Jews in Poland had dropped from 240,000 to fewer than 90,000, and the number continued

to spiral downward in the face of unrelenting anti-Jewish hostility.²⁶ Polish authorities were only too happy to facilitate the speedy emigration by emplacing authorizations that allowed Jews to leave without administrative obstacles—exit visas were not required of Jews wishing to leave Poland. By the end of 1947, the population of Jews in Poland had fallen to 12,000, and through two more spasms of anti-Semitic violence that engulfed Poland, 1956-1957 and 1968-1969, all that remained of the largest Jewish population in the pre-World War II world had dwindled to a mere 3,500.²⁷

The Persistent Holocaust represents one of the most maleficent manifestations of what Emil Fackenheim termed “Hitler’s posthumous victories,”²⁸ a Persistent Holocaust. The largest portion of Poland’s more than three million Jews were destroyed by the Nazi regime. Hitler’s work was finished by Poland’s anti-Semites, who drove the vestige of the Jewish population that had managed to survive. Jan Karski, a Polish diplomat, wrote that Nazi policies toward the Jews of Poland “formed a sort of narrow bridge where the German and the larger part of Polish society meet in harmony.”²⁹ Despite the absence of the Nazis, the anti-Semitic foundation of that narrow bridge remained operational in the post-war period in Poland, the period of the Persistent Holocaust.

End Notes

- 1 Carol Rittner and John K. Roth, eds., *Pope Pius XII and the Holocaust* (London and New York: Leicester University Press, 2002), 32.
- 2 Tadeusz Piotrowski, *Poland's Holocaust* (Jefferson, NC: McFarland & Co, 1998), 136.
- 3 Michael Marrus, *The Unwanted European Refugees from the First World War Through the Cold War* (Philadelphia: Temple University Press, 2001), 336.
- 4 David Nirenberg, *Anti-Judaism: A History of a Way of Thinking*, (New York: W.W. Norton, 2013), 203-205. The 'blood libel' or 'blood accusation' dates to the 13th Century and posits that Jews must secure Christian blood for ritual requirements especially during the Passover period.
- 5 Peter Hayes and John K. Roth, eds. *The Oxford Handbook of Holocaust Studies* (Oxford: Oxford University press, 2010), 519.
- 6 Jan T. Gross, *Fear: Antisemitism in Poland After Auschwitz* (New York: Random House, 2006), 84.
- 7 Ibid., 91ff.
- 8 William W. Hagen, "Before the "Final Solution": Toward a Comparative Analysis of Political Antisemitism in Interwar Germany and Poland, *The Journal of Modern History*, Vol 68, No.2 (June, 1966), 351-381.
- 9 Daryl Worthington, "Alexander II Emancipates the Serfs retrieved from <https://www.newhistorian.com/2015/03/02alexander-ii-emancipates-the-serfs>.
- 10 Timothy Snyder, *Black Earth: The Holocaust as History and Warning* (New York: Tim Duggan Books, 2015), 32.
- 11 Gerhard L. Weinberg, *A World at Arms: A Global History of World War II* (Cambridge: Cambridge University Press, 1994), 48ff.
- 12 Raul Hilberg, *The Destruction of the European Jews* (New York: New Viewpoints, 1973), 148.
- 13 Saul Friedländer, *Nazi Germany and the Jews, 1939-1945: The Years of Extermination* (New York and London: Harper Perennial, 2007) 17.
- 14 Yad Vashem: Shoah Resource Center, *Aktion Reinhard*, retrieved from https://www.yadvashem.org/odot_pdf/microsoft%20word%20-%205724.pdf.
- 15 Snyder, 118-120. Casualties among Polish Jews is a difficult number to determine with certainty because of the imposed statelessness created by the Molotov-Ribbentrop Treaty that divided conquered Poland between the Soviet Union and Nazi Germany. Many Jews in the Soviet region were accounted for on casualty as 'Soviet Jews' despite their Polish origins. See Timothy Snyder, *Bloodlands: Europe Between Hitler and Stalin* (New York: Basic Books, 2010), 410.
- 16 Halik Kochanski, *The Eagle Unbowed: Poland and the Poles in the Second World War* (Cambridge, MA: Harvard University Press, 2012), 299-301.
- 17 Witness account in Zydowski Instytut Historyczny, cited in Gross, *Fear*, 82.
- 18 Suzanne Brown-Fleming, *The Holocaust and the Catholic Conscience: Cardinal Aloisius Muench and the Guilt Question in Germany* (Notre Dame, IN: University of Notre Dame, 2006), 113.
- 19 Phayer, Michael, *The Catholic Church and the Holocaust, 1930-1965* (Bloomington, IN: Indiana

University press, 2000), 180-81.

20 Gross, *Fear*, 83.

21 GKBZpNP-IPN (Russian State Archives), p 12., cited in Gross, *Fear*, 85.

22 Gross, 87.

23 Ibid., 91.

24 Ibid.

25 Gross, 99.

26 Piotr Eberhardt, *Political Migrations in Poland, 1939-1945* (ISBN 9781536110357).

27 Population statistics vary widely in part because following the Soviet assumption of control following the war, persons were assigned state identity based on their location. The many Jews who had been displaced were often re-assigned national identity.

28 Emil Fackenheim, *To Mend the World: Foundations of Post-Holocaust Thought* (Bloomington and Indianapolis: University of Indiana Press, 1992), 299.

29 Gross, 177.

Captain Miller or Major Powers? Developing the Proper Ethical Culture for Large Scale Combat Operations

William J. Davis, Jr. and Mark Kormos

*Disciplined disobedience to achieve the higher purpose, if you do that,
then you're the guy who's going to get the pat on the back.*

—General Mark Milley¹

An important question for the U.S. Army to ask as an organization is “what kind of culture should be built in order to succeed in 21st century LSCO?” There will be those who will consider discipline to be the cornerstone of any Army and will long for the days of close order drill. Others will posit that adaptability and flexibility in an ambiguous environment will be the key to success and wonder about how to create that culture. Consider the following scenario, the day after 9/11 a commander walked into the building he had been going to for three years, and was challenged to present his identification by a sergeant who had worked in the same office. When the commander said that the sergeant knew him and that the commander should not have to show an identification, the sergeant replied that he was told that there would be no exceptions. My question to the person about to read this paper is—do you want that sergeant with you when fighting in the future?

For years, the Army juxtaposed Massengill and Damon, characters from *Once an Eagle* to inspire its officers to become great leaders of character. However, for General Milley’s words to become a shared value in the Army during Large Scale Combat Operations (LSCO) a different juxtaposition will be required—that of Major Powers, a character from the movie *Heartbreak Ridge* who chews out junior officers for not following his orders to exact precision, versus Captain Miller from the movie *Saving Private Ryan* who not only deviates and acts on intent throughout the movie to save private Ryan, but does this within the larger strategic context of winning the war.

Much has been argued about whether the spirit of mission command as embodied in the above quote could ever become a shared value in today’s Army.² Although the Army tried to incorporate mission command and its elements as a warfighting function and philosophy in its doctrine and teachings³, anecdotally the mention of mission command when spoken about in the context of being a value-in-use vice only an espoused value garners snickers from all but the most senior officers, and most recently, it even garners significant skepticism from them.⁴ While General Milley has taken the lead, there is considerable bureaucratic and organizational resistance to change that may never be overcome in order to meet the spirit of his quote. Concurrently, the Army has also begun to focus its entire organizational competency on being successful in Large Scale Combat Operations (LSCO). It has changed its doctrine, its schoolhouse curricula, and its training focus to developing competency in LSCO.⁵ However, what the Army has not addressed sufficiently is the ethical values that need to be developed in order to be successful in LSCO beyond the technical rationality of synergistically applying the warfighting functions. War is a complex system that requires constant adaptation by individuals in the face of ambiguity, volatility, uncertainty, and extreme conditions,

and that adaptability requires a strong ethical foundation. The purpose of this paper is to identify three components of the Army's organizational culture that will ensure Milley's vision is achieved. First, it will identify values-in-use of the Army that will act as a hindrance. Second, it will identify values-in-use that will act as a catalyst. Finally, it will provide recommended policy and regulation changes that will ensure disciplined disobedience becomes a value-in-use for the Army during LSCO.

Framework

The importance of culture is an essential and critical element in analyzing the performance of any organization. Among the most respected publications in the field of cultural studies are those written by Edgar Schein. He developed a model that explains the concept of culture and the way it affects organizations. He defines culture as:

...a pattern of shared basic assumptions learned by a group as it solved its problems of external adaptation and internal integration, which has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way to perceive, think, and feel in relation to those problems.⁶

The authors' purpose in writing this paper is to determine the extent to which the culture of the U.S. Army will embrace or eschew disciplined disobedience and to then make recommendations to policy and regulations that will enhance the ethical underpinnings necessary to successfully enhance the mission command environment. Schein's model provides a valid framework to assess the deep underlying assumptions and shared values which are the catalyst for behaviors. His theory posits that an organizational culture consists of three distinct levels: artifacts, espoused beliefs and values, and basic underlying assumptions.

It has been determined that the underlying beliefs, values and assumptions of a culture (the third and most complex level according to Schein) will provide the best insight as to behavior within an organization.⁷ For the sake of parsimony, the authors will only identify Schein's third level values as either inhibitors or catalysts for the ethical underpinnings of achieving General Milley's vision. However, it is important to note that often the investigation of first and second level indicators lead to third level values. For example, Schein advances that individuals embrace values and adapt to norms because their underlying assumptions encourage and reinforce the norms. These norms and values inspire events that produce observable artifacts. As an example, a college may espouse that it is student-centric and that the professors are always there to help the students. However, students may embrace a basic underlying assumption that "the only time I see my professors is during class." This outward angst in defiance of what an organization believes to be a value oftentimes can be adjudicated through the investigation of the second and first levels of a culture. An example of an artifact (level I) could be a sign placed on all professors' office doors stating office hours, email addresses and contact phone numbers that would support the organizational norm that professors are indeed available outside of class.⁸

Basic underlying assumptions are the deepest and third level of culture in Schein's theory. These elements are profoundly embedded and unconscious norms that are shared and been accepted by the group. They tend to be taken for granted and extremely difficult to change. Any challenge to these assumptions will result in distress and anxiety for the organization's leaders. In fact, if a group strongly accepts an assumption, individuals will have a shared belief that any behavior based on any other basis unimaginable.⁹ For instance, if an individual is a member of the Armed Forces it is inconceivable to believe that they would not be patriotic. The authors intend to focus on those underlying assumptions which are catalysts and inhibitors of a mission command environment.

Inhibitors

The Army is the largest (numbers-wise) of all of the Services, and as such, it tends to have more rules, regulations and adherence to the hierarchy than the other Services (an exception to this within the Army would be the Special Forces). Hence, an Army officer has been integrated into a very hierarchical system that thrives on detailed planning and plans, and support of the hierarchy. For example, it is quite a common knowledge that the Army does not do anything without an operations order, which is a detailed tasking of what each element has to do.¹⁰ However, it is not just the Army which has the organizational challenge of developing members who exhibit deviant leadership traits and everyday courage. In a Harvard Business Review article titled *Cultivating Everyday Courage* in December of 2018, Detert noted that professionals who courageously go against the accepted norms within their organization risk personal ostracization and professional isolation.¹¹

In an article in 2008, Gerras et al. identified a number of shared cultural values that inhibited independent performance in a counterinsurgency conflict. They determined that lack of assertiveness within the hierarchy, in-group collectivism, institutional collectivism, performance orientation and power distance were all values that stressed adhering to the organizational hierarchy and promoted not deviating from accepted norms.¹² The authors have identified a few more. Of important note is that some of the inhibitors are in direct contradiction to the catalysts. This kind of “values-in-use” versus “espoused values” dynamic is well documented in theory and will produce inefficiency and friction in an organization where it amply exists.¹³ However, in an organization the size of the U.S. Army, it can be expected to exist to some extent.

The Ultimate Responsibility of the Commander

Although mission command and its element of disciplined initiative can be an excellent tool for dealing with the complexity on the 21st Century modern battlefield in LSCO, there are inherent risks that cause many individuals to reject it. A key organizational inhibitor to the concept of disciplined initiative is that Commanders often mistrust subordinates because they may make errors. Within the organizational structure of the military, and the authors argue a cultural expectation that is the key value that separates the military from most other organizations, is the value of the “ultimate responsibility of the commander.” Most times in the military, if an organization fails at a mission, it is the commander who bears the brunt of the responsibility of the failure regardless of the true cause.

Mutual trust between a superior and a subordinate is critical in any endeavor. Establishing trust is done over time and it must be deservedly earned.¹⁴ Leaders must trust in the aptitudes and talents of their subordinates and their people must trust in the abilities and experience of their leaders. The problem is some leaders lack courage, allow fear to become the dominant emotion, and believe empowering followers can go terribly wrong. Many leaders have a vision for the outcomes they expect and are unwilling to deviate from that vision, falsely linking outcomes to “the way the leader would have done it.” Leaders then lose patience and trust when undesirable outcomes occur because they interpret the outcomes as the result of an individual or team’s lack of preparation, foresight or desire to complete desired tasks, instead of on the unpredictability of complexity. “I envisioned a better outcome, and if only you did it my way, that outcome would have occurred,” becomes the base from which to lead. In addition, with the advent of a near-zero defect Army,¹⁵ a commander’s future career may rest upon not having things go wrong at any time.

In addition, the manner in which leaders are inculcated to the ultimate responsibility of a commander is problematic. For example, a platoon or company commander may be able to exercise span of control over most things, but a brigade commander will not. However, the only heuristic the brigade or battalion commander will have is direct control. Learning an entirely new leadership style is disconcerting after 15 or more years of acting within a particular construct. This is a significant inhibitor to the ethic of disciplined initiative.

Focus on Mission Accomplishment

Above all else, the Army values mission accomplishment. In order to avoid the apprehension and worry some leaders encounter when they are not in direct control of the mission, they will tend to micromanage the efforts of their subordinates, thereby creating a culture of obedience vice initiative. In addition, the supervisors of leaders often are more concerned with accomplishing the mission rather than mentoring, coaching, and professionally developing subordinates. Delegating tasks is essential since it allows leaders to focus on other priorities such as planning, resourcing, and organizing. The problem for leaders in an organization that values mission accomplishment above all else is that there is always risk associated with relying on someone else as the key mechanism that determines mission success, especially when that someone else is a person that they could not personally choose. They have little, if any control over personnel assigned to their organization and new employees may not have the proper skill sets or work ethic to accomplish critical missions. This provides a great deal of friction when applied to the vision of General Milley.

Equity in the Personnel System

Aside from certain elite units, a U.S. Army commander has little input on the make-up of his or her unit. While some commanders get to select a few key personnel, the majority of any team will be ad hoc. Assuming that to provide subordinates with enough leeway to exercise disciplined initiative requires trust, if a commander were able to select team composition, then that trust would be accelerated. A belief that all members of the organization of a certain rank and specialty have achieved a baseline standard that will allow for adequate performance on the complex battlefield is naïve.¹⁶ Without the ability to hire a team based on his or her own standards, a commander will be inhibited from allowing the members of the team enough freedom for independent action until such time they have proven that they can perform.

Catalysts

Commitment to Developing Leaders

Creating strong leaders who display the attributes and competencies to lead as described in Army doctrine is a primary catalyst for creating adaptable leaders with disciplined initiative. The Army espouses leader development as the cornerstone of its foundation. While the authors were determined to identify level three shared values, experience with the leader development aspect of the Army is conflicting. While all Army documents fully espouse leader development, recent incidents concerning toxic leaders within the ranks brings to question just how well the Army accomplishes the task of leader development. However, the toxic leader perturbations appear to be more the result of combining a key catalyst with a key inhibitor (commitment to mission accomplishment). One cannot doubt the Army's commitment to developing leaders, hence it is noted as a catalyst to achieving General Milley's vision.

Commitment to a Learning Organization

Creating a learning organization is about open communication and team member engagement. Peter Senge, who described learning organizations in his book *The Fifth Discipline*, described them as places “where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning how to learn together.”¹⁷ While the Army does not appear to fit the definition completely, it does have processes in place to facilitate the aspects of a learning organization—after action reviews, an abundance of educational courses, and climate surveys. The Army also uses the schoolhouse as a means to educate the force and assist in expediting new cultural norms. A primary example is the pace at which the Army transitioned to a counter-insurgency capable force once the determination to make such a transition was made.

Recommended Changes

One of the authors asked General Milley directly which policy or regulation changes he might propose in order to make his quote a reality. General Milley said no policy or regulation changes were necessary, that the Army would adopt the philosophy within the construct of mission command.¹⁸ We hate to disappoint General Milley, but it is unlikely that the culture of disciplined disobedience will be adopted without significant statutory or policy backing. The elephant in the room is that barring some cataclysmic event or outside pressure, the culture of the Army will not fully adopt the value of disciplined initiative required for success in LSCO, because the inhibitors identified above are deeply embedded not only in culture but in regulation and policy. There are many instances of leaders who tried to change the culture of their military organizations that sit upon the trash heap of failure. Changes as simple as a conversion to different headgear in the Army in order to develop more pride and an expeditionary outlook¹⁹ to a more gender-neutral nomenclature in the Navy,²⁰ have failed miserably. However, as Schein posits, when cultural changes have been directly linked to a reward system within the organization, the culture will begin to change.²¹ The Goldwater-Nichols Act of 1986, which is the main reason that the military Services can synergistically apply their power across the Services, is a primary example of this. The Goldwater-Nichols Act requires that officers have joint education and experience in order to be promoted (rewarded), and thus, operating in a joint manner has become a de facto value among most military officers today. It is the contention of the officers, that in order to overcome the significant friction obstructing the full acceptance of the ethic of disciplined initiative, that regulation and policy changes must accompany any goal. Adhering to the phenomenon that cultures will not change without some sort of forcing mechanism, we recommend the following changes:

1. That Army Command Policy, doctrine manual 600-20, be amended to support the use of disciplined initiative.²² This change would specifically change paragraph 4-1 subsection c to read “Commanders and other leaders will maintain discipline according to the policies of this chapter, applicable laws and regulations, and *the intent* of the orders of seniors.” This change adds the italicized portion.
2. The second change to 600-20 would be under 4-2 Obedience to Orders. It currently states that “All persons in the military Service are required to strictly obey and promptly execute the legal orders of their lawful seniors.” The suggested change would be “All persons in the military Service are required to obey and promptly execute the legal orders of their lawful seniors *within the provided intent*.” (Emphasis added.)
3. Change the Manual for Courts-Martial United States elements of the crime for article 90—Willful disobedience of a lawful order. This would involve changing the key element of the crime from “That the accused willfully disobeyed the lawful command,” to “That the accused willfully disobeyed *the intent* of the lawful command.”²³
4. The Army must apply Outcomes-Based Training and Education for all Army schools. The principle behind this educational endeavor is focusing on outcomes while subordinates choose the best methods to achieve those outcomes.²⁴ The emphasis is enthusiastically engaging in problem solving and learning so that leaders and Soldiers can make timely decisions to wicked problems under severe stress and uncertainty. To be effective, there must be a shift from teaching doctrinally approved solutions to one that provides core skills and develops proficiency in critical thinking and problem solving, particularly at the lowest levels.²⁵ On the modern battlefield, the junior officer or noncommissioned officer on site may have the best situational awareness and is more likely to make the most informed decision. This can only take place if he or she contains the intellect and cultural awareness to properly assess the environment and apply critical and creative thinking to effectively solve problems.

Conclusion

The U.S. Army has gone “all in” on LSCO. In addition, from the Chief of Staff of the Army down to lowest soldier, there is recognition that during LSCO, disciplined initiative even to the point of disciplined disobedience will be required to win the war. What we have offered is that just as it took legislation to make the Department of Defense a Joint Force, it will take more than cheap talk to inculcate the value of disciplined disobedience into the Army. The Army must “put its money where its mouth is” and begin to adopt the policy and regulations that will become the catalyst for cultural change.

End Notes

- 1 M. Myers. (2017). Milley: In future wars, creature comforts are out and disobeying orders is in. *Army Times*, May 4.
- 2 S. Gerras, L. Wong, and C. Allen. (2008). Organizational Culture: Applying a Hybrid Model to the U.S. Army retrieved on 20 February, 2019 from <https://ssl.armywarcollege.edu/dclm/pubs/Organizational%20Culture%20Applying%20a%20Hybrid%20Model%20to%20the%20U.S.%20Army%20Nov%202008.pdf>.
- 3 The Army changed the name of the Command and Control warfighting function to mission command, and subsequently changed it back.
- 4 M. Cox. (2019). "US Advise-and-Assist Missions Damage Young Leaders, Army General Says" Military.com, January 8.
- 5 R. Law. (2019). Major changes to the U.S. Command and General Staff Officer's Course Curriculum. Jan 28. Retrieved on 18 March. https://www.army.mil/article/216667/major_changes_to_the_command_and_general_staff_officers_course_curriculum.
- 6 Edward H. Schein, *Organizational Culture and Leadership*, (San Francisco: Jossey Bass, 2010): 18.
- 7 Ibid.
- 8 Stephen J. Gerras, Leonard Wong and Charles D. Allen, *Organizational Culture: Applying a Hybrid Model to the U.S. Army* (U.S. Army War College, Nov 2008): 5-6.
- 9 Schein, 27-29.
- 10 W. J. Davis. (2018), *Practitioner's Handbook for Interagency Leadership*. Simons Center: Leavenworth, KS. 67.
- 11 J. Deter. *Cultivating Everyday Courage*. Harvard Business Review, November-December 2018. 128-135.
- 12 S. Gerras, L. Wong, and C. Allen. (2008). Organizational Culture: Applying a Hybrid Model to the U.S. Army retrieved on 20 February, 2019 from <https://apps.dtic.mil/docs/citations/ADA596601>.
- 13 C. Argyris and D. Schon. (1974). *Theory in practice: Increasing professional effectiveness*. Jossey-Bass: San Francisco, CA. 10-24.
- 14 ADP 6-0 Mission Command. 17 May 2012. 2.
- 15 M. Vego. (2018). Mission command and zero tolerance cannot coexist. Retrieved on 18 March from <https://www.usni.org/magazines/proceedings/2018/july/mission-command-and-zero-error-tolerance-cannot-coexist>.
- 16 S. Gerras and L. Wong. (2016). Americas Army: Measuring Quality Soldiers and Quality Officers. Retrieved on 18 March 21, 2019 <https://warontherocks.com/2016/04/americas-army-measuring-quality-soldiers-and-quality-officers>.
- 17 Peter M. Senge, *The Fifth Discipline* (New York: Doubleday, 1990), 1.
- 18 Done in a question and answer session at the Association of the U.S. Army breakfast January 16 2019.
- 19 <http://nation.time.com/2011/06/14/so-long-black-beret>.
- 20 M. Faram. Ratings restored: Effectively immediately Sailors will get their job titles back. Retrieved on 20 February 2019 from <https://www.navytimes.com/news/your-navy/2016/12/21/ratings-restored-effectively>

immediately-sailors-will-get-their-job-titles-back.

21 Edward H. Schein, *Organizational Culture and Leadership*, (San Francisco: Jossey Bass, 2010).

22 This change was suggested in February of 2019 by Major John Olson of the JAG corps during class 19-001 of the US Army Command and General Staff Officer's School at the Fort Belvoir satellite campus.

23 Manual for Courts-Martial United States (2019 Edition). IV-24.

24 Donald E. Vandergriff, "Misinterpretation and Confusion: What is Mission Command and Can the U.S. Army Make it Work", *The Land Warfare Papers* (Feb 2013): 13.

25 Ibid., 14.

Can the United States Wage Existential Warfare Without Foundational Principles or Truths?

Eric Dean

For many Americans, the idea of waging existential warfare is the stuff of dystopian films. In the years following the Second World War, the United States emerged as one of two global superpowers whose ability to exercise its influence and will was challenged only by the Soviet Union. Since the fall of the Soviet Union, however, the U.S. has maintained global superiority—or dominance—in every domain of warfare, enjoying a unique status as the world’s only superpower. Over the past three decades, the military prowess of the United States has been largely without peer, thus the notion of existential warfare is inconceivable for many Americans. Further adding to this collective American naiveté is the fact that the last time the United States fought foreign forces on American soil was during the War of 1812, a time so far removed from the American conscience that it is difficult to imagine. Though the United States has suffered isolated attacks since then at Pearl Harbor and again on 9/11, the U.S. always has taken the fight to its enemies in their homelands, sparing our own the destruction and suffering war inevitably brings. Consequently, the possibility of waging a truly existential war is difficult at best for the average American to consider. The reality however is that if war were to break out tonight between the United States and an alliance of Sino-Russian forces, the U.S. likely would lose.

In simulated wargames conducted by the RAND Corporation, the U.S. continues to lose catastrophically against Russia and China as its bases, warships, and aircraft are decimated.¹ RAND analyst, David Ochmanek, confirms that there is no situation under current conditions in which the United States emerges victorious in a war with Russia and China.² With Russia touting hypersonic, precision-guided intercontinental ballistic missiles, the repercussions of consolidating personnel and equipment under Base Realignment and Closure, as well as staging large numbers of personnel and aircraft on a few large airbases and aircraft carriers translates to catastrophic loss of life and strategic assets within minutes for United States forces.³ China poses an equally devastating threat to communication networks, effectively employing a superior cyber and electronic warfare campaign against U.S. satellites, network, and communication systems.⁴ According to Robert Work, a former deputy secretary of defense and wargaming expert, the U.S. has wargamed cyber and electronic warfare in field exercises, but “the simulated enemy forces tend to shut down United States networks so effectively that nothing works and nobody else gets any training done.”⁵ Assuming U.S. forces somehow were able to organize and wage land warfare after these initial devastating assaults, United States ground forces would not fare much better. According to another recent RAND study, both Russian and Chinese rocket systems match or outrange current U.S. capabilities.⁶ Similarly, Russian field artillery outranges anything currently within the U.S. arsenal.⁷ Thus the reality is that should the U.S. to go to war today against a Sino-Russian force, our current forward-deployed and expeditionary-focused military forces would be destroyed or severely damaged, resulting in the Nation suddenly finding itself in it what would be an existential war conducted under large-scale combat operation conditions.⁸

In addition to the strategic and tactical disadvantages facing the U.S., the very nature of large-scale combat operations in a multi-domain environment where battles will be brutally fought in mega-cities creates a significant moral dilemma for American political and military leaders. The expected catastrophic loss of civilian and military lives undoubtedly will result in enormous public pressure to develop weapons and

tactics to quickly end such a conflict, positing that the achieved victory will justify the means.⁹ Yet the cost of waging such war—one which would abandon the restraint of foundational American principles—would signal the death of the very democratic principles American armed forces fight to defend, even if the United States emerged victorious on the battlefield.

When an American service member swears an oath of enlistment or commission, he or she pledges to support and defend the Constitution. Commitment to this oath is not relative; it is absolute. U.S. service members cannot abandon this oath to which they are bound merely on the basis of the level and intensity of warfare. If waging an existential war requires one to abandon the principles of the Constitution, then one has failed to uphold that oath. Even if subsequent military action achieved victory, America nonetheless would suffer political and moral defeat by having chosen a course of action that required it to deny the very ideals it claims to uphold. As Lieutenant General (Retired) John Miller states, “True victory is not achieved simply by physically defeating the enemy. True victory is moral ascendancy over one’s enemies.”¹⁰

Achieving such moral victory however creates an inherent tension between defense of the Constitution and the defense of territorial borders and the population. This tension poses an ethical dilemma as one attempts to understand the practical implications of service as a warrior. When faced with an existential threat by adversaries who give little heed to the Law of Armed Conflict, the Geneva Conventions, democratic values—such as liberty, equality, and justice for all—or even basic humanity, human tendency is to value survival above all else, abandoning moral principles for existential pragmatism.¹¹ Shannon French explores this tension:

[The problem of] American warriors upholding constitutional values is that it might lose force for the warriors themselves when they believe the actual survival of their nation is threatened... In other words, if the choice were between staying true to the values of the Constitution in order to save the country from annihilation, they would choose to commit the violation, save the nation, and try to restore constitutional order when peace returned.¹²

It is here that French highlights the inherent tension of what defense of the Constitution means. She illustrates the need for the U.S. to clarify specifically what the function of the warrior is and their moral obligations to that function.

Warriors who think their job is to defend the nation, understood in terms of preserving territorial integrity and protecting the population, will have a different code than those who think that their duty is to preserve constitutional values at all costs (including the cost of the nation itself), even if both subscribe to the function argument.¹³

Given the inherent tension that arises as a result of different interpretations on what it means to defend the Constitution, French’s argument identifies the need for clarification. As if to highlight the moral tension of the function argument she identifies, T.R Fehrenbach posits “if war is to have any meaning at all, its purpose must be to establish control over peoples and territories.”¹⁴ Later in his book however, Fehrenbach writes, “a free government must be prepared to do the unpopular thing, even if it destroys itself. Governments are not important; nations and peoples *and what they stand for*, are.”¹⁵ In other words, true victory is not just physical; it is also moral.

When faced with existential warfare against the most powerful army in the world at that time, the Founding Fathers of the United States frequently struggled to make their fight a moral fight for their beliefs as much as it was a fight to secure American independence from Great Britain. In a letter to his wife, John Adams writes:

...These incarnate Daemons say in great Composure, “[that] Humanity is a Yankey Virtue. — But that they [are] governed by Policy.” — Is there any Policy on this side of

Hell, that is inconsistent with Humanity? I have no Idea of it. I know of no Policy, God is my Witness but this — *Piety, Humanity and Honesty are the best Policy*. Blasphemy, Cruelty, and Villany have prevailed and may again. But they wont prevail against America, in this Contest, because I find the more of them are employed the less they succeed.¹⁶

Despite leading his army in battle against better-trained, better-equipped, and numerically superior forces, George Washington “often reminded his men that they were an army of liberty and freedom, and that the rights of humanity for which they were fighting should extend even to their enemies.”¹⁷ David Fischer explains that “the esteem of others was important to them mainly because they believed that victory would come only if they deserved to win. Even in the most urgent moments of the war, these men were concerned about the ethical questions in the Revolution.”¹⁸ Thus, according to Washington and Adams, upholding foundational principles in existential warfare does more than retain the integrity of American identity and values, it enables the American armed forces to maintain global legitimacy as an agency of a democratic government fighting a just cause.

Upholding foundational principles in existential warfare elicits continued sympathy and support, and distinguishes the American service member from illegitimate forces or even war criminals. Though highly plausible that the enemies of the United States will not adhere to the same principles of U.S. forces when engaged in such a conflict, Americans must guard against the temptation to reciprocate on grounds of moral relativism.

When posed with this moral dilemma during the Second World War, U.S. forces chose to treat Japanese prisoners of war in accordance with the Geneva Conventions in the hopes of improving conditions for their own prisoners of war suffering under Japanese interment, rather than retaliating with the same brutality and dehumanizing treatment suffered by American prisoners of war at the hands of the Imperial Japanese Army.¹⁹ That principle of dignified and humane treatment of prisoners of war continues to this day. The United States continues to treat prisoners humanely and in accordance with the Geneva Conventions, even when it is clear that these would not reciprocate, such as in the case of ISIS, Al Qaeda, or the Taliban. In those situations in which the U.S. did abandon its own principles, such as the case of “enhanced interrogation” during the Global War on Terrorism, even those considered “hawkish,” such as the late Senator John McCain, were indignant at this breach of American values in the execution of war. When the United States fails to treat prisoners of war humanely and with dignity, it holds those entrusted with their care accountable.²⁰ Existential warfare does not change the moral imperative to treat prisoners of war humanely and with dignity. To do so amplifies the nobility of democracy to America’s enemies and the world. Failure to do so, however, would reflect the perceived ignobility of America’s national character and squelch any sympathies the U.S. might hope to elicit from its allies.

History provides countless examples of how upholding foundational principles in existential warfare elicits the respect of allies and even one’s enemies. One compelling example is found in the account of the recapture of Jerusalem by Saladin in 1187. In July of 1099, the Crusader army broke through the walls of Jerusalem to liberate it from Muslim rule. Contemporary accounts of the battle record the massacre that took place within the walls of Jerusalem. Many Muslims sought shelter in the Al-Aqsa Mosque, the Dome of the Rock, and the Temple Mount area. According to the *Gesta Francorum*, the Temple Mount area was the sight of indescribable bloodshed. One Crusader recounted how his peers “were killing and slaying even to the Temple of Solomon, where the slaughter was so great that our men waded in blood up to their ankles...”²¹ Raymond of Aguilers, an eyewitness to the aftermath, writes of the sight in and around the Temple Mount area stating, “in the Temple and porch of Solomon men rode in blood up to their knees and bridle reins.”²² Another contemporary, Fulcher of Chartres, records the approximate number of those slaughtered in the Temple Mount area. Fulcher writes, “In this temple 10,000 were killed. Indeed, if you had been there you would have seen our feet coloured to our ankles with the blood of the slain. But what more shall I relate? None of them were left alive; neither women nor children were spared.”²³

In the aftermath of the battle, the *Gesta Francorum* offers a picture of the sheer scale of the dead Muslim inhabitants of Jerusalem:

[The Crusaders] also ordered all the Saracen dead to be cast outside because of the great stench, since the whole city was filled with their corpses; and so the living Saracens dragged the dead before the exits of the gates and arranged them in heaps, as if they were houses. No one ever saw or heard of such slaughter of pagan people, for funeral pyres were formed from them like pyramids, and no one knows their number except God alone.²⁴

The vast majority of the Muslim inhabitants in the city of Jerusalem—who lived their entire lives in Jerusalem in relative peace—were offered no quarter that day, only the sword.

Some 90 years later, in 1187, Saladin led his army back to the city of Jerusalem to retake this holy city. Well-aware of the massacre that had occurred, one would expect Saladin to seek vengeance and offer no quarter in return. In fact, established conduct of warfare at that time assumed that there would be no quarter, for once city walls fell, commanders believed it impossible to control the enraged and rapacious soldiers who poured through the breaches. Shakespeare illustrates the merciless nature of siege warfare in *Henry V*. In a speech given by Henry V to the governor of Harfleur, King Henry proclaims:

How yet resolves the governor of the town?
This is the latest parle we will admit;
Therefore to our best mercy give yourselves;
Or, like to men proud of destruction
Defy us to our worst: for, as I am a soldier,
A name that in my thoughts becomes me best,
If I begin the batt'ry once again,
I will not leave the half-achieved Harfleur
Till in her ashes she lie buried.
The gates of mercy shall be all shut up,
And the flesh'd soldier, rough and hard of heart,
In liberty of bloody hand, shall range
*With conscience wide as hell, mowing like grass.*²⁵ (Emphasis added.)

Surprisingly however, Saladin's army did not engage in acts of revenge for the massacre of 1099. Stephen Runciman observes "where the Franks, eighty-eight years before, had waded through the blood of their victims, not a building now was looted, not a person injured. By Saladin's orders, guards patrolled the streets and gates, preventing any outrage on the Christians."²⁶ Saladin later permitted most of the Christian inhabitants of Jerusalem to leave the city unmolested, though he kept a few thousand who were unable to pay a ransom as slaves.

Later, in a spontaneous act of magnanimity, Saladin and several of his lieutenants set free several thousand of those destined for slavery. Furthermore, he gave money and gifts from his treasury to the widowed and orphaned Christians. Runciman poignantly notes "his mercy and kindness were in strange contrast to the deeds of the Christian conquerors of the First Crusade."²⁷ Though fighting what arguably may be described as an "existential war" to reclaim land he believed rightly belonged to the Muslim people, Saladin did not fall prey to moral relativism. He chose instead to live and fight in accordance with his beliefs and values and in doing so, won the respect and admiration of his enemies.²⁸ So must it be with the United States as well.

Failing to adhere to such foundational principles as the rule of law,²⁹ Just War tradition, and the American values of democracy, liberty, equality, and justice for all not only nullifies any claims to moral legitimacy, but likely causes moral injury to U.S. service members. Litz et al. define moral injury as "perpetrating,

failing to prevent, bearing witness to, or learning about acts that transgress deeply held moral beliefs and expectations.”³⁰ It shares many symptoms consistent with post-traumatic stress disorder (PTSD), but it has several distinct differences, including the fact that there is no formal diagnosis for the condition. While one can have moral injury without being diagnosed with PTSD, those diagnosed with PTSD often have moral injury.

Larry Dewey, a psychiatrist who has worked extensively with combat veterans in the Veterans’ Affairs system, writes of a former patient named “George” who served in Luzon, Philippines during the Second World War. George held 100 Japanese prisoners of war in custody. The Imperial Japanese Army demanded that he surrender the prisoners and himself to them. Should he refuse, the Japanese would execute one citizen of Luzon a day until he complied, beginning with the mayor of the city. George refused and the Japanese executed the mayor. The next morning, the Japanese awoke to find ten heads of Japanese prisoners of war in the town square, a silent message from George that for every citizen killed, he would execute ten Japanese prisoners. The Japanese left that day and did not return. George, however, returned to the U.S. after the war and, later in life as he began to face his wartime experiences, ended up being a long-term patient of Dewey because of the moral injury he suffered in the Philippines.³¹

While George’s case is an extreme example of moral injury, it can occur in numerous other ways on the battlefield when foundational principles and morals are abandoned. In 2005, members of the 1st Battalion, 502nd Infantry Regiment, 101st Airborne Division raped a fourteen-year-old Iraqi girl and murdered her along with her family. Specialist Justin Watt, who had no prior knowledge of the assault, heard about it after the fact from one of the perpetrators of those crimes. When confronted with the knowledge of these crimes, Watt was faced with the dilemma of either covering up the crimes to protect his platoon, or informing the authorities of a crime. Watt determined that if he covered up the crimes, he would share in the guilt of those crimes and decided that he could not live with such guilt. Watt then chose to inform attorneys at his division headquarters, as well as his medical providers.³² Shortly after redeployment, Watt was medically retired from service due to PTSD, in part as a result of his connection to the war atrocities committed by his platoon members.³³

When faced with moral injury, some are unable to continue effective service. In an academic study of 5,671 cases of medical evacuation reports during Operations Enduring and Iraqi Freedom, researchers discovered that psychiatric problems were among the leading causes of medical evacuations during this period of time.³⁴ While the breakdown of specific psychiatric problems is not available in the report, it is reasonable to assume that some are the result of moral injury. In other words, moral injury contributes to premature culmination, thus increasing the risk of defeat in a situation in which replacements cannot be assumed. Thus the connection between the necessity to maintain foundational principles and morals in existential warfare goes beyond merely defending the Constitution. Because of the connection between moral injury and culmination, fighting a war in a manner consistent with the rule of law, Just War tradition, and the American values of democracy, liberty, equality, and justice for all is an issue of soldier readiness.

If existential warfare does mean more than simply defending those who share the same nationality and instead also means defending the very ideals that define that nation, then the U.S. must never abandon the foundational democratic principles of our nation in order to gain a position of relative advantage. The cost of violating those principles would adversely affect much more than soldier readiness. Even if the United States were to emerge victorious on the battlefield, waging an existential war without the restraining fundamental principles of rule of law, Just War tradition, and the American values of democracy, liberty, equality, and justice for all would signal the death of the very ideals American armed forces have sworn to defend.

End Notes

1 David A. Shlapak and Michael Johnson, “Reinforcing Deterrence on NATO’s Eastern Flank: Wargaming the Defense of the Baltics,” RAND Corporation, (accessed March 14, 2019), 1, http://www.rand.org/pubs/research_reports/RR1253.html. See also David Ockmanek, “Improving Force Development within the US Department of Defense: Diagnosis and Potential Prescriptions,” RAND Corporation, (accessed March 14, 2019), 2-3, <https://www.rand.org/pubs/perspectives/PE302.html>.

2 Sydney J. Freeburg, Jr., “United States ‘Gets Its Ass Handed To It’ In Wargames: Here’s A \$24 Billion Fix,” *Breaking Defense*, (accessed on March 14, 2019), <https://breakingdefense.com/2019/03/United-States-gets-its-ass-handed-to-it-in-wargames-heres-a-24-billion-fix>.

3 Ibid.

4 Ibid.

5 Ibid.

6 David A. Shlapak and Michael W. Johnson, “Outnumbered, Outranged, and Outgunned: How Russia Defeats Nato,” *War on the Rocks*, (accessed on March 14, 2019), <https://warontherocks.com/2016/04/outnumbered-outranged-and-outgunned-how-russia-defeats-nato>.

7 Ibid. Shlapak and Johnson observe that “existing Army tube artillery can generally fire at targets 14 to 24 kilometers (9 to 15 miles) away. Unfortunately, the most common Russian self-propelled howitzer NATO forces would encounter in the Baltics has a range of 29 kilometers (or 19 miles).”

8 John Gordon IV et al., “Comparing U.S. Army Systems with Foreign Counterparts: Identifying Possible Capability Gaps and Insights from Other Armies,” Rand Corporation, (accessed March 14, 2019), 21, 29, & 30, https://www.rand.org/pubs/research_reports/RR716.html. Gordon et al report that though initial tests of the US Army’s Extended Range Cannon Artillery (ERCA) promise to regain that tactical advantage, the ERCA remains in the testing phase. Furthermore, the M777 howitzer is in testing phase for the M777ER (Extended Range), which essentially doubles the current range capabilities of the M777. For more information, see Captain Steve Draheim and Major Paul Santamaria, “Long Range, Short Term,” *Army AL&T*, July-September 2018, 32-36.

9 This consequentialist understanding of the nature of war is reminiscent of Thucydides, who wrote “the strong do what they can and the weak suffer what they must.” Thucydides, “The Melian Dialogue,” *History of the Peloponnesian War*, Chapter XVII, Mt Holy Oak College, accessed on March 17, 2019, <https://www.mtholyoke.edu/acad/intrel/melian.htm>.

10 Lieutenant General (Retired) John Miller, personal discussion over lunch, in response to a question by Chaplain (Major) Eric Dean, Fort Leavenworth, KS, March 25, 2019.

11 This line of reasoning as the doctrine of extreme necessity; a belief that there are certain conditions under which the U.S. must abandon the rule of law in order to achieve the victory necessary for preserving the Constitution and the American way of life. Many, however, critique this position on moral, philosophical, or legal grounds, citing concerns about abuse of power, potential human rights violations, and Constitutional violations. For an analysis of concerns about the doctrine of extreme necessity, see Richard A. Posner, *Not a Suicide Pact: The Constitution in a Time of National Emergency*, New York: Oxford University Press, 2006.

12 Shannon French, *The Code of the Warrior: Exploring Warrior Values Past and Present*, Lanham, MD: Rowman and Littlefield, 2003, 9.

13 Ibid.

14 T. R. Fehrenbach, *This Kind of War*, Omaha: Potomac Books, 2008, 161. Fehrenbach appears to understand the role of a service member as one limited to the defense of territories and populations.

15 Ibid., 456. Emphasis added by author. Here Fehrenbach appears to expand his previous understanding of the role of the service member to both defend the Constitution and secure territories and protect the population. Thus his previous statement on page 161 about simply exercising physical control over peoples and territories seems lacking. His revised understanding appears to imply defense of the ideals of the Constitution, thus exercising what Lieutenant General Miller described as “moral ascendancy over one’s enemies.”

16 John Adams, “Letter to Abigail Adams,” February 17, 1777, Masshist.org, (accessed on March 14, 2019), https://www.masshist.org/digitaladams/archive/doc?id=L17770217ja&bc=%2Fdigitaladams%2Farchive%2Fbrowse%2Fletters_1774_1777.php. Emphasis added by author.

17 David Hackett Fischer, *Washington’s Crossing*, New York: Oxford University Press, 2004, 276.

18 Ibid.

19 S. P. MacKenzie, “The Treatment of Prisoners of War in World War II,” *The Journal of Modern History* 66:3 (Sep., 1994): 512, The University of Chicago, (accessed on March 14, 2019), <https://www.journals.uchicago.edu/doi/abs/10.1086/244883>.

20 CNN, “Iraq Prison Abuse Scandal Fast Facts,” *CNN*, (accessed on March 14, 2019), <https://www.cnn.com/2013/10/30/world/meast/iraq-prison-abuse-scandal-fast-facts/index.html>.

21 August C. Krey, *The First Crusade: The Accounts of Eyewitnesses and Participants*, (Princeton: 1921), 256-57. [Last paragraph from Brundage, *Crusades: A Documentary History*, (Milwaukee: 1962), 64], Fordham University, (accessed on March 16, 2019), <https://sourcebooks.fordham.edu/source/gesta-cde.asp#jerusalem2>.

22 Ibid., 262.

23 Fulk (or Fulcher) of Chartres, *Gesta Francorum Jerusalem Expugnantium* [The Deeds of the Franks Who Attacked Jerusalem], in Frederick Duncan and August C. Krey, eds., *Parallel Source Problems in Medieval History* (New York: Harper & Brothers, 1912), 109-115, Fordham University, (accessed on March 16, 2019), <https://sourcebooks.fordham.edu/source/cde-jlem.asp#fulcher1>.

24 Ibid.

25 William Shakespeare, “Henry V,” Act 3, Scene 3, *Open Source Shakespeare*, (accessed on March 14, 2019), http://www.opensourceshakespeare.org/views/plays/play_view.php?WorkID=henry5&Act=3&Scene=3&Scope=scene.

26 Stephen Runciman, *A History of the Crusades: Volume II The Kingdom of Jerusalem and the Frankish East, 1100-1187*, Cambridge, UK: Cambridge University Press, 1987, 446.

27 Ibid.

28 For further reading, see James Reston, *Warriors of God: Richard the Lionheart and Saladin in the Third Crusade*, New York: Doubleday, 2001.

29 For the purposes of this article, “rule of law” encompasses all legal requirements of American forces. These include, but are not limited to: the Geneva Conventions, the Law of Armed Conflict, treaties and Status of Forces Agreements, the Constitution, rules of engagement, and regulations.

- 30 Brett T. Litz, Eileen Delaney, Leslie Lebowitz, Shira Maguen, William P. Nash, Caroline Silva, and Nathan Stein, "Moral injury and moral repair in war veterans: A preliminary model and intervention strategy," *Clinical Psychological Review* 29 (2009): 695.
- 31 Larry Dewey, *War and Redemption: Treatment and Recovery in Combat-related Posttraumatic Stress Disorder*, Burlington, VT: Ashgate, 2004, 89-90.
- 32 Joshua Hammer, "Death Squad," *New York Times*, (accessed on March 15, 2019), <https://www.nytimes.com/2010/03/14/books/review/Hammer-t.html>.
- 33 Jim Frederick, *Black Hearts: One Platoon's Descent into Madness in the Triangle of Death*, New York: Crown Publishing, 2010, 368.
- 34 Melba C. Stetz, Robert K. Gifford, Joshua J. McDonald, and Brian J. Lukey, "Psychiatric diagnoses as a cause of medical evacuation," *Aviation Space and Environmental Medicine* 76(7 Suppl): (August 2005), C15.

War Crimes in the Philippines during WWII

Cecilia Gaerlan

When one talks about war crimes in the Pacific, the Rape of Nanking instantly comes to mind. Although Japan signed the 1929 Geneva Convention on the Treatment of Prisoners of War, it did not ratify it, partly due to the political turmoil going on in Japan during that time period.¹ The massacre of prisoners-of-war and civilians took place all over countries occupied by the Imperial Japanese Army long before the outbreak of WWII using the same methodology of terror and bestiality. The war crimes during WWII in the Philippines described in this paper include those that occurred during the administration of General Masaharu Homma (December 22, 1941, to August 1942) and General Tomoyuki Yamashita (October 8, 1944, to September 3, 1945). Both commanders were executed in the Philippines in 1946.

Origins of Methodology

After the inauguration of the state of Manchukuo (Manchuria) on March 9, 1932, steps were made to counter the resistance by the Chinese Volunteer Armies that were active in areas around Mukden, Haisheng, and Yingkow.² After fighting broke in Mukden on August 8, 1932, Imperial Japanese Army Vice Minister of War General Kumiaki Koiso (later convicted as a war criminal) was appointed Chief of Staff of the Kwantung Army (previously Chief of Military Affairs Bureau from January 8, 1930, to February 29, 1932).³ Shortly thereafter, General Koiso issued a directive on the treatment of Chinese troops as well as inhabitants of cities and towns in retaliation for actual or supposed aid rendered to Chinese troops.⁴ This directive came under the plan for the economic “Co-existence and co-prosperity” of Japan and Manchukuo.⁵ The two countries would form one economic bloc. The Army would control ideological movements and would not permit political parties to exist. It would not hesitate to wield military power when necessary.⁶

War Minister Sadao Araki expanded on this directive by invoking the principles of Hakko Ichiu (bringing together of the corners of the world under one ruler) and Kodo (The Imperial Way).⁷ Its principles lie in denying judicial due process and the method of execution used was called Genju Shobun (Harsh Disposal) or Genchi Shobun (Disposal on the Spot).⁸ The Japanese Cabinet at a meeting on April 11, 1932, approved the execution of the Manchurian policies.⁹

This method was used by General Iwane Matsui, (later convicted as a war criminal) Commander of the Shanghai Expeditionary Force starting in 1937.¹⁰ He issued an order in late November 1937 to capture Nanking which was then the capital of China.^{11, 12} Matsui used the principles of Genju Shobun starting on December 13, and on December 17, 1937, he made his triumphant entry into Nanking.¹³ During the first six weeks of the Japanese occupation, it is estimated that 200,000 civilians and prisoners of war were murdered.¹⁴ The German government was informed by its representative about “atrocities not by an individual but of an entire army” was qualified as a “bestial machinery.”¹⁵ These massive atrocities included looting, rape, starvation, torture, mutilation, shooting, and burning. This evolved into the intensive cleanup operation called San Guang or Sanko Sakusen or the Three All’s (kill all, burn all, loot all).¹⁶ After the fall of Nanking, the war extended to Canton and Hankow where similar atrocities occurred.¹⁷ His Vice Chief-of-Staff, General Akira Muto later became the Chief-of-Staff for General Tomoyuki Yamashita, Commanding General of the 14th Army Group in the Philippines.¹⁸

Kempei Tai

The Kempei Tai (Japanese Military Police) was initially established to enforce military discipline among Japanese soldiers. Later on, it became the enforcer for Zonification, the systematic extermination of soldiers and civilians.¹⁹ The zonifications in the Philippines began in 1942 against guerrilla activities. The Kempeis were aided by Filipino collaborators named Ganaps which was subsequently incorporated into an organization called Makapilis in November 1944.²⁰ Zonification intensified after the Leyte landing on October 20, 1944, and took place all over the country. The Kempeis used the same methodology of Genjo Shobun and Sanko Sakusen.

The Defense of Bataan in the Philippines during WWII

In pursuance of the Philippine Independence Act (Tydings-McDuffie Act) of March 24, 1934, the U.S. Army Forces in the Philippines (USAFFE) was created by a military order on July 26, 1941, because of the rising tensions with Japan.²¹ It called into service all organized military units in the Philippines under the service of the U.S. Armed Forces. General Douglas MacArthur was recalled from retirement (he served as the Philippine Commonwealth's Military Advisor from 1936 to 1941) and was appointed as its Commanding General. Initial mobilization did not take place until September 1, 1941.²² The Philippine Commonwealth troops had just started basic training when Pearl Harbor was bombed. The basic infantry weapons consisted of WWI equipment, there were no spare parts, and 70% of artillery ammunition were duds.²³

The Philippines was attacked by Japan approximately 6 hours after the attack on Pearl Harbor on December 8, 1941.²⁴ On that same day at around noontime, the U.S. Far East Air Force lost most of its planes in Clark Air Force Base and Iba Air Force Base and major army bases were bombed. Except for a few reconnaissance planes, the U.S. Far East Air Force ceased to exist after the first week forcing the USAFFE army to fight without any air support.²⁵ Sangley Naval Base was destroyed on December 10, and on that same day, two Japanese battalions landed in northern Luzon. On December 22, General Masaharu Homma's 14th Army landed in Lingayen Gulf.²⁶ On December 23, General MacArthur, who previously revised War Plan Orange 3 to meet the invading Japanese army on the beaches of Luzon Island, reverted to the original war plan and ordered the troops to do a strategic retreat on the mouth of Manila Bay to perform a sacrificial delaying action on the Bataan peninsula, the gateway to Manila Bay.^{27,28} On December 24, General MacArthur, the Philippine Commonwealth President Manuel Quezon, their families and staff were moved to the island of Corregidor, about 2 miles off the coast of Bataan.²⁹ On December 26, General MacArthur declared Manila an open city.³⁰

By early January, General MacArthur addressed his troops that help was on the way (no help ever came).³¹ At the same time, he ordered that rations be cut in half.³² The USAFFE troops were able to repel the enemy and inflicted much damage on the Japanese troops in January and beginning of February. By February, quinine the cure for malaria was no longer distributed to the troops and by March rations were cut in quarters leading to a marked decrease in combat efficiency. Five-hundred troops per day were being hospitalized for malaria, and by April 1, the numbers were doubled. Dysentery, beri-beri, diarrhea, vitamin deficiency, and other tropical diseases plagued the troops. The lack of gasoline and trucks prevented the evacuation of the sick. On March 12, General MacArthur, upon orders from the War Department, left the Philippines for Australia. By 15 March, combat efficiency was down to 15% and markedly lower by April 1.³³ Hospital #1 was bombed in late March and Hospital #2 was bombed in early April. There were no longer supplies for clothing, shoes, and other basic supplies. Meanwhile, fresh Japanese troops and reinforcement arrived by the end of March. Pressure from the enemy increased and throughout April 1 and 2, the enemy continued shelling the battle positions with low flying bombers strafing the front lines. Despite suffering from major disease and starvation and fighting without any air support or reinforcement, the USAFFE troops were able to delay the 60-day timetable of the Imperial Japanese Army by holding on to the Bataan peninsula for 99 days.³⁴

The Bataan Death March and War Crimes

On April 9, 1942, General Edward P. King, Jr., Commanding General of the Bataan Forces was forced to surrender approximately 63,000 Filipino and 12,000 American troops to the Imperial Japanese Army.³⁵ Majority of the troops were suffering from disease and starvation. Due to the lack of transportation, the troops were forced to march some 65 miles away in extreme tropical conditions without any provisions for food, water, shelter or medicine. Those who could no longer go on were beaten, bayoneted, shot, some were even beheaded. Between 5,000 to 10,000 Filipino and between 250 to 650 American soldiers died along the way in what became known as the Bataan Death March.³⁶

General Masaharu Homma

Previous to his assignment in the Philippines, he was Commanding Officer of the 27th Imperial Japanese Division in China from July 1938 to December 1940 and participated in the Wuhan-Hanchow campaign.³⁷ He arrived in the Philippines on December 22, 1941, as Commanding General of the 14th Army. He commanded the Imperial Japanese Army soldiers when the Bataan Death March took place. After Japan's surrender, he was held responsible by the American government for the atrocities committed by his troops while he was in the Philippines until August 1942. He was convicted on February 11, 1946, in Manila and executed by firing squad in Los Banos on April 3, 1946.

Aside from the Bataan Death March, these are some of the war crimes attributed to General Homma:

April 10, 1942—Approximately 100 Filipino soldiers were executed near Cabcaben Airfield.

Pantingan River Massacre—On April 12, 1942, approximately 350 to 400 officers and non-commissioned officers of the 91st, 71st and 51st Divisions were shot, bayoneted, stabbed and beheaded in a mass execution by the Imperial Japanese Army while en route from Bagac, Bataan to Limay, Bataan.³⁸

April to August 1942—American and Filipino prisoners of war at Camp O'Donnell were mistreated, tortured, not properly fed or given proper medical attention. Approximately 20,000 Filipinos and 1,600 Americans died while inside the camp.

May 1942—After the surrender of Corregidor Island around May 6, 1942, 15 American soldiers were taken to Tagaytay City and executed.

June 1942—10 American prisoners of war were shot and killed at Prison Camp No. 1 in Cabanatuan.

General Tomoyuki Yamashita

General Tomoyuki Yamashita served in Manchukuo as Supreme Adviser to the Military Government Section in 1931 around the time of the Mukden incident in September 1931.³⁹ He became Chief-of-Staff of the 4th Army, North China Expeditionary Force in 1938 under General Hajime Sugiyama and used these same methods for mopping up in Northern China.⁴⁰ He was called the Tiger of Malaya for his speedy conquest of Singapore and Malaya in February 1942.⁴¹ He was the Commanding Officer during the Sook Ching Massacre following the fall of Singapore which killed approximately 50,000.⁴² He became the Commanding General of the Japanese Army 14th Group (14th Area Army) in the Philippines from October 9, 1944, to September 3, 1945, upon his surrender.⁴³ In addition, he also commanded the Kempei Tai and controlled the prisoner of war and civilian internment camps.

He was arrested on September 3, 1945, arraigned on October 8, 1945, and accused of 123 atrocities.⁴⁴ The actual trial began October 29, 1945, and ended December 7, 1945. The record consisted of 4,063 pages and 437 exhibits. He was sentenced to death by hanging and was executed on February 23, 1946.⁴⁵

The most notorious war crime under his watch took place between February and March 1945 in what is called the Battle of Manila where approximately 100,000 civilians died from massive atrocities and artillery fire. Initially, Admiral Sanji Iwabuchi of the Imperial Japanese Navy was blamed for the rampant atrocities during the battle. In analyzing the events, the pattern of war crimes was quite similar to those that happened in China in 1937 and in Singapore in 1942. Many of the war crimes included the methodology of Sanko Sakusen or the Three All's (kill all, burn all, loot all). Evidence in the form of captured documents prescribed the procedure to be followed: the victims were to be gathered in a house or other place, killed with the least expenditure of ammunition and manpower, and the bodies disposed of by burning with the building or being thrown into a river. These took place in schools, hospitals, churches, convents, etc.

A few instances of war crime charges:⁴⁶

Puerto Princesa, Palawan Island—On or about December 14, 1944, American prisoners of war were forced into a dugout. The entrances doused with kerosene and set into fire. One-hundred-forty-one POWs died, while 9 escaped.

Batangas Province, Luzon Island—Mistreating and killing without cause more than 25,000 men, women, and children, unarmed non-combatant civilians from October 9, 1944, to May 1, 1945. In addition to bayoneting, shooting, and burying the victims alive, the Japanese forced 300 men to jump by small groups into a well 30 meters deep, after which they were shot and heavy weights were dropped on them. In another instance 300 to 400 unarmed civilians were forced into a room, bayoneted, and shot, after which kerosene was poured on the bodies and they were set on fire. In addition, women were raped. Two pregnant women were assaulted, and an unborn child was ripped from its mother's body.

Accompanying these massacres were numerous cases of pillaging and wanton destruction. Several entire barrios were burned to the ground and several towns were almost entirely destroyed. In the town of Lipa, a total of 2,298 were massacred.

Laguna Province, Luzon Island—In the town of Los Banos, about 300 burned bodies and skeletons were found on February 3, at the College of Agriculture. Between February 21 and March 6, 1945, the Japanese Officers, soldiers and military police came back and gathered and killed by bayoneting 264 men, women and children. In the town of Calamba, more than 2,500 men, women, and children were killed by bayoneting or burning on February 12, 1945. In the town of San Pablo, some 6,000 to 8,000 male residents between the ages of 15 and 50 were assembled in a local church on February 24, 1945. Among those assembled were 700 Chinese residents who were forced to dig large trenches then were bayoneted to death.

Bulacan Province, Luzon Island—Five-hundred men of the village of Polo were gathered up by the Japanese soldiers on December 10, 1944. Some were beaten, a few released, and the rest executed at the cemetery. On the same day, 200 men from the town of Obando were executed.

Leyte Province, Central Philippines—At the barrio of Dapdap, Ponson Island on December 29, 1944, 300 civilians were assembled in a church, where 100 were singled out, bayoneted, and machine gunned.

Hell Ships—On December 13, 1944, 1,619 officers and enlisted men, prisoners of war, were kept in the holds of the Japanese steamship "Oryoku Maru," an unmarked merchant vessel. There were no facilities for toilets (five gallon cans were provided for urinals and latrines) and ventilation was nil. It was bombed by an American aircraft, and as the prisoners of war scrambled out of the holds, they were machine gunned and bayoneted.

Conclusion

The many atrocities inflicted upon Prisoners of War and Civilians during World War II in the Philippines by the Imperial Japanese Army and Navy were not isolated incidents of soldiers' disobedience or soldiers

running amok. It was part of a systematic pattern called Genju Shobun (Harsh Disposal) first employed in Manchukuo in 1932 and later further developed into Sanko Sakusen, or the Three All's (kill all, burn all, loot all), in Nanking in 1937. Sanko Sakusen was enforced in other areas occupied by Japan during WWII—Philippines, Indonesia, Burma, Guam, Singapore and Malaya, Peleliu, Wake Island, etc. But submission by force, like in thousands of events previous to WWII, only creates deep seated rancor that ignites strong resistance.

Unfortunately, this system is still ingrained in some armies as evidenced by events in more recent conflicts such as in Bosnia, Syria, Rwanda, Iraq, Afghanistan, etc. In 2005 the United Nations member states made a commitment to the World Summit Outcome Document to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, a principle referred to as the “Responsibility to Protect.” The United Nations Secretary-General’s Special Advisers on the Prevention of Genocide and on the Responsibility to Protect acts as an early warning mechanism by alerting the UN and the Security Council to situations where there is a risk of genocide and presenting recommendations.⁴⁷ But unless the leading countries of the United Nations, especially the five permanent members of the Security Council (U.S., Russia, China, France, United Kingdom), have the political will to enforce this commitment, this heinous military tool will continue.

A conquering country cannot truly claim victory over the vanquished unless it wins the hearts and minds of the people. Knowledge of the customs and traditions of a foreign people and not submission by force is a first step to securing a conquered people’s trust. It is therefore incumbent upon the military to work towards educating its soldiers towards this goal not just to win the war but to ensure the well-being and safety of its men and women in uniform.

End Notes

- 1 Geneva Convention. (July 27, 1929). *Relative to the Treatment of Prisoners*. Retrieved from <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0932.pdf>.
- 2 Judgment of International Military Tribunal for the Far East, Part B, Chapter VIII *Conventional War Crimes (Atrocities)* (1 Nov. 1948). 1008.
- 3 Ibid.
- 4 Ibid., 1009.
- 5 Judgment of International Military Tribunal for the Far East, Part B, Chapter IV, *The Military Domination of Japan and Preparation for War*. (1 November 1948). 101.
- 6 Ibid.
- 7 Ibid., 105.
- 8 Hirofumi, Hayashi. (July 3, 2009). *The Battle of Singapore, The Massacre of Chinese and Understanding of the Issue in Postwar Japan*, *The Asian-Pacific Journal*, Vol. 7, Issue 28 #4, 5.
- 9 Judgment of International Military Tribunal for the Far East, Part B, Chapter IV, *The Military Domination of Japan and Preparation for War*, (1 November 1948), 85.
- 10 Judgment of International Military Tribunal for the Far East, Part B, Chapter VII, *War Conventional War Crimes (Atrocities)*, (1 November 1948), 1011.
- 11 Judgment of International Military Tribunal for the Far East, Part C, Chapter X, *Verdicts*, 1185-1186.
- 12 Judgment of International Military Tribunal for the Far East, Part B, Chapter V, *Japanese Aggression Against China*, Sections I-VII, 707.
- 13 Ibid., 708.
- 14 Judgment of International Military Tribunal for the Far East, Part B, Chapter VII, *War Conventional War Crimes (Atrocities)*, 1015.
- 15 Ibid., 1013.
- 16 Hirofumi, Hayashi. (July 3, 2009). *The Battle of Singapore, The Massacre of Chinese and Understanding of the Issue in Postwar Japan*, *The Asian-Pacific Journal*, Vol. 7, Issue 28 #4, 7.
- 17 Judgment of International Military Tribunal for the Far East, Part B, Chapter VII, *War Conventional War Crimes (Atrocities)*, 1019.
- 18 Ibid., 1006-1007.
- 19 MA. Felisa A. Syjuco, (1988). *The Kempei Tai in the Philippines 1941-1945*, p. 8. Quezon City, Philippines, New Day Publishers.
- 20 Ibid., 49.
- 21 Military Order Signed by Franklin Roosevelt, July 26, 1941. Bulletin #26, War Department, August 23, 1941.
- 22 Parker, Jr., Major General George M. Former Commander. *Report of Operations of South Luzon Force, Bataan Defense Force & II Philippine Corps in the Defense of South Luzon and Bataan from 08 December*

1941 to 09 April 1942. 9.

23 Ibid., 10.

24 Flores, Maj. M.T. Inf. Philippine Army. (31 May 1949) *An Analytical Study of the Defense of Bataan*. Command and General Staff College, 3.

25 Ibid.

26 Department of the Army—The Adjutant General's Office, Washington. *Report of USAFFE and USFIP Operations in the Philippines 1941-1942*. 32.

27 Miller, Edward S. (1991), *War Plan Orange—the U.S. Strategy to Defeat Japan*, U.S. Naval Institute, Chapter 6, 62.

28 Office of Chief Military History, Washington, D.C. (1959), *Order of the Battle of the U.S. Army Ground Forces in WWII, Pacific Theater of Operations*, 6.

29 Sayre, Francis. (October 30, 1942), *6th Annual U.S Report of the U.S. High Commissioner to the Philippines*, Washington, D.C., 7.

30 Cheek, M.C. (February 1942), *Report from District Intelligence Officer to Director of Naval Intelligence*.

31 MacArthur, General Douglas, (January 15, 1942), *Message to All Unit Commanders*.

32 MacArthur, General Douglas. (January 11, 1942, 8:38PM), *Memo to Adjutant General*.

33 Parker, Jr., Major General George M. Former Commander. *Report of Operations of South Luzon Force, Bataan Defense Force & II Philippine Corps in the Defense of South Luzon and Bataan from 08 December 1941 to 09 April 1942*. 52.

34 Morton, Louis. (1993), *Fall of the Philippines, The War in the Pacific*, Center of Military History, 602.

35 Parker, Jr., Major General George M. Former Commander. *Report of Operations of South Luzon Force, Bataan Defense Force & II Philippine Corps in the Defense of South Luzon and Bataan from 08 December 1941 to 09 April 1942*. 62.

36 Military Law Review, Vol. 113 (Summer 1986), 210-211.

37 United States vs Masaharu Homma, *Trial of Masaharu Homma*, Misc.-16, Vol. 1, 1-46.

38 United States vs Masaharu Homma, (10 January 1946), *Trial of Masaharu Homma*, Misc.-16, Vol. VIII, 889-1034.

39 The United Nations War Crimes Commission, (1948), *Law Reports of Trials of War Criminals*, Volume IV, 12.

40 Hirofumi, Hayashi. (July 3, 2009), *The Battle of Singapore, The Massacre of Chinese and Understanding of the Issue in Postwar Japan*, The Asian-Pacific Journal, Vol. 7, Issue 28 #4, 7.

41 Saint Kenworthy, Aubrey. (1953). *The Tiger of Malaya—The Story of General Tomoyuki Yamashita and "Death March" General Masaharu Homma*, 33.

42 Cheah, W.L. (2016). *An Overview of the Singapore War Crimes Trials (1946-1948): Prosecuting Lower-Level Accused*. Singapore Law Review, 37.

43 Whitney, Brigadier General Courtney. (1949). U.S. Army Chief, Government Section, *The Case of General Yamashita*, A Memorandum.

44 Ibid.

45 Ibid.

46 Ibid Appendix C General Headquarters, United States Army Forces, Pacific, Office of the Theater Judge Advocate. 63-69.

47 United Nations Office on Genocide Prevention and the Responsibility to Protect. (2014). *Framework of Analysis for Atrocity Crimes*.

The Military Officer in Moral Jeopardy or The Problem of Serving Under Unethical Senior Leaders: A Philosophical Essay

Prisco R. Hernández, Ph.D.

A Moral Framework for the U.S. Army

In the military services, and in the Army in particular, a commander is held responsible for everything that takes place in the unit under his or her command—the good, the bad, and the ugly. Among the commander's main responsibilities is to set the moral tone for his unit and serve as an example to subordinate leaders and soldiers. In a diverse multicultural, multiethnic, and secular society serving as a moral beacon to all soldiers is very difficult because individuals hold many competing versions of personal morality. Others may do not live by any moral code at all.

To overcome this problem, the U.S. Army has developed a code of ethical values for the organization. These values are commonly found in the ethical precepts of most major world religions and can therefore form a core of commonly accepted and agreed upon moral principles even for a large, secular and extremely diverse organization such as the U.S. Army. An example of these is the golden rule which is sometimes rendered as: "Do unto others as you would others do unto you."¹ This almost universal moral principle has been incorporated in the Army value of respect. In addition, since the Army exists to protect the existence of the United States of America as founded under the Declaration of Independence and the Constitution, these two documents and others that derive from them, provide a moral framework for the existence of the Army and the moral values demanded of officers and soldiers.

In his capacities as commander of the Continental Army and later first president of the United States of America, George Washington set a very high standard for public service. In his words and deeds he exemplified respect for the values upon the republic was founded and assumed the responsibility to set the example for others to follow. As both soldier and statesman, Washington clearly expressed the primacy of the citizen over the soldier, of democratic values over authoritarianism. He always asked permission from Congress to raise troops, resisted the temptation to assume absolute power and famously declared: "When we assumed the soldier, we did not lay aside the citizen."² Thereby affirming the idea that soldiers are citizens first and that they are granted permission to use force and violence only because they are charged to protect their fellow citizens. Thus, ever since the birth of the American Republic, civilian control over military forces has been a fundamental axiom of American democracy.

The values expressed in the founding documents American societal values are based on the values of both the Judeo-Christian tradition because most of the colonists who settled in what would become the United States came and practiced that tradition in its various forms. English Common Law, and the intellectual influence of the humanitarian ideals of the European Enlightenment also exerted a powerful influence on the framing of the founding documents of the American Republic. Moreover, contemporary society in the United States, has been influenced by the ideals and values of other world religions and philosophical systems as America is becoming an increasingly pluralistic society. All of these developments contribute to the richness and diversity of our contemporary American society. The challenge for the Army is that it needs

to provide a common ethical ground and a moral framework for its diverse members. In order to do this, the U.S. Army has published several ethical guidelines and has adopted code of values and standards of conduct it expects of every member.

In addition to the national and institutional values enshrined in the Declaration of Independence, the Constitution, and Army Regulations, American officers must abide by the protocols signed by the United States regarding the conduct of warfare such as the Geneva Conventions and the Hague Accords. These in turn are based on the ideas of the Just War as developed by Christian Philosophers through the centuries.³ The detailed application of these broad conventions are often embodied in the particular laws of engagement devised for specific theaters of operation.

The Moral Responsibilities of Leadership in the U.S. Army

All leaders, particularly commissioned officers are charged with abiding by this code of Army ethics and to live by its provisions both in their professional lives as well as in their personal lives. Soldiers and officers are expected to be ethical professionals not on a nine to five schedule but every moment of their lives on or off duty. This is a tall order; but it is what is expected. Morality is not something that can be turned on an off at the strike of a switch. As philosophers put it, morality is an aspect of one's personal ontology, that is, it an integral part of one's being. Moral actions are enacted because one is a moral person. As Aristotle wisely observed long ago, morality is a habit; and habit requires practice. Thus, a virtuous person becomes virtuous by the practice of virtue—day in, day out.⁴

The Army needs and the nation expects moral leaders. As we have discussed, despite the difficulties involved in formulating a generally accepted code of ethics for such a diverse secular organization, the U.S. Army has managed to produce a valid though imperfect guidelines for organizational ethics which its members are expected to follow and its officers are expected to exemplify and enforce. The oath of office for officers is based on loyalty to the Constitution of the United States, not to any one person. This grounds military service in its civic function and at the same time avoids confusing loyalty to the nation with loyalty to any one person—a characteristic of dictatorships. It is also a warning to everyone that if a leader violates the provisions of the Constitution or does not live up to its requirements he or she is not worthy of the office of leadership and, in fact, is not worthy of allegiance or obedience by subordinates. Loyalty, an Army value, is thus, not an absolute value, it is conditional. One is loyal to laws, orders, actions, procedures, or persons *only when they are moral*. When such things are not moral, loyalty to them is not required, on the contrary, morality demands that loyalty to immoral laws, orders, actions, procedures, or persons be denied.

As in all other things, in the U.S. Army Leaders must set the ethical tone for their organizations. They must set the example. Indeed to “lead by example” is also a traditional ethical expectation for all leaders in the U.S. Army.⁵ Leading by example is a maxim that is inculcated in every cadet or officer candidate and is reinforced at every level of officer education. Leading by example puts the leader on an equal moral level with subordinates because they have done, are doing, or are willing to do exactly what they are demanding of their subordinates. Leaders who act in this way may be said to “earn” their leadership position in the eyes of their subordinates. However, due to human fallibility and moral failures, this principle is not always followed by those in positions of leadership. In the case of officers, particularly commanders, the principle of *noblesse oblige* applies. In other words: “From everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked.”⁶

The Problem

Problems arise when institutional and individual ethical expectations are not met. This is particularly troublesome when senior leaders do not abide by ethical standards. When this happens, the moral foundations of the organization begin to crumble. Just as a leader who leads by example in a moral way

“earns” his leader status, a leader who fails to set the moral example may be said to forfeit or abdicate his or her moral authority. If a given immoral situation becomes known, accepted, or even excused, the moral fiber of the organization can rot and eventually dissolve. Actions that should not be tolerated become accepted, moral standards decline, and individuals believe they can “get away” with things that should not be allowed. This may generate grave consequences within the unit and among its members such as dereliction of duty, defrauding the government, or during combat operations, war crimes.

By virtue of their position, senior leaders who act in immoral ways or tolerate a dubious moral climate in their organizations have the ability to do great damage to individuals in their organizations and to the organization itself. When they hold sufficient power, they can even do great damage to the institution of the U.S. Army and to the American Republic. They can do this primarily by: 1) issuing illegal orders, 2) issuing immoral directives, 3) setting an immoral command climate, 4) acting in an abusive, disrespectful manner, 5) setting a negative command climate, 6) setting an immoral example.

It is important to understand that when serving in a unit where any of the mentioned actions or attitudes appears to be the norm officers are placed in a situation of moral jeopardy. In other words, they are placed in a position in which they must prove their moral worth through their words, actions, and sometimes, refusal to take action. In some instances, officers in situations of moral jeopardy may be able to observe and evaluate the situation for some time in order to be reasonably sure that the environment is morally corrupt and that behaviors observed are not exceptions, but are the rule. However, in other cases, such as in combat, the officer may be immediately required to act or not to act according to certain orders or requirements and these actions or lack of them have moral consequences. When faced by these types of challenges, what is an officer to do?

Surviving Situations of Moral Jeopardy with Integrity

Given the importance of maintaining one’s moral principles and moral integrity, I would like to offer a few recommendations for officers who find themselves in moral jeopardy due to the actions, attitudes, or example of their seniors. First, it is imperative that a person maintain his/her moral integrity. This means that we should not obey, give in or acquiesce to immoral actions or directives. If time permits, research the situation. Find out whether a specific order or directive is mistaken, whether it is based on incorrect or incomplete information, or whether a given situation or incident is the norm or exceptional in the unit. If no time is available to research the situation and you must either act or refrain from acting in a certain way, you must rely on your moral compass. A given situation may require that the officer ask for clarification in order to fully understand what is being ordered or asked to do. For example, if ordered to: “Get rid of the prisoners as quickly as possible.” It is important to clarify what this means. Often immoral or ambiguous behavior is implied by the use of slang expressions. For example to “shwack” or “shut them down permanently” may imply an order to kill someone or raze a village. The lack of clarity is often a sign that the order is immoral or ill-intended.

Often illegal or immoral directives come quite unexpectedly. This is particularly true for officers who have never experienced this type of behavior before. This is especially troublesome because the moral temptation may occur at moments when well-meaning officers are caught off-guard and often because the temptation comes from a senior ranking officer with the expectation of obedience and compliance. When this pressure comes in the form of an order, the officer is under additional pressure because, under military law, orders issued by superiors must be obeyed provided that they are not illegal or immoral. While the Unified Code of Military Justice is a worthy attempt to wed the legal to the just and the illegal to the unjust, it, as any other legal code is imperfect in this regard. Officers stand a much better chance of defying an immoral order if it is also illegal. However, they may face a situation in which the Unified Code of Military Justice either does not specifically outlaw a given directive or does not address the issue at all. In these cases the officer who

wants to act in accordance with moral principles may have to sufferer the consequences personally because the law offers no protection.

Difficult situations when officers who want to stand up for moral principle must do so without legal protections bring us face to face with the stern demands of the military profession. We demand absolute moral rectitude from officers and truly, because of their role as protectors society deserves no less. However, to preserve this moral integrity, some officers may have to sacrifice their careers, and perhaps their social standing or even their personal freedom as a consequence of resisting orders, directives, or standing up for what is moral and just in the face of superiors who are neither moral nor just. In other words, at a given moment, an officer of moral integrity must be willing to literally “throw away” his or her career in order to preserve his or her honor. This is very hard indeed. It is also unfortunate, because these are precisely the type of people who the nation needs in its service.

Given the significance of maintaining one’s moral integrity and the potentially serious negative consequences of doing so when not supported by senior officers in the chain of command, this means is thinking about potential moral danger and how to act in the face of moral jeopardy should be an important part of an officer’s education and development. Unfortunately, as is true of other life experiences, often the first experience is very difficult and the officer feels completely unprepared to stand his or her moral ground. This is very similar to what happens when an officer first experiences combat. Previous training and reflection tend to help, but when the hour to act comes, the officer must ultimately will to do the right thing. It is a test of character, a test of how deeply one’s moral convictions have taken root, a test of true mettle. Moreover, even when a given situation has been successfully dealt with, maintaining and developing moral courage will always require effort, strong moral convictions, and strength of will.

One of the most difficult aspects of maintaining one’s integrity in a situation of moral jeopardy is the feeling that one is alone against the world. This is particularly so when the ethical command climate in a unit has been degraded. Thus, it is important to understand that the Army has emplaced some measures and avenues to help officers act in accordance with official Army values, rules regulations and norms. In some cases referencing the Unified Code of Military Justice, Army or unit, Standing Operating Procedures, command directives and other formal documents may help the officer understand the situation better and if needed make his case formally. In addition, most units have access to a Judge Advocate Officer who could provide legal counsel and a Chaplain who could provide moral counsel to officers who feel they are in moral jeopardy. Officers may also informally involve others to consult with them about the problematic situation or even as witnesses if need be. Other formal avenues include lodging formal complaints or reporting a situation to the Inspector General. At the highest levels of command, when there is no other recourse, some officers may decide to resign commission in protest when they cannot in good conscience follow certain orders or directives.

The types of action or actions that would be appropriate depend entirely on the problem, the personalities involved, the gravity of the situation, time available, and numerous other factors. By their nature, moral problems tend to be unique. However, when placed in a situation of moral jeopardy an officer must reflect and act or refrain from acting based on sound organizational and personal values. Ignoring the problem is not acceptable. Neither is compliant silence.

Conclusion

As discussed in this essay, due to the failings in human nature and despite the best intentions of ethical leaders and the policies currently in place, many, if not most U.S. Army officers will find themselves in positions of moral jeopardy at some time in their careers. To navigate and survive these perilous waters with honor and integrity, it is necessary to acquire and develop moral courage. Like physical courage, some of us have been more or less blessed with greater or lesser natural dispositions; but, like physical

courage, moral courage can be developed by an effort of the will to act morally and with integrity even in difficult situations. The suggestions and recommendations offered in this essay may be of practical help in specific situations, but the most important defense against succumbing to moral turpitude under an unethical command climate or committing an unethical act under duress is to constantly practice virtue even in small matters so that when moral challenges occur, they can be met with moral courage, and integrity.

End Notes

1 Bill Puka, "The Golden Rule," *The Internet Encyclopedia of Philosophy*, <https://www.iep.utm.edu/goldrule/> Accessed 21 March 2019.

2 "Washington understood the need to allay anxieties to both politicians and the public, who feared that the military would not transfer power into civilian hands at the end of the war. In addition, the years leading to the revolution were suffused in protestations against the visibility of British troops, including the quartering of soldiers. In his response, Washington had to strike a balance between authority and an understanding of the issue's importance. Washington replied directly to Livingston, explaining that 'When we assumed the soldier, we did not lay aside the citizen and we shall most sincerely rejoice with you in that happy hour when the establishment of American liberty, on the most firm and solid foundations, shall enable us to return to our private stations in the bosom of a free, peaceful, and happy country.'" Adam D. Shprintzen, <https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/new-york-provincial-congress>. Accessed 20 March 2019.

3 The chief Just War theorists are St. Augustine of Hippo who wrote in the 5th century A.D., Saint Thomas Aquinas who wrote in the 13th century, and Hugo Grotius who wrote in the seventeenth century.

4 "Men must do just actions to become just, and those of self-mastery to acquire the habit of self-mastery." Aristotle, *Nicomachean Ethics*, p. 24

5 The principle of leading by example permeates the U.S. Army's official leadership doctrine as expressed in *FM 6-22 Leader Development*, Headquarters Department of the Army, Washington, D.C., 2015.

6 *The Bible, Luke 12:48, New International Version* <https://www.biblegateway.com/verse/EN/Luke+12:48> Accessed 20 March 2019

7 The list of Army Values and their explanations has been taken from the official Army website <https://www.army.mil/values>. Accessed 20 March 2019.

Appendix — Sources of Values for Army Officers⁷

Oath of Commissioned Officers

I ____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The Army Values—Many people know what the words Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage mean. But how often do you see someone actually live up to them? Soldiers learn these values in detail during Basic Combat Training (BCT), from then on they live them every day in everything they do—whether they’re on the job or off. In short, the Seven Core Army Values listed below are what being a Soldier is all about.

Loyalty—Bear true faith and allegiance to the U.S. Constitution, the Army, your unit and other Soldiers. Bearing true faith and allegiance is a matter of believing in and devoting yourself to something or someone. A loyal Soldier is one who supports the leadership and stands up for fellow Soldiers. By wearing the uniform of the U.S. Army you are expressing your loyalty. And by doing your share, you show your loyalty to your unit.

Duty—Fulfill your obligations. Doing your duty means more than carrying out your assigned tasks. Duty means being able to accomplish tasks as part of a team. The work of the U.S. Army is a complex combination of missions, tasks and responsibilities—all in constant motion. Our work entails building one assignment onto another. You fulfill your obligations as a part of your unit every time you resist the temptation to take “shortcuts” that might undermine the integrity of the final product.

Respect—Treat people as they should be treated. In the Soldier’s Code, we pledge to “treat others with dignity and respect while expecting others to do the same.” Respect is what allows us to appreciate the best in other people. Respect is trusting that all people have done their jobs and fulfilled their duty. And self-respect is a vital ingredient with the Army value of respect, which results from knowing you have put forth your best effort. The Army is one team and each of us has something to contribute.

Selfless Service—Put the welfare of the nation, the Army and your subordinates before your own. Selfless service is larger than just one person. In serving your country, you are doing your duty loyally without thought of recognition or gain. The basic building block of selfless service is the commitment of each team member to go a little further, endure a little longer, and look a little closer to see how he or she can add to the effort.

Honor—Live up to Army values. The nation’s highest military award is The Medal of Honor. This award goes to Soldiers who make honor a matter of daily living—Soldiers who develop the habit of being honorable, and solidify that habit with every value choice they make. Honor is a matter of carrying out, acting, and living the values of respect, duty, loyalty, selfless service, integrity and personal courage in everything you do.

Integrity—Do what’s right, legally and morally. Integrity is a quality you develop by adhering to moral principles. It requires that you do and say nothing that deceives others. As your integrity grows, so does the trust others place in you. The more choices you make based on integrity, the more this highly prized value will affect your relationships with family and friends, and, finally, the fundamental acceptance of yourself.

Personal Courage—Face fear, danger or adversity (physical or moral). Personal courage has long been associated with our Army. With physical courage, it is a matter of enduring physical duress and at times

risking personal safety. Facing moral fear or adversity may be a long, slow process of continuing forward on the right path, especially if taking those actions is not popular with others. You can build your personal courage by daily standing up for and acting upon the things that you know are honorable.

Warrior Ethos

I will always place the mission first.

I will never accept defeat.

I will never quit.

I will never leave a fallen comrade.

Reimagining “Honorable Death” in Future Large Scale Combat Operations

E. Ann Jeschke, Ph.D. and Sarah L. Huffman, Ph.D.

Advances in military and medical capabilities experienced in Iraq and Afghanistan codified the aspirational ideal of “leave no man behind” into an expectation to save the lives of all injured warfighters under all circumstances. Over the past two decades, the ability to deliver advanced medical care on and off the battlefield has allowed for an unprecedented overall survival rate exceeding 90%. Confronting near-peer adversaries in large scale combat operations (LSCO) on a multi-domain battlefield poses new challenges to combat casualty care making it frighteningly more complex. LSCO distributed across vast geographic space, combined with anti-access and area denial, means longer evacuation times and greater distances between care facilities as compared to those encountered in the counter insurgency and stability operations of recent decades. Some experts project that fighting a near-peer enemy in LSCO will result in thousands of casualties at one time. Military necessity will restrict medical access, govern distribution of scarce medical resources, and compel triage management. Specifically, LSCO could dictate triage based on return to duty versus saving all lives and retrieving the dead from the battlefield.

The anticipated reality of LSCO challenges the current expectation that combat casualty care providers should save the lives of all injured warfighters. Having forged an expectation that life-saving medical care will be provided to all warfighters, failure to provide medical care is likely to provoke fear in warfighters, health care providers, the military organization, and society alike even if it is militarily necessary. As such, LSCO gives rise to the ethical question of how to reframe what it means to support a “good death” on and off the battlefield. Implicit in this ethical challenge is the need to embrace battlefield mortality in a way that maintains human dignity during the dying process.

Considering combat casualty care in the context LSCO, we reflect on the broad question of how to honor injured warfighters within the limitations of a mass casualty scenario. To narrow our scope, we focus on expectant casualties. By analyzing a medical case, we suggest that one potential way to honor the human dignity of an expectant warfighter is to bear witness to his/her death narrative in such a way that the warfighter is provided an opportunity to participate in meaning-making relative to his/her life-story. Our goal is not to provide a strong normative argument against what has been done in counterinsurgency operations or for our view point. In comparing how honor is currently being given in combat casualty care to a possible way of honoring the expectant casualty in LSCO, we in no way seek to imply that our insights for the future are better than what is currently operant. Furthermore, we are not suggesting that providing life-saving medical care has been a waste of resources or is unethical. Instead, we want to initiate reflection and discussion on ways to support a good death within LSCO without deflecting necessary medical resources away from the tactical reality of the battlefield.

Outline of Paper

Our paper is composed of four main sections. We begin by giving background on who we are as authors as well as the key terms we are using as part of our analysis. Next, we present a medical case that serves as an exemplar of how combat casualty care manages catastrophic injuries in the counterinsurgency environment. In the subsequent two sections, we compare how combat casualty care providers honor human dignity

during the dying process in counterinsurgency operations to how it might be expressed in LSCO. To do this we analyze resource allocation, the relationship of the care provider to the dying warfighter, and how death functions in the warfighter's life-story.

Section One: Authors' Backgrounds and Key Terms

Realizing that we, as authors, are relying on the interpretive analysis of a medical case, which is a specific form of narrative, it is important to begin by presenting a brief explanation of our respective formation and disciplinary understanding of death in warfare. We assume that each of our respective personal histories will bring different interpretive insights and assumptions to the analytic process. Our goal is to bring our worldviews to this process and allow them to be challenged, thus, creating deeper understanding on a heretofore unaddressed topic in contemporary military medical ethics. In this paper, unless otherwise noted, the term "we" solely refers to the mutual analysis provided by E. Ann Jeschke and Sarah L. Huffman as authors. "I" will be used when either author is singularly speaking to her own unique experience.

E. Ann Jeschke

My, E. Ann Jeschke, doctoral training is in health care ethics with a focus on combat casualty care. My unique research interests began by looking at the embodied experience of providing health care on the battlefield. I came to realize that my innate academic curiosity is driven by exploring obvious realities that are often concealed or taken-for-granted in everyday life. For instance, my dissertation research was concerned with the lack of discussion of the body in relationship to the felt-sense reality of going to and coming home from war. Two years ago, I attended the Military Health System Research Symposium and an Army physician asked me how physicians should ethically train medics to attend death in combat. After spending a year reading various books, articles, and personal memoirs, I realized that death, like the embodied warrior, was a concealed reality in modern military medicine and in my own life. Academically, I also began exploring how death was implicitly operating in modern medicine and, in turn, military medicine. Personally, I became interested in understanding my own relationship to death.

In terms of ethical inquiry, I am invested in understanding and articulating best practices for providing care in crisis from the lived experience of those men and women who serve in the military. I rely on a broad definition of "care" that goes beyond medical intervention. I have addressed both how military health care providers "should" render care as well as what type of care should be given to the military health care provider. The common thread that has knit together all my projects is an ethical concern for how I, as a civilian, respect the individual warrior identity as well as the historical and contemporary warrior ethos in context. As a civilian researcher, I have become sensitive to how the warrior identity and warrior ethos is often used as a rhetorical tool that advances personal research and/or political agendas without taking into account the concrete day to day experiences of those who serve in the United States military. While working on a qualitative project related to combat medics, I had the privilege of collaborating with Sarah Huffman, my co-author. Sarah has enhanced my professional understanding of military medical ethics by providing rich insight into what it means to be a trauma nurse working in combat casualty care from the lived perspective.

Sarah L. Huffman

My, Sarah L. Huffman, entire military nursing career has been painted by war in Iraq and Afghanistan. As such, my focus has always been on becoming a better trauma nurse and providing the highest level of care to wounded warfighters. Wherever soldiers and marines go I want to go and be prepared to save lives. This passion for caring translated into the pursuit of higher levels of training and knowledge to save more lives on the battlefield. Therefore, I trained as a critical care air transport nurse, expeditionary critical care nurse, and ground surgical team member. Eventually I became an acute care nurse practitioner in order to perform

more invasive interventions in trauma care. Through four deployments, however, my understanding of how I was providing combat casualty care began to shift. Having the resources and skills to maintain and move mortally injured warfighters to higher echelons of care allowed me to imagine they might live because I was never required to attend their deaths. The process of passing catastrophic casualties to the next clinician enabled me to avoid confronting death and my own limitations. Eventually, I began to search for meaning in experiences where I touched death but did not see it through to the inevitable end. My trauma training, our evacuation system, and technical capabilities allowed me to rarely experience physical death, although I knew it would be the ultimate outcome in some cases. I started to struggle with the idea of not being with the warfighters at death. Later, while pursuing my PhD, I was forced to spend time in my own mind confronting how I provided care on the battlefield in relationship to death. At the same time I began working on a combat medic project with E. Ann Jeschke, my co-author. As a trained ethicist, she provided a safe place to begin to share and analyze my military narrative.

Key Terminology

Within combat casualty care, we rely on the following three terms: mass casualty, medical triage, and reverse triage. A mass casualty is an incident which medical resources are overwhelmed by the number and severity of casualties. Medical triage is differentiating injured warfighters into specific categories according to level of severity so as to allocate resources. Under normal conditions the most severely injured would receive priority of medical intervention. There are four levels of triage within combat casualty care. They are as follows: *minimal*, which refers to battlefield injuries that can be managed by an injured warfighter or battle buddy; *delayed*, which refers to battlefield injuries that are not mortal, but require eventual surgical intervention; *immediate*, which refers to battlefield injuries that will survive if given immediate life-saving medical intervention; and *expectant*, which refers to battlefield injuries that require a maximal amount of medical intervention with a minimal chance of survival. Finally, reverse triage occurs when the tactical reality of the battlefield requires that injured warfighters who can return to the fight receive priority medical treatment while those with a low likelihood of survival will receive only supportive care.¹

Within military ethics, the term “necessity” is a highly debated concept. It applies to both decisions about the legitimacy of engaging in war (*jus ad bellum*) and how war is fought on the battlefield (*jus in bello*). We understand military necessity on the battlefield to be a restrictive principle that, under certain conditions, allows commanders to forgo certain levels of restraint when attempting to achieve a particular mission. For example, if the United States military is fighting a just war and the enemy maintains a tactical advantage that threatens to overcome our forces, then it is permissible to invoke military necessity.²

The principle of military necessity factors prominently into our analysis because combat casualty care providers and commanders are bound by international humanitarian law to uphold the principle of medical neutrality. This legal ideal suggests that the most severely injured on the battlefield receive priority medical care. As such, reversing triage is intimately related to ethics of military necessity because to reverse triage means to violate the normative principle of medical neutrality. For the purposes of this essay, we will simply assume that certain tactical situations in LSCO mass casualty scenarios will require the use of military necessity as a means of ethically reversing triage in order to tactically support the military mission.³

Having discussed the key ethics terms related to our paper, we turn to discuss the key terms related to the theory we will be using to analyze the medical case, namely, narrative identity theory. This theory includes scholarship from numerous different thinkers. In general, it considers what human identity and identity formation is as well as ways in which human identity is both socially and personally shaped by the receiving, living, and telling of stories. Within this broader theory, narratives function as a mode of self and other-interpretation as well as self and other-definition. Narratives are not just self-constructed stories, they are also embedded into the socio-political context in which a person exists. They are lived through the

practice of daily habits and serve as a means of developing a unique identity that is stable across time while also being open to dynamic interpretation and change. As such, the person's life-story that encompasses his/her identity is both stable and constantly under development.

Within Paul Ricoeur's narrative identity theory, identity refers to permanence of a person's historical life-story. It is composed of three aspects of identity: the *idem*, the *ipse*, and the narrative. *Idem*-identity, or character, is self-hood that is supported by sameness. Said differently, *idem*-identity is that which supports the self to identify as self through external markers of sameness that emerge from society—the social identity. *Iipse*-identity, or kept-word, is self-hood that is not supported by sameness. It is the inner inexpressible core that marks a person as an individual and is displayed by being true to self in the context of living—the intrinsic self. *Iipse*-identity relates to “who” the self ought to be; whereas, *idem*-identity relates to “what” the self is. As such, the *ipse*-identity is the locus of the ethical self, while the *idem*-identity is the locus of the practical self.⁴ Narrative identity establishes a free representation of the self by operating as a “double gaze, looking backward in the direction of the practical field and ahead in the direction of the ethical field.”⁵ As the narrative identity of a person oscillates between the two poles of *idem*-identity and the *ipse*-identity, the person functions as both the reader and writer of his/her own identity. Consequently, the life-story of a person is both static and dynamic integrating aspects of individual (micro), cultural (mezzo), and social (macro) realities.⁶

We will rely on narrative identity theory to explore how the expectant warfighter's personal death narrative plays into his/her broader life-story both in counterinsurgency operations and how this death narrative could operate in LSCO. Having provided a brief background of our professional experiences related to combat mortality, as well as some key terms, we now turn to a medical case that serves as our exemplar for analysis.

Section Two: Medical Case from Counterinsurgency Operations

When I, Sarah, first entered the military I trained for mass casualty scenarios in which I practiced battlefield triage exercises. One of these exercise scenarios was developed to allow an injured warfighter to be placed in the expectant category to die. Thus, part of the evaluation during the exercise was to see if clinicians would place injured warfighters into the appropriate triage category. This evaluation presented my first opportunity to fail. The actor playing the injured warfighter scripted to die, was mistakenly triaged into the immediate category, therefore, he came to my team. Operating as part of the immediate team, I did what I do best. I fixated on saving his life using all the best practices afforded me through higher education and training. Eventually, after doing everything medically possible to save his life the warfighter was pronounced dead.

After the exercise ended, I discovered the actor was mis-triaged and was supposed to go to the expectant team. While there was a team ready to receive expectant casualties, this is not what happened. Instead my peers and I resisted putting anyone into the expectant category. In the aftermath of the exercise, I was told that there was no expectation that I should apply heroic medical care to that particular injured warfighter because he was scripted to die. Instead, I was supposed to have assessed what resources were available and how to allocate these resources to balance saving lives against returning warfighters to the battlefield. While I was told that expectant casualties should be treated with dignity, no one ever told me or demonstrated what showing dignity meant. Ensuring dignity in death was a lesson I learned only in word. I quickly realized that I would be validated for providing heroic medical interventions because I was given an award for my performance in this exercise even though I failed to achieve the lesson; namely, that resources are limited, injured warfighters will die, and I am the one who is expected to and must make that determination.

The real lesson I learned in the exercise was that it is not acceptable to have an expectant triage category. Death in the form of an expectant casualty became a medical fiction during my deployments to Iraq and Afghanistan because there were enough medical resources and infrastructure to equally care for everybody.

In practice, the expectant triage category ceased to exist. Care providers adopted two categories of triage: the dead and everyone else. Providers designated everyone else as those not immediately killed and then managed them with maximum personnel, technical, and aero evacuation support. It was on my fourth deployment that the loss of an expectant triage category became particularly poignant.

I took care of an injured warfighter who was hit in the chest by gun fire and knocked backwards while wearing protective armor. When he fell backwards he received multiple gunshot wounds to the groin area and up into the abdominal cavity. The medics at the point of injury valiantly attempted to control his bleeding. A forward trauma surgeon cross clamped his aorta on the way to the warfighter's first treatment facility. I received him at the Role Three facility where there was a total of three trauma surgeons, nine critical care nurses, and nine medical technicians to support the 13-bed critical care unit. When he arrived, I worked with a team of three other nurses, a trauma surgeon, a respiratory technician, and a medical technician who were solely dedicated to him at the bedside for nine hours. Another team of two nurses and a medical technician assumed care for the next nine hours before transporting him to Germany.

The injured warfighter arrived by a rotary wing and was too unstable to move from the transportation pad. Normally, this pad is removed before further care is given but my team could not move the warfighter without him decompensating. Any medically trained professional could see this young man had zero chance of survival. Even if at a major trauma center in the United States, the injuries he sustained would be incompatible with life. Our team had huge limitations by comparison. However, like all other injured warfighters in my care, I went to work with the assumption our entire team would provide heroic interventions in the form of life-saving medical care. Our team put him on a monitor and ventilator to provide maximum support. We placed an arterial line and an additional central line. The team hung blood products using two rapid infusers. Additionally, we started vasopressors to maintain his cardiovascular system. In total 40 units of blood products were transfused. We also began continuous renal replacement therapy to decrease fatal potassium levels. It was likely that if more casualties came into our critical care unit, we would not have had enough blood products to provide care without instituting a walking blood bank. As was frequently the case in Afghanistan, I never thought about resources in the moment as I fastidiously continued to provide the best possible life-saving care for this warfighter. It was only after much reflection on the meaning of "care" that I thought about the allocation of resources. A skill the military wanted me to learn in the triage exercise mentioned above.

Amidst the described controlled chaos of providing life-saving care, I kept hearing his buddy say, "You have to save him." I finally turned my attention to the warfighter's buddy and looked at this young man as he pleaded for his comrade's life. I said, "We are doing everything we possibly can." I will always remember the next moment. He said, "But you don't understand ma'am." After a pause that rocked me, he said, "His brother died in Afghanistan last year." Everything went still as if in suspended animation. The chaos around me was ongoing, but everything slowed down as I tried to process what I just heard. I was the only one to hear this declaration. Everyone else went on with their frenetic intervention desperate to do everything. After what seemed like an eternity, I heard myself say "What?" He repeated, "His brother died in Afghanistan last year."

I became even more desperate to do everything. As this new information floated through the team, the intensity rose to an unimaginable level. We were ALL desperate. No one wanted to see him die even though we were saving someone who was already dead. We were acting on the expectation that we could raise Lazarus. The team at my critical care unit stabilized the warfighter enough to put him on a C-130 aero-vac to Germany. Before leaving, the warfighter was evaluated by a flight surgeon to validate that he was medically ready for transport. Thereafter, the critical care air transport team prepared the warfighter for flight by attaching all the medical equipment and packaging medications. The critical care air transport team consisted of a critical care nurse, a respiratory therapist, and a critical care physician. Upon arriving in

Landstuhl, the warfighter was immediately taken to surgery and both of his legs were amputated. His father was flown to Germany. To my knowledge his mother, wife, and three children opted not to travel. He died a few days after arriving.

* * *

We have intentionally left space in this paper in reverence to the warfighter’s death about whom we are speaking. We, as authors, felt it appropriate to call this reality to mind before we begin the process of dissecting this medical case for our own purpose. It is also for this reason that we mentioned our respective backgrounds at the beginning of this paper. Namely, to establish that our respective frameworks shaped our understanding of the previous medical case. We also recognize that while our interpretation may be resonant to some, it can never fully contain the true meaning of any human beings’ life-story. As such, we will attempt to take off our metaphorical “shoes” for the ground on which we are about to tread is sacred. We ask you, the reader, to engage in a self-reflective process that considers how your own background is interpreting and making meaning of this medical case.

Section Three: Counterinsurgency—Honoring the Injured Warfighter’s Human Dignity

In this section, we will consider how the injured warfighter’s human dignity is honored in counterinsurgency by exploring the following: resource allocation in reference to the concept of military necessity, the relationship of care providers to the injured warfighter, and how death is functioning in the warfighter’s life-story.

Resource Allocation

When resources are rich, there can be no invocation of military necessity because there is no imminent threat of being overrun by an enemy. In counterinsurgency, the United States Armed Forces has often maintained an overwhelming advantage. The extensive amount of medical resources available to combat casualty care providers in support of the warfighter mission contribute a great deal to this overall advantage. In the story above, there were at minimum 16 primary care providers involved in the medical care of this injured warfighter. In addition, there had to be involvement from laboratory and blood-bank personnel as well as military support services including logistics, aero-evacuation system, and family support team. The list we have just given is not comprehensive but gives a broad overview of the level of resources that were provided to one warfighter in rendering life-saving medical interventions.

When reflecting on the resources available in this case, military necessity was not operant because two-thirds of the medical resources were allocated to the care of one injured warfighter. Because the life-saving medical resources were in rich supply and readily on-hand, there was no need to allocate resources based on triage. The way we allocated resources in this medical case is prototypical of how combat casualty care was/is enacted in Iraq and Afghanistan. When medical necessity is detached from military necessity, the practical outcome is that combat casualty care is driven on the principle of doing everything possible to save the life of an injured warfighter at all costs. The irony is that death is, in some instances, as evidence by our medical case, simply prolonged. Practically speaking, the way medical resources were historically allocated in counterinsurgency also gave rise to the loss of the expectant triage category.

Combat Casualty Care Provider's Relationship to Injured Warfighter

Taking the previous medical case as the exemplar for the care provider's relationship to the injured warfighter, the reader sees how the focus is on life-saving medical interventions even in the face of certain death. The medical relationship is bonded by and emphasizes the importance of an individual warfighter as a human being, not on the collective health of the unit in support of a mission. The importance of the individual warfighter is upheld and validated by the care provider who can achieve sustainment of biological function. That a brother had recently died in war, amplified the care providers' efforts to render life-saving medical interventions even though there could be no realistic expectation that the injured warfighter would live. While the unique situation was specific to this case, common to combat casualty care in counterinsurgency is that maximum effort is provided to all injured warfighters on the hope that they will, at minimum, be returned to their families before death and, at maximum, live. This can be accomplished because of the overall low number of casualties of this type of armed conflict.

How Death Functions in the Warfighter's Life-Story

Now we turn to evaluating how death functions in the warfighter's life-story using the three levels of identity—*idem*, *ipse*, and narrative—in the context of counterinsurgency. Death as a medical reality was not an option considered by care providers in this case. In other words, death related only to the injured warfighter's biological functioning, not to his identity in the world. At all points in time where life-saving medical interventions were given, death occurred to this warfighter's narrative identity because he was unable to represent, interpret, or define the balance between his *idem* and *ipse* identity. In other words, the warfighter's life-story was immediately subsumed into the social, political, and cultural interpretation of meaning by those who tended to his biological life, but not his life-story. As such, the warfighter's narrative identity became the domain of those with whom he came into contact. Moreover, it is those individuals who were given the ability to interpret as well as narrate the meaning of death in his life-story. Since the narrative identity was no longer operant, the warfighter had no way of embracing or rejecting the various narrative interpretations that were proliferated on his behalf.

In reality, the warfighter in our medical case has become a local, state, and national military hero, without reference to who he was, how he lived, or the way he died. Without identifying this warfighter, his death narrative has been re-written and orated on Facebook, you Tube, and all types of news forums, as well as by politicians. None of these people were with him during his prolonged dying process and have no context to understand how he might have wanted his death to be remembered and memorialized. Consequently, his life-story as enshrined in a death narrative written by others at the individual (care providers), cultural (military), and social (political) levels has become the property of the American people.

Combat Casualty Care: Honoring the Injured Warfighter in Counterinsurgency

How warfighters should be honored in counterinsurgency is illustrated by the magnitude of medical resources used to render life-saving interventions. Honoring someone's life in combat casualty care operates on the assumption that biological functioning is what is of importance to the warfighter's existence. While there is virtue in giving so much medical to a warfighter who has served his/her country, what we have shown is that there are other considerations that have not been explored in relationship to honoring the injured warfighter. Specifically, expressing due honor in this fashion has the tendency to kill the narrative identity of the warfighter. Ignoring death as a potential medical outcome, paradoxically causes death to the warfighter's life-story because it does not allow him/her to participate his/her dying process. They lose their ownership of their own death narrative. The danger implicit in ignoring the warfighter's death narrative as an integral aspect of his life-story, is that his/her identity becomes susceptible to being hi-jacked for other people's purposes.

Section Four: LSCO—Honoring the Injured Warfighter’s Human Dignity

In this section, we rely on our medical case to consider how the injured warfighter’s human dignity can be honored in LSCO. As was stated in our introduction, we will be focusing on a mass casualty scenario, which implies that the number and severity of casualties overwhelm the available resources. In such an instance reverse triage would be necessary in order to allocate resources. When thinking about mass casualties in LSCO there are three main challenges predicted for combat casualty care providers: there will be very limited medical assets far forward on the battlefield, no medical infrastructure in country, and evacuation of injured warfighters will be prolonged up to 72 hours. The practical result is that injured warfighters will have to be maintained for longer periods of time in austere settings with minimal resources. Under these conditions, it is more likely that there will be a mass casualty situation, especially if experts who project casualty rates in the 1,000s are accurate. In the event of a mass casualty, military necessity could dictate reverse triage in order to return the least injured warfighters to duty. Consequently, priority in combat casualty care can no longer be placed on saving individual warfighter’s who are catastrophically injured.

Returning to our medical case, placing this injured warfighter on a hypothetical battlefield in LSCO leads to the re-emergence of an expectant category of triage. As such, this warfighter would be denied life-saving medical care for the following reasons. First, the supply and resupply of medical resources is limited by LSCO because it will be a restricted and denied environment. Second, the number of casualties would exceed the medical capabilities available on the ground. Third, the tactical reality far outweighs the life of individual warfighters. If those who can be returned to duty are not, then it would place everyone and the mission in harm’s way. Even if all of the least injured are returned to duty and medical provisions remain available, there will be no means to aero-vac severely injured warfighters out of the area of operation. In the prolonged field care environment, a catastrophic injury such as described in this medical case would not survive. Focusing care on saving his biological life would use too many additional resources that could be allocated to warfighters with survivable injuries or reserved for the next round of casualties.

This medical case clearly illustrates how honoring the injured warfighter by allocating excessive medical resources to life-saving intervention becomes impossible in the LSCO environment. As such, the relationship that implicitly morally binds the care provider to the warfighter can no longer exist in LSCO. While we recognize the loss of this particular way of honoring the injured warfighter implies a complex transition for the care provider, it is beyond the scope of this paper to delve into that ethical reality. In exploring alternative ways to honor the expectant warfighter, we return to narrative identity theory to discuss the value of embracing his/her death narrative as an integral element of his/her life-story.

How to Honor the Warfighters Life-Story by Resurrecting Death

We begin by suggesting that personal presence is the foundation of honoring the expectant warfighter in a LSCO mass casualty scenario. Recognizing that the concept of personal presence is nebulous, at best, and rhetorical, at worst, we move forward by trying to give some delineation of how “presence” can be imparted in a way that honors the expectant warfighter. To achieve this goal, a designated attendant could be assigned to the duty of caring for expectant warfighters by bearing witness to the events that surround his/her death. This duty of bearing witness would not directly focus on the immediate battlefield dynamics. Instead, the attendant who provides personal presence could attempt to embrace and interact with the warfighter’s dying process as it naturally unfolds. Antithetical to personal presence would be any attempts to direct the death in any fashion that might prolong biological life or expedite biological death.

By embrace, we mean the willingness to practice reception and acceptance in a nonjudgmental fashion regardless of what happens. We envision acceptance as an ongoing process that begins on the battlefield and evolves as the attendant attempts to make meaning of an individual warfighter’s death within the context of the attendant’s life-story. Part of the process of acceptance is recognizing that meaning making will involve

various levels of individual, organizational, and societal interpretation of the warfighter's life-story. By interact we mean the willingness to respond to symbolic gestures of the warfighter during his/her dying process. These gestures could be expressed in many ways. Some examples might be spoken words, guttural utterances, embodied responses, breathing patterns, or physical signs and symptoms. When responding to the warfighter's attempt to connect and communicate, the attendant would need to realize that the context is saturated with various layers of interpretation that lead to the development of the warfighter's death narrative. Part of meaning making and interacting involves responding to the warfighter's expressed need for palliation of pain. While this is often thought of as pharmaceutical management of pain symptoms, it could be expanded by means of attuning to the warfighters breath and engaging in synchronous breath, or placing a hand on the warfighter's body to reassure him/her. Human emotional attunement and skin-to-skin contact are especially important if pain medications are not available.

Beyond the scope of embracing and interacting with the dying warfighter, it would be beneficial for the attendant to bear witness to the context in which the death narrative occurs. Providing contextual details to the death narrative helps others who interact with the life-story of the fallen warfighter more accurately interpret and make-meaning of his/her death narrative without losing sight of her personal identity. Furthermore, it will likely help loved ones to more completely process the loss and integrate the warfighter's true life-story into their own. These are a few suggestions that we provide as a means to introduce further discussion. Our paper truly is operating as an introduction to the topic. We are eager for the reader to provide us with other insights within their worldview that might be beneficial when considering best practices for honoring the expectant warfighter in LSCO.

Conclusion

In this paper, we reflected on the broad question of how to honor injured warfighters within the limitations of a mass casualty scenario in LSCO. By analyzing a medical case, we suggest that one potential way to honor the human dignity of an expectant warfighter is to bear witness to his/her death narrative by providing a personal attendant that could offer personal presence. The goal of this form of comfort care would not only be to palliate pain, but also to embrace and respond to the dying warfighter such that his/her life-story is preserved beyond his/her biological death. We began by giving background on who we are as authors as well as the key terms used as part of our analysis. Next, we presented a medical case that served as an exemplar of how combat casualty care is currently functioning within the counterinsurgency environment. Thereafter, we compared how combat casualty care providers honor human dignity during the dying process in counterinsurgency operations and how it might be expressed in LSCO.

We now conclude by sharing some of our personal reflections about the medical case in relationship to honoring the fallen warfighter. I, Sarah, will discuss how this medical case influenced my identity as a critical care nurse. For a long time, I felt guilty for not saving this warfighter because I believed I owed his family nothing less than a son who was alive. I was deployed to keep him alive and I felt like I failed. The family had already lost one child. How do you tell this family they lost another son? Intuitively, I knew I was stuck in a terrible moral dilemma. I was tasked with keeping this warfighter alive and wanted to achieve that goal. At the same time, I knew he would die, and the right thing would be to give him a peaceful death. As a result, I ended up both medically and morally failing. I was unable to live up to what I had previously held as the central virtue of my personal identity as caregiver. To me being a healer and caregiver implies that I be able to provide the right type of medical care to the right person in the right way at the right time. Attending death, when it is the right thing to do, just like saving life, when it is the right thing to do, is the essence of practice as a critical care nurse. There were countless situations like the medical case described during my deployments in support of counterinsurgency operations. I now realize these experiences slowly closed the door on my ability to embody the identity I once maintained. Making determinations about whose death should be attended and whose should receive life-saving care was no longer a virtue I inhabited in my

practice of combat casualty care. The one thing I cling too when reflecting on this warfighter's death is that we loved him and cared for him to the best of our abilities in context to the situation. He was never alone.

What I have come to realize is that my *ipse* and narrative identities were also subsumed into a bigger more powerful *idem*-identity against which I could not stand alone. As a result, my personal *ipse*-identity that was grounded in making caring choices for the warfighter in need gave way to the pressures of combat casualty care and formed my personal identity and way of interpreting myself, others, and what it means to honor our injured warfighters. If I had been allowed to bear witness to this warfighter's death narrative, I would have first and foremost preserved my own identity. I would also have some sense of closure. Not having experienced his death narrative also causes me to continue interpreting this warfighter's story to my own ends to establish clarity in my own narrative identity. In contrast, being able to embrace his death narrative would provide context to both his *ipse*-identity as a warfighter and my own as a caregiver such that our narrative identities are mutually supporting each other's life-story in a dignified manner.

Although I have no experience with combat casualty care or the warfighter of whom we have been speaking, I, Ann, can say that this case has afforded me the opportunity to realize how often I interpret the meaning of both the warfighter's life-story and the combat casualty care provider's life-story as an American citizen in a way that fails to appreciate each person's unique perspective. One of the hardest aspects of being a civilian in this area of specialized research is knowing when my thoughts, insights, advocacy, analysis, writing, or goals are being propelled by the lived experience of those who serve in the United States Armed Forces or by my own agenda. I have become acutely aware of my knee-jerk reaction to draw out more emotional meaning from a warfighter's death or a combat casualty care provider's exposure to death than is necessary. Attempting to do "right" by these "fallen" warfighters, it is easy to say gloriously powerful or heroic things without knowing them or their struggles, weaknesses, and vulnerabilities.

While I have come to no sure conclusions about what it means to honor the warfighter in his/her death, I have become more sensitive to what I am doing in relationship to the warfighter's narrative identity as an American citizen. Unlike Sarah, whose *ipse*-identity, was transformed by her experiences of being a combat casualty care provider, my *idem*-identity has been softened as I struggle to avoid over-aggrandizing the value of individual warfighters' stories as a mere means to promote my professional career. Furthermore, I am sensitive to being overly meek and standing in socially sanctioned narratives without having the courage to speak truth to social power. This was keenly felt as I worked on this project with Sarah. Amidst our writing process, I came to realize that even working on this paper was doing violence to her story as I probed and dissected it to highlight various resources over and above her own personal emotional history.

We leave the reader with few answers. Hopefully, this project will help us all to reflect on the ways in which our lives as citizen intersect with the deaths of our warfighters who have given their lives in service of our country.

End Notes

1 E. Falzone et al., “Triage in Military Settings,” *Anaesthesia Critical Care & Pain Medicine* 36, no. 1 (2017): 43–51.

2 Craig JS Forrest, “The Doctrine of Military Necessity and the Protection of Cultural Property during Armed Conflicts,” *Cal. W. Int’l LJ* 37 (2006): 177.

3 Paul Gilbert, “Medical Neutrality and the Dilemmas of War,” in *Military Medical Ethics for the 21st Century* (Routledge, 2016), 101–112.

4 G r me Truc, “Narrative Identity against Biographical Illusion: The Shift in Sociology from Bourdieu to Ricoeur,” * tudes Ricoeuriennes/Ricoeur Studies* 2, no. 1 (2011): 150–167.

5 Paul Ricoeur, *Oneself as Another* (University of Chicago Press, 1992), 115.

6 Truc, “Narrative Identity against Biographical Illusion.”

Ours is to Reason Why: The Ethics of Tactical Risk Assessment in Large Scale Combat

Trent J. Lythgoe

I believe that military commanders in high places have a responsibility to the relatives and friends of the men who are serving under them, as well as to the men themselves, and I feel that they should be capable of using good tactical judgment in order that they may reduce losses and at the same time accomplish the results desired.

But what was to be done if these goals were incompatible? What if the desired results could not be accomplished with few losses? No one asked, and [General] Walker did not say.

—Excerpt from *Bloody River: The Real Tragedy on the Rapido*¹

The publication of FM 3-0 *Operations* marks a shift in the Army's warfighting focus from limited contingency and counterinsurgency to large-scale combat operations. These operations differ from recent operations in Iraq and Afghanistan in scale, intensity, and lethality.² Another critical difference is the level of *tactical risk* associated with tactical operations in large-scale combat. Tactical commanders will have to put large formations at risk which may result in scores or even hundreds of U.S. casualties.

Army leaders are not prepared for this shift in how they think about risk for three reasons. First, operations in Iraq and Afghanistan have not put formations at high risk. Few commanders have had to consider high-risk tactical decisions. Second, the Army's doctrine—the risk assessment process—enables commanders to estimate tactical risks but give no guidance on how to weight potential gains against those risks. Third, there are clear ethical implications for undertaking a tactical action which knowingly puts Soldiers at high risk, however, Army doctrine does not address them.

This essay proposes an ethical framework to guide commanders applying tactical risk management in large-scale combat. It argues that when examined through the lenses of the ethical triangle, tactical risk assessment must meet three standards to be considered ethical. First, the expected tactical gains are commensurate with the expected costs. Second, there is no other course of action which would deliver the same tactical gains with less risk. Third, the commander executes the operation skillfully and boldly while accepting no unnecessary risk. Taken together, these standards form a three-pronged test that can guide commanders in high-risk combat operations.

The Charge of the 9th Armoured Brigade

*Theirs is not to reason why
Theirs is but to do and die.
Into the valley of Death
Rode the six hundred.*

—Alfred Lord Tennyson, "The Charge of the Light Brigade"³

In the early morning hours of November 2nd, 1942, British Brigadier John Currie grimly considered the line of Italian and German anti-tank guns his 9th Armoured Brigade was about to attack. Across the North

African desert, elements of the Panzer Army Africa, commanded by “The Desert Fox” Erwin Rommel, lay in wait. Currie’s objective was to break through Rommel’s defensive line which the British 1st Armoured Division would then exploit. But Currie had a problem—there was no infantry to support his tanks.

Currie voiced his concerns to his division commander, Lieutenant General Sir Bernard Freyberg, who shared his misgivings. The prospect of tanks charging anti-tank guns without infantry support reminded Freyberg of the ill-fated Light Brigade. Ninety-two years earlier, a British light cavalry brigade suffered severe casualties at the Battle of Balaclava. The brigade mistakenly charged Russian field guns based on a misunderstood order. The action was later immortalized in *The Charge of the Light Brigade* by Alfred Lord Tennyson.

But unlike Balaclava, Currie’s orders were no misunderstanding. The British Eighth Army Commander, Lieutenant General Bernard Montgomery, had deliberately ordered the assault. Montgomery was determined to break through Rommel’s line. A break and exploitation would threaten Rommel’s fragile lines of communication, and potentially allow Montgomery to destroy Rommel’s entire Army, thereby winning North Africa for the Allies. The success or failure of 9th Armoured Brigade’s attack had operational and potentially strategic consequences.

The possibility of an operational or even a strategic breakthrough was little comfort to Brigadier Currie who estimated that without infantry support, his Brigade would suffer at least 50% casualties.⁴ Currie expressed this concern to Freyberg, who relayed it to Montgomery. Montgomery’s reply was sobering. Freyberg told Currie that Montgomery “was aware of the risk and *has accepted the possibility of losing 100% casualties* in 9 ARMD Bde to make this break, but in view of the promise of immediate following through of 1 ARMD DIV, the risk was not considered as great as all that.”⁵ (Emphasis added.)

If the prelude to the 9th Armoured Brigade’s attack had echoes of Balaclava, the results undoubtedly did as well. Like the Light Brigade 92 years earlier, Currie and his soldiers bravely executed their orders and paid dearly in blood. A total of 230 officers and soldiers were killed, wounded, or missing. The Brigade began the day with 94 tanks. By the end, only 14 were not disabled or destroyed.⁶ And like the Charge of the Light Brigade, 9th Armoured Brigade’s attack ultimately failed.

Risk in Large-Scale Combat

We are taking three trees a day, yet they cost about 100 men apiece.

—U.S. Army Captain at the Battle of Hürtgen Forest⁷

The experience of the 9th Armoured Brigade at El Alamein highlights the unique character of risk in large-scale combat. Risk is inherent in all combat, but risk in large-scale combat will be different from the Army’s recent experiences—Iraq and Afghanistan—in fundamental ways. In these recent conflicts, commanders have not, for the most part, had to consider the ethical aspects of tactical risk assessment in terms of Soldiers’ lives.

In the vast majority of battles fought, our adversaries have not been able to mass enough combat power to put large units at risk of destruction. Moreover, the vast majority of tactical actions have not had the potential to deliver significant tactical, operational, or strategic gains in the event of success. Nor have these actions had the potential to subject the force to a crippling blow in the event of failure. This is not to say Soldiers have not undertaken risky missions, nor is it to say that those missions have not been worthwhile. However, neither side of the risk equation has been substantial enough for commanders to consider the kind of order Brigadier John Currie and the 9th Armoured Brigade executed at El Alamein.

The character of large-scale combat is fundamentally different. Unlike Afghanistan and Iraq, our enemies will be able to mass large formations of combat power and put large Army formations at risk.⁸ This change

means commanders may have to make choices which risk scores or hundreds of lives to achieve tactical objectives. In other words, commanders may have to weigh knowingly and deliberately ordering Soldiers to their death against potential tactical gains. This is a paradigmatic shift for both commanders and Soldiers.

Understanding Risk

The term “risk” carries with it a negative connotation. Most leaders see risk as something to be minimized or avoided altogether. According to FM 3-0 *Operations*, however, intentional risk-taking is critical to tactical success in large-scale combat:

Commanders seek to understand, balance, and take risks, rather than avoid risks. When commanders accept risk in large-scale combat operations, they create opportunities to seize, retain, and exploit the initiative and achieve decisive results. Opportunities come with risks. The willingness to incur risk is often the key to exposing enemy weaknesses that the enemy considers beyond friendly reach.⁹

Risk is a balancing act. Taking risks increases exposure to threats and hazards, but it also offers opportunities for success. There are three primary sources of risk guidance in Army doctrine. The first is the Mission Command Philosophy. Accepting prudent risk is one of the principles of mission command. ADRP 6-0 *Mission Command* defines a prudent risk as “a deliberate exposure to potential injury or loss when the commander judges the outcome in terms of mission accomplishment as worth the cost.”¹⁰ A second place we find guidance is FM 6-0 *Commander and Staff Organization and Operations*. During the Military Decision-Making Process, commanders and staffs must develop *acceptable* courses of action. Acceptable means a course of action that balances “cost and risk with the advantage gained.”¹¹ The third source of guidance is ATP 5-19 *Risk Management* which contains the risk management process—a procedure which helps commanders make risk decisions.¹²

There are two shortcomings in the Army’s risk doctrine. First, it provides little guidance on how commanders should judge risk against potential gains. The risk management process provides commanders a risk level—low, medium, high, or extremely high—but does not tell the commander if that risk is *worth taking*. Second, risk management doctrine does not consider ethical implications. A risk assessment may tell the commander the risk that some of his or her Soldiers will die, but it does not help the commander come to terms with whether a tactical objective is *worth dying for*.

Risk as an Ethical Dilemma

*The responsibilities of a combat leader represent a remarkable paradox.
To be truly good at what he does, he must love his men and be bonded to them
with powerful links of mutual responsibility and affection.*

And then he must ultimately be willing to give the orders that may kill them.

—Lieutenant Colonel (Retired) Dave Grossman, *On Killing*¹³

The profession of arms is unique. Like other professions—medicine, law, and theology, for example—the profession of arms is a select group of experts who have a moral obligation to use their expertise in service of society.¹⁴ Unlike other professions, however, members of the profession of arms have two unique responsibilities. The first unique responsibility is the ethical application of violence to defend their fellow citizens. Professionals of arms—Soldiers—kill other human beings when ordered to do so. When not actively fighting, they prepare to kill. Importantly, Soldiers do not engage in wanton or unrestrained violence. Instead, they train to employ violence *ethically* according to just war tradition, international laws, and soldierly honor. Indeed, philosophers, academics, and soldiers have written extensively on these concerns.

The second unique responsibility of Soldiers is rarely talked or written about. Soldiers prepare to die. A Soldier's duty is to willingly give his or her life, if necessary, for their fellow citizens.¹⁵ This obligation is codified in the U.S. Armed Forces' *Code of Conduct*:

I am an American, fighting in the forces which guard my country and our way of life.
I am prepared to give my life in their defense.¹⁶

Commanders play a critical role in the profession of arms. Although the professional Soldier is given the means to unleash violence, the decision to do so is not his. Instead, it is the commander who gives the order to kill the enemy and ensures the Soldier does so in an ethical manner. It is the commander's responsibility to orchestrate violence in a way that accomplishes her assigned missions in defense of the nation and does so ethically.

But the commander also has a second responsibility; providing for the care and general welfare of the Soldiers under her command. "Commanders are expected to balance, simultaneously, their responsibility to ensure due care is afforded to civilian with their responsibility to ensure due risk is required of their soldiers."¹⁷ Unsurprisingly, these two responsibilities can present commanders with an ethical dilemma when accomplishing the mission means risking Soldiers' lives.

An ethical dilemma is not a question of right vs. wrong. Rather, it means having to decide between two right choices. Author Rushworth Kidder highlights four frequent "right vs. right" dilemmas:¹⁸

- Truth vs. loyalty
- Individual vs. community
- Short-term vs. long-term
- Justice vs. mercy

Choosing between the mission and the Soldiers is an individual vs. community dilemma. On the one hand, the commander is obligated to care for the welfare of her Soldiers. On the other, sacrificing the lives of those Soldiers may contribute to the good of the community, whether the unit, the Army, or the American citizenry.

As previously discussed, the Army's risk management framework fails to resolve this dilemma. While a tactical risk assessment can tell give the commander a risk value, it does not tell her whether that risk is *worth taking*. Additionally, Army ethical training does not prepare commanders for these decisions. Current ethics training focuses nearly exclusively on how Soldiers should conduct themselves according to the Law of War. The risk assessment process likewise offers little assistance. This is all unsurprising. Most Soldiers would rather not think about the uncomfortable subject of their own mortality and that of their fellow Soldiers. Author James Toner observes that Soldiers tend to question the mortality of their enemy but rarely consider their own. "It is practically impossible for [Soldiers] to think of themselves as the objects of others' military actions."¹⁹

The Ethical Triangle

The callous man has no mental struggle over jeopardizing the lives of 10,000 men; the human commander cannot avoid this struggle...The average general envies the buck private; when things go wrong, the private can blame the general, but the general can blame only himself. The private carries the woes of one man; the general carries the woes of all. He is conscious always of the responsibility on

*his shoulders, of the relatives of the men entrusted to him, and of their feelings.
He must act so that he can face those fathers and mothers without shame or remorse.*

—General Joe Stilwell²⁰

The ethical triangle comprises three ethical bases which are conceptual lenses through which one can view an ethical dilemma. These lenses are *principles*, *consequences*, and *virtues*. Principles deal with rules, laws, and moral obligations. The virtues lens asks the decision-maker to consider what a ‘good person’ would do in the same situation. Finally, the consequences lens considers the likely outcome of actions in terms of what would do the most good for the most people.²¹ We can use these three perspectives to make an initial examination of the issues surrounding tactical risk in large scale combat.

Principles

Putting Soldiers at high risk is clearly ethical from the standpoint of rules, laws, and moral obligations. Soldiers are obligated to abide by the Uniform Code of Military Justice and the Law of War. The Uniform Code of Military Justice is clear on this matter; Articles 90, 91, and 92 clearly establish the obligation of Soldiers to obey lawful orders. Moreover, the Uniform Code of Military Justice contains no prohibition against putting Soldiers at risk.²² Similarly, the Law of War clearly recognizes the lawfulness of risking Soldiers’ lives. Soldiers are combatants and as such may be lawfully attacked by enemy forces.²³

The law of war also provides three principles which aid commanders with interpreting and applying the law of war. The principles are *military necessity*, *humanity*, and *honor*. Military necessity justifies legal actions which are necessary to defeat the enemy as quickly as possible. It also justifies “incidental harms” which result from those actions.²⁴ Humanity forbids suffering, injury, or destruction which serves no military purpose.²⁵ Finally, honor speaks to a sense fairness and mutual respect between combatants.

Though these principles are intended to regulate conduct toward enemy forces, they can also be implied in the relationship between commanders and Soldiers. Such an implication suggests that a commander should knowingly put Soldiers at high risk only when militarily necessary and do so in a way that mitigates the risk to the extent possible. Moreover, the commander should conduct the action honorably. A commander must be honest with Soldiers about the risks involved, evenhanded in the way those risks are distributed, and not use rank to seek personal safety from those risks.

Virtues

When viewing an ethical dilemma through the virtues lens, the commander derives ethical guidance from other people rather than rules, laws, or moral obligations. The most immediate source of virtues are the Army Values: Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage.²⁶ While the Army Values are a powerful collective statement of a Soldiers’ obligation to the Nation, Army, and fellow Soldiers, they are not intended to help commanders make risk decisions.

A more useful framework comes from the very first virtues-based ethical theory as posited by the Greek philosopher Plato.²⁷ In *The Republic*, Plato describes the four so-called “cardinal” virtues: wisdom, courage, temperance, and justice.²⁸ Examined in the context of tactical risk assessment, the cardinal virtues provide guideposts to help commanders make difficult tactical decisions.

- *Wisdom*: A wise commander has the *tactical skill* to know when to act and to do so decisively.
- *Courage*: A courageous commander must have the intellectual bravery to assume necessary risk and the personal courage to personally lead his or her Soldiers to accomplish the mission.

- *Temperance*: A temperate commander exercises proper restraint. A commander exercises restraint by eliminating unnecessary risks to Soldiers and mitigating necessary risks to the lowest possible level.
- *Justice*: Finally, a commander must act with fairness toward his or her Soldiers and subject them to high tactical risk only when the mission demands it.

A unique feature of virtues-based ethics is that unlike principles and consequences, there is no right or wrong answer. Instead, one must seek a middle ground—often known as the *golden mean*.²⁹ For example, decisiveness is a desirable virtue in a military leader. And while a lack of decisiveness is undesirable, an excess of decisiveness is no better. A leader who makes quick decisions without thinking clearly about their implications is prone to make careless choices.

When considered holistically, the cardinal virtues guide the commander toward a balanced approach to tactical risk assessment. Temperance and courage balance each other. A tactical action which is courageous but without temperance is reckless. That is, the commander accepts unnecessary tactical risk. The opposite condition is a tempered or restrained tactical action without courage, which is risk aversion if not cowardice. The balance between wisdom and justice is the linking of ways and ends. The commander must execute the tactical action skillfully (wisdom) and for the right reason (justice). A skillful action which serves no purpose is unethical and a waste of Soldiers' lives. Likewise, an unskilled action, even if the goal of the action is justified, is also wasteful and unethical.

Consequences

Tactical risk assessment from a consequences perspective must consider the probable outcomes of a tactical action. The portions of Army doctrine which address tactical risk do so from a consequential point of view. It is important to emphasize that the commander must consider two outcomes; the potential losses and the tactical gain. The Army's risk management process provides some of the information the commander needs, but not all of it. The primary shortcoming in the risk management process is that it considered only losses to the unit. ATP 5-19 *Risk Management* directs commanders to first estimate the probability of an occurrence and the consequences of that occurrence. Taken together, these two factors provide a risk assessment. (See Figure 1.) However, this assessment alone is not sufficient to inform a risk decision. In other words, supposing a risk is assessed as high or extremely high; should the commander accept that risk?

Balancing risk with advantage is a classic *individual vs. community* dilemma. The commander must balance the right of the Soldier to live against the potential benefit the Soldier's death might contribute to a larger community by securing some kind of advantage. An underpinning assumption is that the tactical action under consideration will, in fact, benefit a larger community in some way. That community may be other Soldiers, a different unit, the citizens of the U.S. or another country, or a combination of all of these.

Assuming there is a community benefit to be gained, the commander must weigh that benefit against the risks in achieving it. Here, a variation of the risk management framework is useful. As previously discussed, risk deals with the *costs* side of tactical action. It is a function of the probability a cost will be incurred and the consequences if it is. We can approach the other side of the equation—tactical advantage—using the same framework. Tactical advantage is a function of the potential gains a tactical action might achieve and the probability that action will be successful. (See Figure 2.) When examined through both frameworks, it becomes clear that the expected gain must be at least equal to the potential cost.

We can synthesize these various ethical viewpoints with Army doctrine to create a holistic approach to tactical risk. This approach, outlined below, takes the form of a three-pronged ethical test. To be considered ethical, a tactical action must meet all three standards.

Risk Assessment Matrix		Probability (expected frequency)				
		Frequent: Continuous, regular, or inevitable occurrences	Likely: Several of numerous occurrences	Occasional: Sporadic or intermittent occurrences	Seldom: Infrequent occurrences	Unlikely: Possible occurrences but improbable
Severity (expected consequence)		A	B	C	D	E
Catastrophic: Mission failure, unit readiness eliminated; death, unacceptable loss, or damage	I	EH	EH	H	H	M
Critical: Significantly degraded unit readiness or mission capability; minor injury, illness, loss, or damage	II	EH	H	H	M	L
Moderate: Somewhat degraded unit readiness or mission capability; minimal injury, loss, or damage	III	H	M	M	L	L
Negligible: Little or no impact to unit readiness or mission capability; minimal injury, loss, or damage	IV	M	L	L	L	L
Legend: EH – Extremely High Risk H – High Risk M – Medium Risk L – Low Risk						

Figure 1. The Army's Risk Assessment Matrix.
 Source: Department of the Army, *Risk Management (ATP 5-19), Change 1* (Washington, D.C.: Government Printing Office, 2014), figs. 1–1.

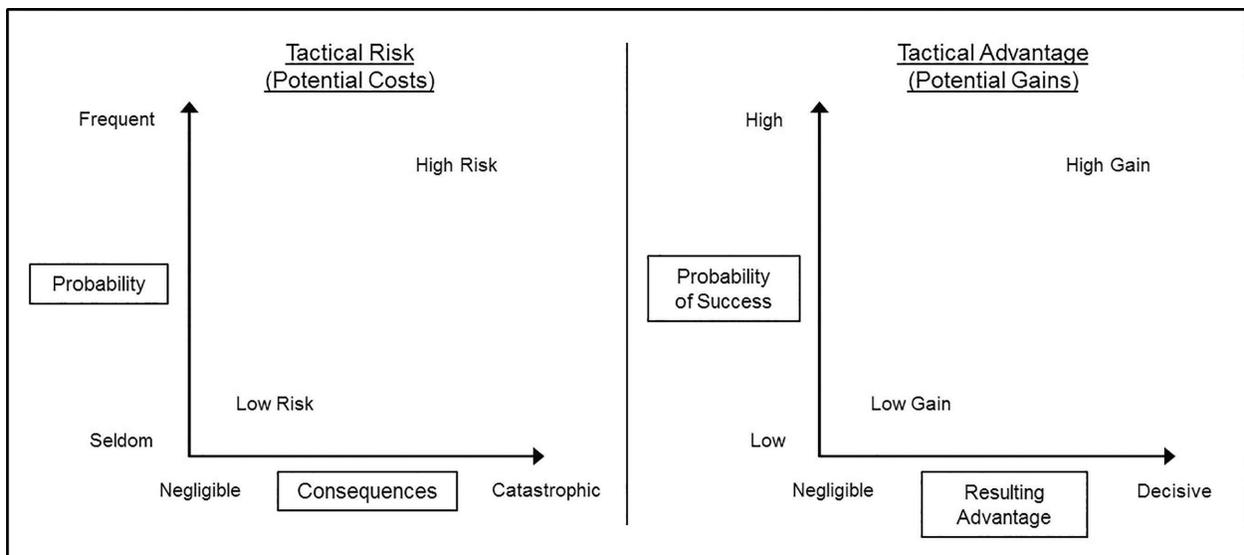


Figure 2. Tactical risk and tactical advantage frameworks.

- *Probability: The expected gained advantage is commensurate with the risk incurred.* This standard captures the FM 6-0 requirement to balance cost and risk with advantage. However, it also speaks to the idea of military necessity and community benefit.
- *Necessity: There is no other course of action which would deliver the same tactical advantage with less risk.* This standard accounts for the ideas of justice and honor. If Soldiers' lives are to be put at risk, it should be done fairly and for a justified reason.
- *Competence: The commander executes the action skillfully and boldly while accepting no unnecessary risk.* This final standard addresses the ideas of wisdom, courage, temperance, and humanity. Once a high-risk action is undertaken for the right reasons, the commander has an ethical obligation to lead that action with skill and decisiveness. This implies that officers have an implied obligation to become tactically skilled *before* having to make these kinds of choices.

Conclusion

*If we must die, O let us nobly die,
So that our precious blood may not be shed
In vain; then even the monsters we defy
Shall be constrained to honor us though dead!*

—Claude McKay, “If We Must Die”³⁰

The Army's shift to preparing for large-scale combat demands a parallel shift in the way Army leaders think about risk assessment. The character of large-scale combat demands commanders who are prepared to ethically risk Soldiers' lives to achieve tactical success. The stakes are high; commanders must think deeply about how to best manage tactical risk.

The three-pronged test recommended in this essay can help commanders think about how to go about balancing the risk to force with tactical advantage in large-scale combat. It incorporates the three perspectives of the ethical triangle—principles, virtues, and consequences—to ethically inform tactical risk decisions. The Army is Soldiers; to put them at high risk demands the very best in tactical and ethical thinking from Army leaders.

*IF I were fierce, and bald, and short of breath,
I'd live with scarlet Majors at the Base,
And speed glum heroes up the line to death.
You'd see me with my puffy petulant face,
Guzzling and gulping in the best hotel,
Reading the Roll of Honour: 'Poor young chap,'
I'd say—'I used to know his father well;
Yes, we've lost heavily in this last scrap.'
And when the war is done and youth stone dead,
I'd toddle safely home and die—in bed.*

—Siegfried Sassoon, “Base Details”³¹

End Notes

- 1 Martin Blumenson, *Bloody River: The Real Tragedy of the Rapido*, 63 (College Station: Houghton Mifflin Company, 1970), 133–34.
- 2 Mike Lundy and Rich Creed, “The Return of U.S. Army Field Manual 3-0, Operations,” *Military Review* 97, no. 6 (December 2017): 14–21.
- 3 Alfred Lord Tennyson, *The Charge of the Light Brigade and Other Poems*, Dover Thrift Editions (New York: Dover Publications, 1992), 52.
- 4 Niall Barr, *Pendulum of War: The Three Battles of El Alamein*, 1st ed (Woodstock, NY: Overlook Press, 2005), 386.
- 5 Barr, 386.
- 6 Ian Stanley Ord Playfair, C. J. C. Molony, and W. G. F. Jackson, *The Mediterranean and Middle East*, History of the Second World War (London: Naval & Military Press, 2004), 67. *The Mediterranean and Middle East*, History of the Second World War (London: Naval & Military Press, 2004
- 7 Forrest C. Pogue, *Pogue’s War: Diaries of a WWII Combat Historian* (Lexington, KY: University Press of Kentucky, 2001), 289.
- 8 Lundy and Creed, “The Return of U.S. Army Field Manual 3-0, Operations.”
- 9 Department of the Army, *Operations (Field Manual 3-0)*, Change 1 (Washington, D.C.: Government Printing Office, 2017), B-1.
- 10 Department of the Army, *Mission Command (ADRP 6-0)*, Change 2 (Washington, D.C.: Government Printing Office, 2014), 2–24, https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/adrp6_0.pdf.
- 11 Department of the Army, *Commander and Staff Organization and Operations (FM 6-0)*, Change 2 (Washington, D.C.: Government Printing Office, 2016), 9–17.
- 12 Department of the Army, *Risk Management (ATP 5-19)*, Change 1 (Washington, D.C.: Government Printing Office, 2014); Department of Defense, *Joint Operations (Joint Publication 3-0)* (Washington, D.C.: Government Printing Office, 2017), III–16.
- 13 Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Boston: Little, Brown, 1996), 90.
- 14 Department of the Army, “The Profession of Arms” (Government Printing Office, December 8, 2010), 2, <http://data.cape.army.mil/web/repository/white-papers/profession-of-arms-white-paper.pdf>.
- 15 James Hugh Toner, *True Faith and Allegiance: The Burden of Military Ethics* (Lexington: University Press of Kentucky, 1995), 24.
- 16 “Executive Order 10631--Code of Conduct for Members of the Armed Forces of the United States,” 3 CFR § (1988), <https://www.archives.gov/federal-register/codification/executive-order/10631.html>.
- 17 James M. Dubik, “Human Rights, Command Responsibility, and Walzer’s Just War Theory,” *Philosophy & Public Affairs* 11, no. 4 (1982): 368.
- 18 Rushworth M Kidder, *How Good People Make Tough Choices: Resolving the Dilemmas of Ethical Living* (New York: Harper, 2009), 6.
- 19 Toner, *True Faith and Allegiance*, 23–24.

20 David Rooney, *Stilwell the Patriot: Vinegar Joe, the Brits, and Chiang Kai-Shek*. (Skyhorse Publishing, 2016).

21 Jack Kem, “Use of the ‘Ethical Triangle’ in Military Ethical Decision Making,” *Public Administration and Management* 11, no. 1 (2006): 22–43. Use of the Ethical Triangle in Military Ethical Decision Making, *Public Administration and Management* 11, no. 1 (2006)

22 U.S. Department of Defense, *Manual for Courts-Martial United States (2019 Edition)* (Washington, D.C.: Government Printing Office), accessed February 8, 2019, [https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20\(Final\)%20\(20190108\).pdf?ver=2019-01-11-115724-610](https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20(Final)%20(20190108).pdf?ver=2019-01-11-115724-610).

23 Office of General Counsel Department of Defense, “Department of Defense Law of War Manual” (Washington, D.C.: Department of Defense, May 1, 2016), 104–5, <https://dod.defense.gov/Portals/1/Documents/pubs/DoD%20Law%20of%20War%20Manual%20-%20June%202015%20Updated%20Dec%202016.pdf?ver=2016-12-13-172036-190>.

24 Office of General Counsel Department of Defense, 53.

25 Office of General Counsel Department of Defense, 58.

26 Department of the Army, *Army Leadership (ADRP 6-22)*, Change 1 (Washington, D.C.: Government Printing Office, 2012), 3-1-3–3.

27 Kem, “Use of the ‘Ethical Triangle’ in Military Ethical Decision Making,” 31.consequences based ethics, and virtues based ethics.”, “author”:[{“family”：“Kem”, “given”：“Jack”}], “issued”:{“date-parts”:[["2006"]]}, “locator”：“31”}], “schema”：“https://github.com/citation-style-language/schema/raw/master/csl-citation.json”}

28 Plato, *The Republic*, trans. Benjamin Jowett, Project Gutenberg EBook (Project Guterberg, 428AD), <https://www.gutenberg.org/files/1497/1497-h/1497-h.htm>.

29 Kem, “Use of the ‘Ethical Triangle’ in Military Ethical Decision Making,” 32.consequences based ethics, and virtues based ethics.”, “author”:[{“family”：“Kem”, “given”：“Jack”}], “issued”:{“date-parts”:[["2006"]]}, “locator”：“32”}], “schema”：“https://github.com/citation-style-language/schema/raw/master/csl-citation.json”}

30 Poetry Foundation, “If We Must Die by Claude McKay,” text/html, Poetry Foundation, February 10, 2019, <https://www.poetryfoundation.org/poems/44694/if-we-must-die>.

31 Siegfried Sassoon, *War Poems of Siegfried Sassoon*. (Mineola, NY: Dover Publications, 2004), 58.

Military Intelligence Officers Analytical Integrity Education

William A. Martin

U.S. Army Intelligence Center of Excellence ethics education offers Military Intelligence Basic Officer Leadership Course, Captains Career Course, and Warrant Officer Training Branch students scaffolded instruction within the 304th Military Intelligence Battalion, 111th Military Intelligence Brigade, at Fort Huachuca Arizona. In this article, I seek to share our analytical integrity introduction class we developed for the Military Intelligence Captains Career Course. First, I identify the need for analytical integrity within the intelligence context. Second, I illustrate how analytical integrity violations occur. Next, I offer strategies and tools to cultivate analytical integrity. Finally, I apply analytical integrity within the four steps of Intelligence Preparation of the Battlefield (IPB) and three Army intelligence analysis tasks.

In addition to seasoned Military Intelligence warrant officers and less-seasoned Military Intelligence captains, we train officers with little or no Military Intelligence experience. The fact is that many of our Military Intelligence Captains Career Course students have never heard of analytical integrity. For those officers who have at least heard of analytical integrity, many perceive it to be a trivial subject at best, or at worst, an unnecessary ethical constraint to consider. For this reason, we determined that an introduction to analytical integrity was vital for Military Intelligence professionals.

Introduction

Who would ever imagine German Panzer formations crashing through the Ardennes Forest onward to Antwerp, with enough forces to isolate and destroy four Allied Armies and force the Allies to sign a Nazi-favorable peace treaty to end hostilities in Western Europe? The answer is Adolf Hitler, and the answer is not the Allies. Taken completely by surprise, General Anthony McAuliffe and his 101st Airborne Division Screaming Eagles bore the brunt of this surprise attack, while General Eisenhower and the Allied high command scrambled to react and properly respond. Though the Germans experienced limited success at the operation's beginning, the results were not what the Fuehrer envisioned. There were no destroyed Allied Armies, no Nazi-occupied Antwerp, no begging Allies suing for a war-ending treaty, and effectively no Nazi units capable of deterring Allied forces remaining in Western Europe. Instead, the results of this audacious plan initially were the Battle of the Bulge, and subsequently, the effective destruction of the Wehrmacht in Western Europe.

This German disaster begs the question of why Hitler would even consider such a seemingly foolhardy battle plan. The answer seems ludicrous. Hitler actually believed he had multiple Panzer divisions in reserve. In truth, those divisions simply were not there. We cannot determine if he fabricated those units, or if his analysts wrongly informed him that there were more units. Whether analysts committed false reporting to feed the Fuehrer's twisted desire for phantom units, or omitted truth telling to the raving mad dictator, the West is the benefactor of one of history's great analytical integrity violations.

Analytical Integrity?

Ok, right now you may be thinking, "Thank you, Chaplain Martin for the glorious history lesson. But...so what? What is analytical integrity and what does that have to do with me, and U.S. Army Intelligence? What is the problem?"

Fair question. To resolve this, first I will define analytical integrity, and then get after the “so what.”

To begin, the Merriam-Webster dictionary writes:¹

Analytical—separating something into component parts or constituent elements; skilled in or using analysis especially in thinking or reasoning

Integrity—firm adherence to a code of especially moral values; incorruptibility

Thus, we can deduce that analytical integrity is the production and dissemination of intelligence products that are consistent with the analysis. Violating analytical integrity involves intentionally or inadvertently doctoring analysis and the resulting products. Moreover, analytical integrity violations can occur from tactical (battalion and brigade S2) to strategic (Combatant Command) to governmental level policymakers politicizing intelligence. For tactical level battalion and brigade S2s, we argue that analytical integrity violations can occur within any of the four IPB steps.

What is the Problem?

Clearly, analytical integrity was problematic for Adolf Hitler and the Nazi war machine. That problem, laden with biases and influence, provides an effective introduction for the purposes of this paper. Likewise, we who conduct and develop Military Intelligence Officer training wanted an analytical integrity doorway to bring our students through that would catch their attention and be useful for application. For this doorway, consider with me the great 1998 military movie entitled, *Pentagon Wars*.² This entertaining thought experiment demonstrates analytical integrity violations in light of biases and influence.

The movie chronicles from 1968 to the movie’s present day the design and implementation of an infantry transport vehicle that would be a worthy replacement to the M113 armored personal carrier. *Pentagon Wars* shifts between the original Bradley Fighting Vehicle project officer and his audience, and modern day archivists who look back to research the evolution of the Bradley’s development. Colonel Smith, the 1968 Bradley project officer, briefs a panel of three General Officers with Infantry and Armor backgrounds. He regurgitates to them their communicated desire for the Bradley, namely, that this vehicle will bring troops swiftly, carry 11 Soldiers plus a driver, and project a 20mm cannon. Colonel Smith continues that it will be lightly armored, speedy, and solidly engineered, yet still cost effective at \$1.5 million each. However, the Generals then begin to inject their biases. It should be a scout vehicle... it should have a bigger cannon... it should carry more ammo... it should blow up tanks... oh yeah, it should still be a troop carrier... While initially Colonel Smith offered some critical rebuff, he soon wilted under their barrages, and told them what they wanted to hear.³

Finally, and over many years, Colonel Smith produces the final scale model and briefs the Generals and room of congressional representatives. As he does so, the scene switches back and forth to the modern day archivists. The following transaction demonstrates the analytical integrity violation impacts:

Colonel Smith: “...Featuring scout, troop transport, and anti-tank capabilities, it carries six men...”

(Modern Day Archivists: How many was it supposed to carry? Eleven.)

Colonel Smith: “The Bradley is outfitted with the most sophisticated surveillance equipment ever developed. It is also equipped with a rapid-fire canon and an anti-tank rocket launcher.”

(Modern Day Archivists: ...which means it’s loaded with 1,500 shells and 10 tow anti-tank missiles...)

Colonel Smith: “So, in summation, what you have before you, gentlemen, is...”

(Modern Day Archivists: ...a troop transport that can't carry troops, a reconnaissance vehicle that is too conspicuous to do reconnaissance, and a quasi-tank that has less armor than a snow blower, but has enough ammo to take out half of D.C.!)

Generals: “Fantastic! Congratulations, GENERAL Smith! Hell of a job! Let’s build it!”⁴

Upon completion of the *Pentagon Wars* clip, I then confront the class with application questions. Among other questions, I ask them to describe the General Officers’ biases. To this point in the class, many officers still see analytical integrity as a non-factor. *Pentagon Wars* serves as an effective transition to application as I confront students to consider real life examples of analytical integrity congruent with the film. While they wrestle among themselves, I then offer the students recent quotes to bring it home:

We conclude that the **Intelligence Community** was dead wrong in almost all of its pre-war judgments about Iraq’s weapons of mass destruction. This was a major **intelligence failure**. Its principal causes were the Intelligence Community’s **inability to collect good information** about Iraq’s WMD programs, **serious errors in analyzing** what information it could gather, and a **failure to make clear** just how much of its analysis was based on assumptions, rather than good evidence. On a matter of this importance, we simply **cannot afford failures** of this magnitude.⁵ (Emphasis added.)

As well as the following:

400 Islamic State Intel Analysts: ‘Analytical Integrity’ of Our Work Is Flawed

WASHINGTON, D.C.—Forty percent of intelligence analysts working at the U.S. military’s Central Command (CENTCOM), which is charged with the war against the Islamic State (ISIS/ISIL), warned that the “analytical integrity” of their work is flawed, the chairman of a top House panel said on Thursday.⁶

CENTCOM Altered Intel to Make Obama’s War Against Islamic State Look Better

WASHINGTON, D.C.—A congressional task force has confirmed allegations that senior U.S. Central Command (CENTCOM) leaders manipulated intelligence assessments in 2014 and 2015 to make it appear that President Barack Obama is winning the war against the Islamic State (ISIS/ISIL).⁷

For many students, these quotations offer perspectival transition from “them” to “us.” This seems especially true for students not previously intelligence. Our intent is to facilitate ownership of analytical integrity within our students. From testimonies of former students, we have found that acknowledged analytical integrity produces Military Intelligence leaders who will own the products their shops produce. We have found that ownership yields inquiry into the nature of analytical integrity violation. It seems that Military Intelligence Officers who invest in their shops’ analysis and products may be more apt to dig into the integrity of their shop’s advisement and products.

The Nature of Analytical Integrity Violations

The need to produce invested intelligence leaders drives our pedagogical philosophy. We seek to lead students to a place where they investigate and inquire into the reasons behind analytical integrity violations. To this end, our instructional intent is to guide students from superficial doing to foundational being. We draw students from merely doing to being by coaxing them to first consider a leader’s competence, and then to strive toward a leader’s character.

We generally have competent leaders. Competence is not our problem. Leaders are competent. The Army promotes competent Officers and Non-Commissioned Officers. Top leaders have a history of success. Competence is not the problem. If competence is not the problem, we goad our students, then why do people violate analytical integrity?

We want to communicate that leader bias causes individuals to unintentionally violate, or influence others to violate, analytical integrity. We are successful if we can help students not only indict others for bias, but to seek awareness toward their own blind-spotted biases. We offer the students multiple types of bias and examples of those biases.⁸ It is interesting to see students begin to integrate the simple, somewhat silly *Pentagon Wars* clip's occurrences of biases, and then make the leap to recall personal instances of bias. It is also powerful at this point to experience those students' trending toward awareness, and begin to internalize ethical ramifications.

This sympathetic paralleling process between student and ethical condition affords a natural location to ease into the darker side of analytical integrity. To wit, certainly many analytical integrity violators and influencers of violation do so unintentionally. "Blind spot" biases shape perception and influence, but intentionality forms the darker side of analytical integrity. Character failure informs intentional wrong.

According to Tim Irwin's *Derailed*, authenticity, self-management, humility, and courage inform character.⁹ Leaders with these qualities inherently seem to have awareness of followers' needs, engendering subordinate loyalty while maintaining the big picture. The leader lacking in any one of these will fail oneself and those around oneself. We term Army leaders without these four traits toxic leaders. Leaders who intentionally influence others to politicize or otherwise subvert analysis or resulting products are toxic. They embody all that is disingenuous, are not self-aware, and use others for individual gain.¹⁰ Ultimately, inaccurate intelligence production or dissemination is the intelligence realm's danger. People intentionally violate analytical integrity because they lack character.

In addition to internal character failure, intelligence community professionals may also intentionally violate analytical integrity due to external pressure. An instance of succumbing to external pressure includes an individual who may bow to a commander's wishes to support a certain course of action. Furthermore, we operate in a time constrained environment. An individual may violate analytical integrity for the perceived sake of saving time. Moreover, FM 2-0 *Intelligence* describes Large Scale Combat Operations' brutal conditions that almost certainly will affect the intelligence community.¹¹ Whether pressure emanates from toxic commanders, perceived time saved, or LSCO conditions, the key to combat external pressure is to guard against cutting corners and ultimately fatalism.

At this point in the class, students often begin to express their perceptions of helplessness, indicated through their expressed fears and excuses. "We have to do what our commander says." "We don't have enough people." "Nobody cares." We walk them right into our question: "How can I cultivate analytical integrity at my level?"

Cultivating Analytical Integrity

We first challenge our officers to counter inadvertent analytical integrity violations, where we believe most occur. One must first be aware of one's own biases. Only through the fostered trust of brutal and humble self-awareness will another yield to me permission to identify their bias. Moreover, one must be a leader of character in order to stand in the face of temptation and weakness, guarded and empowered by the authenticity of self-management, humility and courage.

Intelligence officers are responsible for, and in a position to positively influence, others' behaviors and performance. For instance, we can encourage communication across all four IPB steps and related intelligence products. Furthermore, we can create a culture of openness where we permit all stakeholders

to challenge assessments, and have their assessments challenged. Analytically speaking, there is simply too much at stake for big “I’s” and little “you’s.”

Moreover, intelligence professionals can mitigate analytical integrity violations by conducting analysis in accordance with Intelligence Community Directive 203 *Analytical Standards*.¹² The Office of the Director of National Intelligence drafted and enacted Intelligence Community Directive 203 to establish analytical standards. Prior to this, there were no set standards on which analysts could rest. Intelligence Community Directive 203, *Analytical Standards*, mandates that analysis must include: Objectivity, Independent of Political Considerations, Timeliness, Based on All Available Sources of Intelligence, and Exhibits Proper Standards of Analytical Tradecraft.¹³ Analytical tradecraft dictates that these standards must produce and direct analysis that:

- Describes quality and reliability of sources
- Distinguishes between underlying intelligence and analysts’ assumptions and judgments
- Incorporates alternative analysis where appropriate
- Uses logical argumentation
- Exhibits consistency of analysis over time, or highlights changed and explains rationale
- Makes accurate judgments and assessments¹⁴

Intelligence Community Directive 203 yields implications for analysts and S2 shops. Prescriptively, the Office of the Director of National Intelligence requires all intelligence community members to conduct analysis in accordance with Intelligence Community Directive 203. However, and more importantly, this means Intelligence Community Directive 203 protects analysts and their leaders. The president directed the Director of National Intelligence to standardize analysis. This is the ethical analyst’s trump card against external coercion or internal sloth. Similar to the doctrinal definition of military expertise, Army analytical tradecraft is only successful when applied ethically.¹⁵

Intentional or inadvertent violations jeopardize mission achievement across the defense enterprise. Analytical integrity matters to other members of the Army, the Joint Force, and our partners. Tactical to strategic consequences of analytical integrity violations destroy our trust and interdependent efficacy. It is incumbent upon our team of teams to mutually support analytical integrity. Add to this that the Department of Defense expects organizational leaders to safeguard our analysts and support them when those analysts challenge assumptions. The Army postures organizational leaders within the Force such that they inform and influence within and without formations to foster, empower, and safeguard the analyst and the analysis. Mission accomplishment is at stake.

Practical Exercise

Practical exercises check knowledge and application. We expect our Military Intelligence Officers to demonstrate rigor through applying lessons learned in conjunction with doctrine. In the analytical integrity class, we split the class into squads, and assign two tasks.

Task 1: Per ATP 2-01.3 *Intelligence Preparation of the Battlefield/Battlespace*, NOV14, identify and explain where and how within each step of IPB one might violate analytical integrity. There are four squads, and each squad directs their attention to one IPB step.

In case you do not know, the four IPB steps are:¹⁶

IPB Step 1—Define the Operational Environment

IPB Step 2—Describe Environmental Effects on Operations

IPB Step 3—Evaluate the Threat

IPB Step 4—Determine Threat Courses of Action

While answers have ranged, most fell into the following common domains:

IPB Step 1—Define the Operational Environment

- Individual bias anchored from a previous unit's experience
- Leaving out analytical integrity information that conflicts with an assessment
- Downplaying possible civilian presence to mask potential collateral damage
- Upselling collateral damage to justify a predetermined course of action

IPB Step 2—Describe Environmental Effects on Operations

- Downplaying effects of weather to complete an operation
- Modify Avenues of Approach in order to support a course of action
- Overemphasize enemy forces in a certain area in order to pursue a specific target

IPB Step 3—Evaluate the Threat

- Under/overestimate the threat
- Evaluate the threat to meet operational needs
- Cut corners on threat capabilities

IPB Step 4—Determine Threat Courses of Action

- Enemy courses of action will always be what you have experienced
- Mirroring—caving to pressure that enemy actions will be the same as U.S.
- Appeal to the masses and go along without evidence

Next, students complete practical exercise task two. Unlike task one, where each squad only completes a single IPB step, all squads complete task two in its entirety.

Task 2: FM 2-0, JUL18, para. 6-9ff, and fig. 6-1 identifies three intelligence analysis tasks (see below) that follow from IPB. Identify how one might violate analytical integrity within each task.

Three Tasks	See also:	<u>FM 2-0</u>	<u>ATP 2-01.3</u>
Warning Intelligence		para B-4	para 1-32ff
Situation Development		para B-28	para 1-42ff
Intel Support to Targeting		para B-57	para 1-27ff

Within the intelligence analysis tasks' construct, answers generally included the following:

Warning Intelligence—

- Relying on a single source of intelligence to confirm one's bias when other sources may disprove your analysis
- Shaping the threat to meet U.S. Forces' needs
- Favor preconceived bias of enemy location or capability over subordinate element's reports
- Information/ sources not properly vetted

Situation Development—

- Complacency or oversimplifying a task or situation
- Modifying threat intent/effectiveness and civil considerations
- Neglecting area of interest/area of operations aspects
- Framing intelligence to fit a maneuver course of action
- Making assessments match the S3's assessment

Intel Support to Targeting—

- D3A—Desired effect was to suppress, but the assessment on the actual outcome was not completed
- Collection bias to capabilities; allowing one piece of intelligence drive collection
- Prioritizing easy targets over higher impact but more difficult targets
- Create high value target list based off commander's high payoff target list without properly communicating with fires, and without conducting target value analysis

Awareness and thinking through situations and implications is the purpose of this practical exercise. We operate on the philosophy that if leaders think through analytical integrity implications in the institutional environment, then they will be better equipped in the operational domain to emulate analytical integrity and with character deter or engage violations.

Conclusion

The fact is that many of our Military Intelligence Captains Career Course students have never heard of analytical integrity. For those officers who have at least heard of analytical integrity, many perceive it to be a trivial subject at best, or at worst, an unnecessary ethical constraint to consider. For this reason, the U.S. Army Intelligence Center of Excellence trains analytical integrity awareness at the Military Intelligence Captains Career Course. Analytical integrity was significant for WWII in the Ardennes, and influenced the 2003 invasion of Iraq. It is still significant for tactical to national level intelligence. Analytical integrity violations can occur inadvertently from one's biases. Individuals can also intentionally violate analytical integrity, or influence others to do so. Yet character, openness, and intelligence communitywide analytical standards empower our Military Intelligence officers and their subordinates to set the conditions for an ethical climate.

End Notes

- 1 Merriam-Webster.com. <https://www.merriam-webster.com> (accessed December 03, 2018).
- 2 *Pentagon Wars*. Directed by Richard Benjamin. New York City: Home Box Office, 1998. https://www.youtube.com/watch?v=suP_Z_R-Fx4 (accessed December 03, 2018).
- 3 Ibid.
- 4 Ibid.
- 5 Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States* (Washington, D.C.: Government Printing Office, 2005), 1.
- 6 Edwin Mora, “400 Islamic State Intel Analysts: ‘Analytical Integrity’ of Our Work Is Flawed.” *breitbart.com*. February 26, 2016. <https://www.breitbart.com/politics/2016/02/26/400-intel-analysts-at-centcom-warn-analytic-integrity-of-their-work-is-flawed> (accessed December 03, 2018).
- 7 Ibid, “CENTCOM Altered Intel to Make Obama’s War Against Islamic State Look Better.” *breitbart.com*. August 11, 2016. <https://www.breitbart.com/national-security/2016/08/11/house-task-force-confirms-u-s-military-manipulated-intel-make-seem-obama-winning-islamic-state> (accessed december 03, 2018).
- 8 April Kearney, *Think Critically and Creatively*. Lesson Plan for Mid-Grade Learning Continuum for 2016 Common Core Lesson L130. Fort Leavenworth, KS: U.S. Army Command and General Staff College School of Advanced Leadership and Tactics, 17.
- 9 Tim Irwin, *Derailed*. New York: Harper Collins Publishing, 2012, 34.
- 10 Denise F. Williams. *Toxic Leadership in the US Army*, U.S. Army War College Strategy Research Project. Carlisle, PA: Strategic Studies Institute, U.S. Army War College. March 18, 2005, 1.
- 11 FM 2-0 *Intelligence*, 06 July 2018, para. 6-4.
- 12 Office of the Director of National Intelligence, *Analytic Standards*, Intelligence Community Directive 203, January 02, 2015.
- 13 Von H. Pigg, “Common Analytic Standards: Intelligence Community Directive # 203 and U.S. Marine Corps Intelligence.” *Small Wars Journal*, 2009, 2-3.
- 14 Ibid, 4-8.
- 15 ADRP 1 *The Army Profession*, 14 June 2015, 1-4. Note: The definition of military expertise is the ethical application of land power.
- 16 ATP 2-01.3 *Intelligence Preparation of the Battlefield*, 10 November 2014, 1-2—1-4.

The Ethical Considerations of Unmasking Procedures

Joshua A. Metz

This paper interrogates the ethical dimensions of the Army's current unmasking procedures in a known or suspected Chemical, Biological, Radiological, and Nuclear (CBRN) environment. In particular, this paper asks the question, "Does current procedure comport with our institutional ethical commitments and our shared identity as Trusted Army Professionals?"¹ To gauge this comportment, this paper will utilize the doctrinal ethical reasoning process and the Army's institutional articulations of its ethics and identity.

Personal Reflections on a Visceral Topic

The origins of this investigation trace to a "call for papers" for the 2019 Command and General Staff College Ethics Symposium. As the Ethicist for the United States Army Chemical Biological Radiological and Nuclear School, I conferred with Brigadier General Antonio V. Munera, Commandant of U.S. Army CBRN School and the 30th Chief of Chemical, on suitable symposium topics related to our community of practice. Brigadier General Munera stated,

Take a look at unmasking procedures; they involve an ethical decision over which intermediate leaders can have a great deal of influence. I would also be interested to see if our procedures, which I don't think have changed very much, match our commitments.²

With these marching orders in hand, my intent was to move out smartly. Instead, I was immediately surprised by the surfacing of a long-buried, yet still visceral memory.

Long before becoming a Chaplain or an Ethicist, I was an Armored Reconnaissance Specialist assigned to the 24th Infantry Division (later 3rd Infantry Division), where I had my first encounter with unmasking. During a field exercise at Fort Stewart involving copious quantities of CS gas and the full implementation of Mission Oriented Protective Posture, the Platoon Sergeant gathered several Soldiers as the all-clear sounded. He then said,

Men, we are going to begin unmasking and, as you all know, the low-man on the totem pole goes first. You [*indicating me*], grab the Private's weapon. You two [*indicating the others*], be prepared to grab him if he makes a break for it.³

In short, my first experience with unmasking involved a highly coercive procedure which touched on the worst of human inclinations. The fact that this happened in a front-line combat unit, where proximity to loaded weapons was a real concern, only served to further charge the atmosphere.

At the time, I had growing sense of moral unease, mitigated only by the somewhat uncharitable thought, "Thank God I got here a month before *him*."⁴ In retrospect, this moral unease came from the fact that we systematically eliminated every possibility our comrade-in-arms could turn on us, *so we could turn on him*. While the Army condones acts of selfless-service and even self-sacrifice, the entire affair felt more like *ritual sacrifice*, wherein the group forfeits one unwilling victim so the remainder can escape some real or imagined catastrophe. To frame this thought in military terms, while the Army might grant the Medal

of Honor to a Soldier who jumps on a grenade to save his squad, the squad who pushes their Soldier onto the grenade to save themselves would receive no such praise.⁵ In fact, this latter squad would more likely receive an extended stay in the portion of Fort Leavenworth *not* devoted to developing future leaders.

The Commandant's Intent

Personal reflections aside, Brigadier General Munera's initial guidance implies several questions: What are the current Army unmasking procedures? Have they changed? Do they match our ethical commitments and professional identity?

The answer to the question on current procedure lies within Army Techniques Publication 3-11.32, "Multi-Service Tactics, Techniques, and Procedures for Chemical, Biological, Radiological, and Nuclear Passive Defense." This regulation outlines two unmasking procedures, the first presenting a short procedure for use in conjunction with a chemical detector and the second presenting a longer procedure for use in the absence of a chemical detector.⁶ Both procedures presume uncertainty about the current CBRN environment. In the case of a functional detector, the uncertainty comes from the fact that no chemical detector detects all agents.⁷ In the case of an unserviceable or unavailable detector, the uncertainty becomes obvious. In both cases, the portion of ethical import proves identical and presents in the first step; "The senior person should select one or two individuals to start the unmasking procedures."⁸

The answer to the question on change lies within the superseded Field Manual 3-4 [*Nuclear Biological Chemical*] *Protection*, and serves to confirm Brigadier General Munera's suspicions. This regulation contains virtually the same branching process and presents leaders with the same dilemma: "The senior person should select one or two soldiers to start the unmasking procedures."⁹ Thus, Brigadier General Munera's hunch stands confirmed. Unmasking procedures remain essentially unchanged. As written, the procedures of today allow for the same, unsettling interpretation as practiced on Fort Stewart decades ago.¹⁰

The answer to the third and final question, of how unmasking procedures intersect with the Army's stated ethical commitments and professional identity, proves complex and occupies the rest of this paper. As a final note to this section, during the decades where unmasking procedures remained essentially unchanged, the Army's efforts toward articulating a professional ethic and identity took fantastic leaps forward. These leaps include: the establishment of the Center for the Army Profession and Ethic, the publishing of Army Doctrine Reference Publication 1 *The Army Profession* (ADRP 1), the publishing of the Army Ethic White Paper, and the publishing of the Character Development White Paper.¹¹ While exploring these developments in detail is beyond the scope of this paper, the fact that the Army now possesses both a profession proponenty and a fully articulated ethic makes the interrogation of static procedures all the more urgent.

Methodology

Since unmasking procedures are Army procedures, the most logical way to interrogate them for institutional comportment proves to utilize the Army's own doctrinal process for ethical reasoning. The Ethical Reasoning Model (ERM) provides this framework. Oddly, though referenced in doctrine, a complete outline of ERM proves generally elusive, with the most explicit reference occurring in the "Ethical Reasoning" section of ADRP 6-22.¹² Despite this, ERM promulgates to the force through the curriculums of the Basic Officer Leaders Course and the Captains Career Course.¹³

ERM presents a four-step process for ethical reasoning based loosely on the work of moral psychologist Dr. James Rest.¹⁵ The four steps include: *recognize ethical conflicts*, *evaluate the options*, *commit to decision*, and *take action*. These methods, taught to company-grade officers across the force, provide the ideal vehicle to interrogate unmasking procedures.

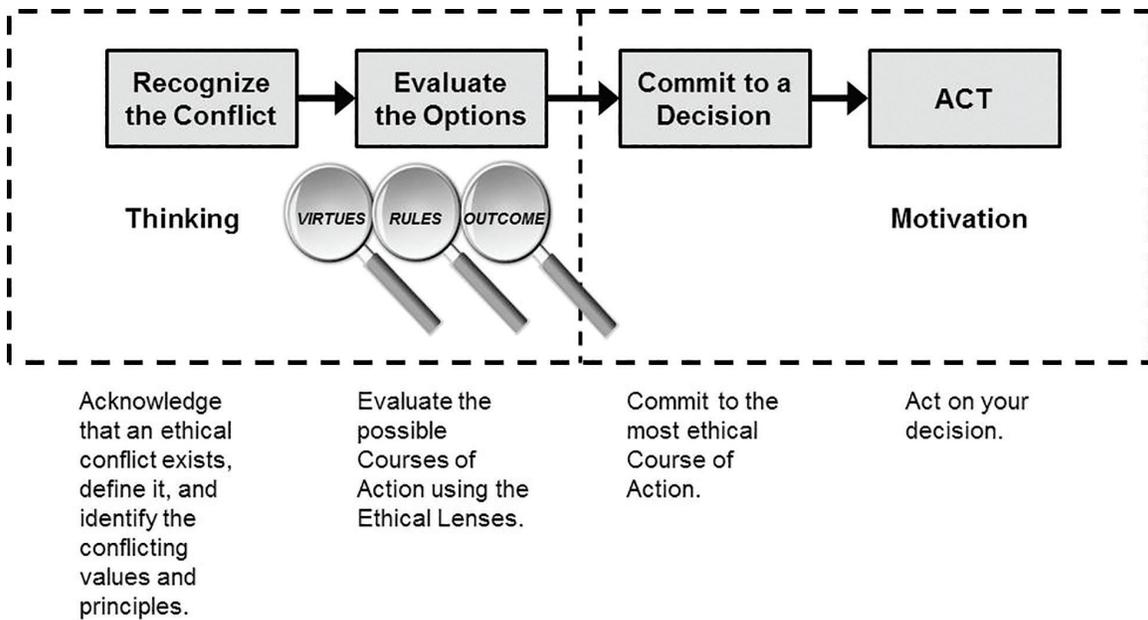


Figure 1. Ethical Reasoning Model.¹⁴

The Framework of the Army Ethic			
	Legal Foundations		Moral Foundations
Army as Profession (Laws, values, and norms for performance of collective institution)	Legal-Institutional <ul style="list-style-type: none"> • The U.S. constitution • Titles 5, 10, 32, USC • Treaties • Status-of-forces agreements • Law of war 		Moral-Institutional <ul style="list-style-type: none"> • The Declaration of Independence • Just war tradition • Trust relationships of profession
Individual as Professional (Laws, values, and norms for performance of individual professionals)	Legal-Individual <p>Oaths:</p> <ul style="list-style-type: none"> • Enlistment • Commission • Office USC – Standards of Exemplary Conduct UCMJ Rules of engagement Soldier’s Rules		Moral-Individual <p>Universal Norms:</p> <ul style="list-style-type: none"> • Basic Rights • Golden Rule <p>Values, Creeds, and Mottos:</p> <ul style="list-style-type: none"> • “Duty, Honor, Country” • NCO Creed • Army Civilian Corps Creed • Army Values • The Soldier’s Creed, Warrior Ethos
NCO	noncommissioned officer	U.S.	United States
UCMJ	Uniform Code of Military Justice	USC	United States Code
The <i>Army Ethic</i> is the evolving set of laws, values, and beliefs, embedded within the Army culture of trust that motivates and guides the conduct of Army professionals bound together in common moral purpose.			

Figure 2. The Legal and Moral Framework of the Army Ethic.¹⁶

Recognize Ethical Conflicts

Recognize ethical conflicts provides the crucial first step. This is not, perhaps, as simple as it first appears. To adequately begin this effort requires a brief discussion of institutional standards and what constitutes a true ethical dilemma.

Any meaningful discussion of what constitutes right or wrong action needs begin with a discussion of standards. While private citizens may entertain any number of influences in this regard, the Army rather practically defines its commitments and trains its moral compass firmly upon them. ADRP 1 states, “We live by and uphold the Army Ethic, embracing our shared identity as trusted Army professionals.”¹⁷ This leads naturally to the next question, “What is The Army Ethic?” In short, “The Army Ethic is the evolving set of laws, values, and beliefs, embedded within the Army culture of trust that motivates and guides the conduct of Army professionals bound together in common moral purpose.”¹⁸ (See Figure 2.) The Army Ethic, then, is short-hand for the institution’s collective moral and legal commitments, providing the standard to which its members must account. Since the standard itself presents complexity, ERM provides a practical way to navigate its rigors when faced with an ethical dilemma.

Here a discussion of what constitutes a true ethical dilemma requires some attention. In its section on “Ethical Reasoning,” Army Doctrine Reference Publication 6-22 *Army Leadership* (ADRP 6-22) states, “Ethical choices may be between right and wrong, shades of gray, or two rights.”¹⁹ Ethics, as a discipline, generally recognizes only the latter cases as true ethical dilemmas. As U.S. Army Command and General Staff College luminary Dr. Jack Kem states,

An ethical dilemma, by its very nature, places the moral decision maker in a situation with competing virtues or values; in a true ethical dilemma, two or more of the possible solutions have merit and ethical support. If an actor is placed in a situation where there is only one ethical answer, it isn’t a dilemma—it’s a case of having the moral courage to do what is obvious.²⁰

This insight greatly clarifies the instances where ERM proves useful or even necessary. ERM is not required for “tests of character”—situations where the ethical solution is obvious and only requires the moral temerity to execute. ERM proves ideal, however, for addressing true ethical dilemmas—that is, situations where ethical commitments come into tension.

The first step of ERM, *recognize ethical conflicts*, contains three sub-steps. These steps include: acknowledge that an ethical conflict exists, define it, and identify the value or moral principles in conflict.²¹

Individual	Community
Values: <i>Personal Courage</i> <i>Duty</i>	Values: <i>Respect</i> <i>Selfless Service</i> ²⁶
Principles: Officer Guide: <i>tradition of care for Soldiers</i> Non-Commissioned Officer Creed: <i>welfare of my Soldiers</i> <i>I will always place [my Soldiers] needs above my own</i>	Principles: Officer Guide: <i>traditions of mission accomplishment</i> ²⁷ Non-Commissioned Officer Creed: <i>accomplishment of the mission</i> ²⁸ <i>I will fulfill my responsibilities</i>

Figure 3. Areas of Tension.

Army unmasking procedures present no easy resolution, failing to meet the simplistic criterion of a “test of character,” and so present a true ethical dilemma. These procedures charge the senior leader on the ground to choose “one or two individuals” to begin unmasking, potentially exposing them to any number of agents capable of inflicting horrific suffering, death, or both. Moreover, this threat is no longer hypothetical, with the United Nations (UN) finding “clear and convincing” evidence of their present use in the Syrian Civil War where U.S. forces and their allies are engaged.²²

With the ethical dilemma recognized, the next sub-step entails defining the conflict. Here again, the work of Dr. Jack Kem proves useful as he identifies four common “‘right versus right’ dilemmas that can be used to define the problem – truth versus loyalty, individual versus community, short term versus long term, and justice versus mercy.”²³ While this list does not purport to be exhaustive, Army unmasking procedures perfectly fit the mold of an “individual versus community” dilemma. In other words, the good of the few (the one or two individuals selected by their senior) is necessarily pitted against the good of the whole (the unit entire).

Having recognized the character of the dilemma, the final sub-step entails identifying the conflicting values and principles. This process is more art than science, but serves to further hone and clarify the dilemma. Here again, the sourcing documents of The Army Ethic provide an excellent place to begin. (See Figure 2.) The Non-Commissioned Officer Creed provides a ready example of moral aspirations brought into conflict by the “individual versus community dilemma.” In this case, the conflict exists in a single line of the Creed, “My two basic responsibilities will always be uppermost in my mind – accomplishment of my mission and the welfare of my Soldiers.”²⁴ In the case of unmasking, a Non-Commissioned Officer cannot accomplish the mission without intentionally jeopardizing the welfare of at least one Soldier.²⁵ While certainly not exhausting the possibilities offered by the moral sources comprising the Army Ethic, the following chart documents several distinct areas of tension.

Evaluate the Options

The second step of ERM is *evaluate the options* and entails “developing courses of action (COAs) by looking at the situation from various ethical theories or lenses and then evaluating which options are ethically sound.”²⁹ To complete this step requires a working knowledge of these “ethical lenses” and a method for comparing COAs.

The “ethical lenses” are three distinct approaches for ethical evaluation corresponding to three broad traditions in the discipline of ethics: virtue ethics, principle ethics (rule ethics), and consequence ethics (utilitarianism/outcome ethics). Dr. Jack Kem christens this trio of traditions the “ethical triangle,” a scheme which the Army University lesson plan simplifies to: virtues, rules, and outcomes.³⁰ Probably the most succinct explanation of the “ethical triangle” is found in ADRP 6-22.

Leaders use multiple perspectives to think about ethical concerns, applying the following perspectives to determine the most ethical choice. One perspective comes from the view that desirable virtues such as courage, justice, and benevolence define ethical outcomes. A second perspective comes from the set of agreed-upon values or rules, such as the Army Values or Constitutional rights. A third perspective bases the consequences of the decision on whatever produces the greatest good for the greatest number as most favorable.

Armed with this understanding, the tasks remain both to develop possible COAs and a method for comparing them. When developing possible COAs, it proves useful to consider the Army’s time honored guidance that, “all COAs must be feasible, acceptable, suitable, distinguishable, and complete.”³¹ Similarly, the Army’s informal but ingrained process of using matrices to compare COAs serves the ongoing effort well enough.

When considering the options for unmasking, leaders might be tempted grasp for technical solutions or the “unthought-of alternative ‘third choices’ (such as ‘win-win’ possibilities or no decision at all).”³² Doctrinally, one should generally consider unmasking a step beyond technical solutions, since detection options are typically exhausted by the time “human trials” begin.³³ Moreover, most “win-win” and “no decision” scenarios involve simply remaining in full Mission Oriented Protective Posture, which proves infeasible due to degradation both in unit capability and in the Mission Oriented Protective Posture equipment’s own protective efficacy.³⁴ Thus, if a unit is doctrinally considering unmasking, the situation necessarily demands a human decision and human risk.

With this in mind, viable unmasking COAs generally fall into one of two categories: direction or voluntarism. The category of direction obviously covers all COAs wherein the leader directs a follower to unmask, which is the most obvious interpretation of Army Techniques Publication 3-11.32 *Multi-Service Tactics, Techniques, and Procedures for Chemical, Biological, Radiological, and Nuclear Passive Defense* (ATP 3-11.32). The category of voluntarism is less obvious, but certainly possible, and involves the leader selecting from volunteers or, more radically, practicing self-selection.

While direction sounds simple, many nuances present themselves. A leader could create distinction in this category by considering any number of criteria, to include: rank,³⁵ function,³⁶ duplication,³⁷ competence,³⁸ Family situation,³⁹ health,⁴⁰ etc. Despite their variance, these distinctions run up against the problem of distinguishability, for, despite their nuance, most are an appeal to utility on some level.⁴¹

Voluntarism as a category produces two distinct COAs: general voluntarism and self-selection. While this may seem to be pushing the bounds of the regulation, ATP 3-11.32 says nothing about “how” the leader makes their selection. Therefore, either selecting from solicited volunteers or volunteering oneself (self-selection) prove viable, if not immediately apparent, COAs. While self-selection might seem to be the more radical choice, a discussion with the Deputy Commandant of U.S. Army CBRN School, Mr. Scott Kimmel, revealed that some leaders have already availed themselves of this option.⁴² Mr. Kimmel, himself a former Chemical Officer, stated with all his characteristic candor, “Chaplain, I always took my mask off first. Isn’t that what a leader is supposed to do?”⁴³

With three distinct COAs present, the task remains to compare them against the screening criteria on a matrix. Here again, ERM requires COA evaluation against the three “ethical lenses” of virtue, rules, and outcomes. Since neither ADRP 6-22 nor the published curriculums give any precedence to a particular ethical lens, the ERM matrix will not weight any one screening criterion above another. Each COA will be scored, however, according to its level of comportment in a given lens, from high (3) to low (1).⁴⁴ This matrix will then score each COA on the following scale: light gray (7-9), medium gray (4-6), dark gray (1-3). (See Figure 4.)

Here again, the judgments used represent more art than science. While other scenarios might merit a more detailed examination in each category, for the sake of brevity, this matrix will consider each COA against the seminal articulation of each lens. Dr. Jack Kem identifies these seminal articulations as the golden rule for virtue ethics,⁴⁵ the categorical imperative for rule ethics,⁴⁶ and John Stuart Mills’ formulation of the greater good for outcome ethics.⁴⁷

When evaluating the COAs against the lens of virtue, there are clear winners and losers. COA 1: Direction receives the lowest rating, because a good person would not generally send others to their death from a position of safety, even for an ostensibly good cause. COA 2: Voluntarism receives a median rating, because a good person might solicit volunteers to face danger for a good cause, yet such a course would ultimately fall short of the highest aspirations of virtue. Finally, COA 3: Self-Selection receives the highest rating, because sacrifice on behalf of others is the penultimate expression of virtue.⁴⁸

COA:	Ethic:	Virtue (Golden Rule)	Rules (Universality)	Outcomes (Greatest Good)	Score:
1) Direction		1	1	3	5
2) Voluntarism		2	3	1	6
3) Self-Selection		3	3	3	9

Figure 4. COA Through Three “Ethical Lenses.”

Evaluating the three COAs against the lens of rules produces a more skewed list of winners and losers. COA 1 again receives the lowest rating, because one dare not universalize the glaring inequalities inherent in coercive unmasking. COAs 2 and 3 both receive the highest marks because one could ethically universalize both the principle of soliciting volunteers and the principle of personal voluntarism in the face death and danger. Arguably, these latter COAs reflect the approach the United States has taken in instituting an all-volunteer military over the draft system.

Evaluating the three COAs against the lens of outcomes produces perhaps the most surprising results yet. Here COA 2: Voluntarism receives the lowest marks, because of the chaos and uncertainty it injects into the procedure.⁴⁹ In contrast, COAs 1 and 3 receive the highest marks when one consider outcome because, in each COA, the leader quickly and decisively identifies the individual(s) to begin unmasking.

Commit to a Decision

The third step in ERM is *commit to a decision* and merely entails settling on the most ethical course of action. Here ADRP 1 gives useful guidance.

We contribute honorable service as we accomplish our mission, perform our duty, and live our lives in a manner worthy of our professional status. Doing so requires that we make right decisions and take right action. This requires an understanding of what is right. A right decision and action is ethical, effective, and efficient.⁵⁰

This speaks to one of the prime purposes of this work, to gauge the comportment of an Army procedure with the Army’s articulated ethical commitments and professional identity. ADRP 1, then, indicates a kind of screening criteria for decisions and actions, namely that these must always prove ethical, effective and efficient.

Using the rationale discussed in this work, the decision matrix reveals COA 3: Self-Selection as the stand-out ethical option. In addition, when considering the outcomes, the matrix also suggested COA 3 as an efficient option. The lingering question, then, concerns COA 3’s efficacy. Here one might object that, if the leader goes first and there is an agent present, this COA could hand the enemy a command and control victory they could only wish for in their wildest dreams. Several considerations mitigate this concern. First, unmasking procedures begin only when either detectors show no presence of agents or there is a reasonable certainty agents have dispersed. Second, a well-trained unit vigorously implementing the principles of mission command would not be dependent upon a single leader. Third, the leadership effect created by a leader who routinely “shares in team hardships and dangers” greatly outweighs the associated risk, and this effect would persist for a time even if that leader were lost.⁵¹

Take Action

The fourth and final step in ERM is *take action* and the only required achievement in this section is to act on the decision. Earlier the distinction was made between a “test of character” and a true ethical dilemma. Ironically, by this stage of the model, the complexities of a true ethical dilemma have resolved into a much simpler “test of character.” Now the ethical solution is obvious and only requires the moral temerity to execute. In the situation of unmasking after a CBRN event, the nerve required of the moral agent is not hypothetical, yet the leadership opportunity proves inestimable.⁵²

Conclusions

This paper asked the question, “Does current procedure comport with our institutional ethical commitments and our shared identity as Trusted Army Professionals?” After noting that unmasking procedures remained static while the Army Profession and Ethic evolved considerably, this work made use of the Army’s Ethical Reasoning Model to interrogate said procedures. This process yielded three distinct unmasking courses of action, to include: direction, volunteerism, and self-selection. Utilizing the “ethical lenses” as screening criteria, the most ethical, effective and efficient course of action proved self-selection. In short, when the Deputy Commandant of U.S. Army CBRN School, Mr. Kimmel asked, “Chaplain, I always took my mask off first. Isn’t that what a leader is supposed to do?” The answer appears to be, “YES!”

End Notes

1 *Army Doctrine Reference Publication (ADRP) 1: The Army Profession*, (Washington, D.C.: Headquarters, Department of the Army, 2015), 2-14.

² Interview with Brigadier General Antonio V. Munera, December 14, 2018.

3 CS gas (2-chlorobenzalmalononitrile, C₁₀H₅CIN₂).

4 Note: i.e. the unfortunate Private selected for unmasking.

5 Note: c.f. “The Story of SPC Ross A. McGinnis,” Medal of Honor Profiles, U.S. Army, accessed March 20, 2019, <https://www.army.mil/medalofhonor/mcginnis/profile>.

6 *Army Techniques Publication (ATP) 3-11.32: Multi-Service Tactics, Techniques, and Procedures for Chemical, Biological, Radiological, and Nuclear Passive Defense*, (Washington, D.C.: Headquarters, Department of the Army, 2018), Appendix D.

7 *Ibid.*, D-4.

8 *Ibid.*, Appendix D.

9 *Field Manual (FM) 3-4: NBC Protection*, (Washington, D.C.: Headquarters, Department of the Army, 1992), Unmasking Procedure With/Without an M-256 Series Chemical Detector Kit. *Soldiers* not capitalized due to direct quotation.

10 Note: As a darkly humorous aside, the Soldier’s Manual of Common Tasks concurrently advised skill level 1 Soldiers to, “See your supervisor for unmasking procedures.” See your supervisor, indeed!

Soldier Training Publication (STP) 21-1: Soldier’s Manual of Common Tasks Skill Level 1, (Washington, D.C.: Headquarters, Department of the Army, 2003), Task 031-503-1013: Decontaminate Yourself and Individual Equipment Using Chemical Decontaminating Kits.

11 “History of CAPE,” The Center for the Army Profession and Ethic, accessed March 20, 2019, <https://cape.army.mil/history.php>.

12 *ADRP 6-22: Army Leadership*, (Washington, D.C.: Headquarters, Department of the Army, 2012), 3-37 – 3-41. This section references specific steps in ERM without outlining it directly (e.g. using the three “ethical lenses”).

13 Note: e.g. *FY19 Army Profession (AP) Lesson 140*, Army University, accessed March 20, 2019, https://partis.leavenworth.army.mil/salt/cc/ac_res/FY19%20Resident%20Common%20Core%20Curriculum/Forms/AllItems.aspx.

14 *Ibid.*

15 *Ibid.*

16 *ADRP 1*, Table 2-1.

17 *Ibid.*, 2-14.

18 *Ibid.*, 1-12.

19 *ADRP 6-22*, 3-38.

20 Dr. Jack Kem, “The Use of the Ethical Triangle in Military Ethical Decision Making,” *Public Administration and Management*, 11, no. 1 (2006): 26.

21 *FY19 Army Profession (AP) Lesson 140*, Army University.

22 “The Final Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic,” A/68/663–S/2013/735, United Nations, accessed March 20, 2019, <https://undocs.org/A/68/663>.

23 Kem, 26.

24 *ADRP I*, B-4.

25 Note: The fact that the Army requires leaders to put troops in harm’s way and routinely make risk decisions does not alleviate this tension. Similarly, while leaders may routinely select Soldiers for high risk endeavors (e.g. room clearance, walking point, etc.), unmasking stands apart in that leaders cannot mitigate the risk through training or equipping.

26 Note: Army leaders often instinctively react negatively to any proposed conflict amongst Army Values. Yet, in this scenario, compelling another to face death (personal courage) patently comes into tension with respect (treat others as they should be treated).

27 Keith Bonn, *The Army Officer’s Guide: 49th Edition*, (Mechanicsburg, PA: Stackpole Books, 2002), 77-79.

28 *ADRP I*, B-4.

29 *FY19 Army Profession (AP) Lesson 140*, Army University.

30 Kem, 35.

31 “MDMP,” Army Logistician, Army Logistics University, accessed 20 Mar, 2019, https://alu.army.mil/alog/issues/julaug08/mdmp_at_sddc.html.

32 Kem, 27.

33 Note: The most common thoughts here are to use some additional equipment or an animal substitute (e.g. the proverbial ‘canary in a coal mine’), yet these options all serve the same essential function: yet another detector.

34 Note: “Kicking the can down the road” does not work since someone, sometime will eventually have to take their mask off. This is the point the unit is at if they initiate unmasking procedures. Admittedly, someone, somewhere might also suggest that, in a wonderful show of solidarity, the unit might “take their masks off together.” This COA proves more “lose-lose” than “win-win” and so fails to meet the criterion of “acceptable.”

35 Note: The exact criterion used by the author’s Platoon Sergeant.

36 Interview with CH (MAJ) Dave Ward, March 12, 2019. Note: CH (MAJ) Ward divulged serving with a company commander who permanently designated the chaplain for unmasking duties, deeming his noncombatant status as equating to a lack of mission-essential function.

37 Note: While similar to “function”, rather than searching for the least mission-essential skillset, “duplication” as a criterion would imply choosing personnel based on skill redundancy.

38 Note: Choosing to risk the incompetent or the derelict is another pragmatic possibility, popularized in any number of films from *The Dirty Dozen* to *Suicide Squad*.

39 Note: While this may not seem obvious at first, one has only to consider the “sole survivor” policy to find

an example where the Department of Defense (DoD) makes provision to shield a member from danger due to Family status. C.f. “DoD Instruction 1315.15 Separation Policies for Survivorship,” DoD Instructions, Department of Defense, accessed March 20, 2019. <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/131515p.pdf>

40 Note: While certainly against any number of policies, knowing a Soldier has a serious or terminal diagnosis could easily tempt a leader to use this information in a risk decision.

41 Note: Here utility-consequence-outcome all refer to the same ethical school, which prizes producing the greatest good for the greatest number. Unmasking, by its very nature, is already weighted toward this perspective.

42 Interview with Mr. Scott Kimmel, January 25, 2019

43 Ibid.

44 Note: The scoring scheme is admittedly arbitrary and the three-tiered system here simply recalls the Army’s traditional evaluations of green-amber-red.

45 Kem, 34. Note: “Do to others what you would have them do to you.”

46 Kem, 29. Note: “Act as if the maxim of your action was to become a universal law of nature.” (While the first two seem similar in their focus on mutuality, their driving principles are quite different.)

47 Kem, 32. Note: “Do what produces the greatest good for the greatest number.”

48 Note: Admittedly, this formulation depends on the authority of the author of the Golden Rule. This penultimate expression of virtue is generally familiar to the military audience and is found in John 15:13, “Greater love has no one than this, that he lay down his life for his friends.” *The Holy Bible*, (New International Version, 1984).

49 Note: While voluntarism *might* produce a good outcome, it is equally probable may not. Uncertainty is introduced when one considers the question, “What if no one volunteers?” Chaos is introduced by the very process of soliciting volunteers, which take additional time and presents no certain outcome.

50 *ADRP 1*, 4-2.

51 *ADRP 6-22*, 4-2.

52 Note: As final aside, even after a decision is reached and action taken, leaders should continue to perform assessments of the solution and adjust accordingly to new situations or challenges.

“Plans from Hell”: Ethical Implications of the Third Reich’s Vision for War in the East

Mark V. Montesclaros

In any case, Western norms did not apply on the Eastern Front; the norm there was lawlessness.

—Frank Ellis, *Barbarossa 1941: Reframing Hitler’s Invasion of Stalin’s Soviet Empire*

*For Hitler, “conventional strategy” was inseparably intertwined with racial ideology.
Strategy for Hitler was the grand strategy of race struggle.*

—Adam Tooze, *The Wages of Destruction: The Making and Breaking of the Nazi Economy*

Let there never come a time when we must cast about and ask how it ever came to this.

—Thomas Childers, *The Third Reich: A History of Nazi Germany*

Purpose and Scope

This paper supports the 2019 Fort Leavenworth Ethics Symposium by examining the ethical implications of prosecuting large-scale combat operations in an historical context. By definition, these operations will almost certainly affect civilians and non-combatants in a complex and ambiguous environment, potentially resulting in not only casualties but also internally displaced persons, refugees or a combination of phenomena. At worst, combat operations, if conducted by nations that have little regard for international norms, can include heinous disregard for human populations, resulting in mass atrocities or even genocide. Such was the case with the subject of this paper—the Third Reich—in its prosecution of the Eastern Front during the Second World War. This paper broadly addresses two themes proposed by the Ethics Symposium announcement and call for papers—the ethical considerations with regard to territory and ownership in large-scale conflict, and when did things start to go wrong ethically in an historic case of genocide—in this case the Nazi extermination of European Jewry.

To focus on these themes this paper addresses multiple issues associated with the Third Reich’s planning and prosecution of its operations on the Eastern Front, specifically in conjunction with Operation Barbarossa—the Wehrmacht’s (German armed forces) invasion of Russia and its aftermath. One of this paper’s central arguments is that one cannot understand the nature of Germany’s “war of annihilation” against Russia simply by examining the war plan directives for Barbarossa; one has to look at its intellectual underpinnings as well as the ethical implications of associated “plans from Hell” (my words)—including *Generalplan Ost* (General Plan East) and the so-called “Hunger Plan.” Interestingly, these were the products not of military planners per se, but of civilian intellectuals associated with the ministries of the notorious Reich bureaucracies. While U.S. Army Command and General Staff College students have been exposed to Operation Barbarossa as part of the history curriculum (H111—“Blitzkrieg, 1939-41”), the lesson focused on conventional military operations, without substantive reference to the issues discussed

in this paper. To understand how the Eastern Front devolved into a war of annihilation between two archenemies requires an understanding of the intellectual context, along with its ethical implications, behind the military planning. This supports the first general theme of the Ethics Symposium concerning the ethics of territory and ownership associated with large-scale combat operations. In the case of Nazi Germany, historian Adam Tooze characterizes the war on the Eastern Front in this way: “The German invasion of the Soviet Union is far better understood as the last great land-grab in the long and bloody history of European colonialism.”¹ Unfortunately, this land-grab had devastating ethical and moral implications, as will be seen later in this paper.

A second issue of the symposium—when did things start to go wrong ethically in historic cases of genocide—is a sub-theme of this paper as well. Indeed, in the case of Germany’s Third Reich some might argue that “things went wrong” immediately upon Adolf Hitler’s assumption of the Chancellorship of Germany on January 30, 1933. While one could argue that date or just about any thereafter in which Hitler took a substantive step towards achieving his “Thousand Year Reich” and its genocidal elimination of the Jews, the question more often is couched in terms of the initiation of “Final Solution” and by extension, the Holocaust—when was the order (if any) given and by whom? Can the Holocaust decision be pinned down to a single date, or was it based on a series of implementing incidents without a central, overarching decision? While these questions have puzzled historians for decades, there can be no doubt that the Nazi genocide of European Jews certainly accelerated during the period of time examined in this paper—from the summer of 1941 to the winter of 1942—and played a defining role in the war of annihilation on the Eastern Front. This paper argues that the “Final Solution” is intrinsically linked to Nazi plans for the war with Russia, even if it did not assume a primary role at the onset.

Aside from these two central themes—the ethical implications of German planning for Operation Barbarossa and the campaign’s relationship to the Holocaust—this paper touches on a number of other important topics. These include the nature of decision-making within the Nazi hierarchy and Hitler’s personal leadership style; the worldviews of key Reich leaders and how they influenced subsequent planning; the relationship between planning and the progress of war on the Eastern Front; and the role of the German Army and the post-war myth of the “blameless Wehrmacht.” While this agenda may seem overly ambitious for a relatively short paper, its intent is to introduce students to a broad range of themes that may spark interest for future inquiry. The paper also reflects some of the recent research on these topics by a number of scholars based on new evidence and interpretations, which will no doubt continue as new generations of scholars, as well as the general public, continue to examine this crucial period in modern European history.

Vision Statements—The Basis for Reich Planning

A review of Hitler’s top-secret Directive No. 21, Operation Barbarossa, dated December 18, 1940,² reveals something of the time, space and purpose of what was to be the opening round in a war of annihilation, the largest in military history, between two archenemies. According to Hitler and his top military advisors in the Wehrmacht High Command, as well as in the Army (Heeres), the war was meant to “crush Soviet Russia in a rapid campaign.”³ Its space was immense, ranging from the Baltic to the Black Sea, or from the Volga River to Archangel. In terms of time, Reich military planners saw the war with Russia lasting no more than just a few months. Hitler’s directive was largely conventional in its approach, however, belying little of the brutal, horrific, and no-holds barred approach characterizing the nature of the war to come, as described by noted historian Timothy Snyder:

The engagement of the Wehrmacht (and its allies) with the Red Army killed more than ten million soldiers, not to speak of the comparable number of civilians who died in flight, under bombs, or of hunger and disease as a result of the war on the eastern front. During this eastern

war, the Germans also deliberately murdered some ten million people, including more than five million Jews and more than three million prisoners of war.⁴

So how did the war devolve into the maelstrom above? The directive for Operation Barbarossa solely provided guidance for the three primary branches of service in the Wehrmacht—with the Army as the main effort and the Luftwaffe (German Air Force) and Kriegsmarine (Navy) in supporting roles. There is no mention, even in abstract terms, of the elimination of civilians, prisoners of war, or Eastern European Jewry. The Eastern Front, then, was one of the most brutal, unethical and immoral prosecutions of combat operations in modern history, yet this is not revealed in the conventional war plans for Operation Barbarossa. How do we reconcile this difference?

The basic answer is that it is impossible to understand the brutality of Germany's prosecution of the war on the Eastern Front by examining conventional military plans only. It must be seen contextually as a result of the intermingling of multiple plans across different elements of the Reich bureaucracy, some much more sinister in their ethical implications than the military ones.

Before an examination of these non-military plans, it is first necessary to examine their intellectual and ideological underpinnings, and for that one must look first at the role of Adolf Hitler, the *sine qua non* of the Third Reich and its war of annihilation against Russia. As supreme leader of Germany and head of the National Socialist German Workers Party, Hitler was remarkably consistent in maintaining his worldview; indeed, its major tenets have been thoroughly documented by his biographers and countless historians over the years. Hitler himself laid down his manifesto in two volumes of *Mein Kampf* ("My Struggle"), which provided the philosophical basis for many of his actions once in power. Written both during and after a prison term Hitler served following a failed coup attempt, *Mein Kampf*, published in 1925-1926, was replete with his notions of what was wrong with the world and recommendations for how to fix it.

Hitler's worldview contained a number of seminal concepts, many of which provide the context for understanding the nature of war on the Eastern Front, and by extension the German plans preceding it. Certainly one of those views was acquiring new territory for the German state. *Lebensraum*, or living space, was not an idea originated by Hitler, but an existing theory that fit his developing worldview. Thomas Weber, author of the 2017 biography *Becoming Hitler*, notes the following:

...he [Hitler] was attracted by *Lebensraum* because it gave a name to something he had been thinking about as he was attempting to find a new answer to Germany's security dilemma: namely, that states had to have sufficient territory to be able to feed their population, to prevent emigration, and to be sufficiently strong vis-à-vis other states.⁵

Hitler, well before he assumed the chancellorship in 1933, thus determined that Germany's future lie in the East and that she "would have to acquire, colonize, and subjugate new territory there so as to become the hegemon of the Eurasian landmass and thus be safe for all time."⁶ There are multiple references in *Mein Kampf* to this theme of *Lebensraum* and the colonial-style subjugation of the East. An example is the following: "If we speak of soil in Europe today, we can primarily have in mind only *Russia* and her vassal border states."⁷ Conquering Russia was therefore an integral concept within Hitler's vision to secure Germany's future on a hostile European continent.

Other prominent features of Hitler's worldview influencing plans and policies for the East were also a product of his radicalization period in 1919 and were evident from his speeches as the face of the Nazi party in the 1920s, as well from *Mein Kampf*. These included his belief in the supremacy of the Aryan race and the sanctity of the German *volk* (people); the inferiority of non-Aryan races—and particularly the Jews, whom he believed formed a world-wide conspiracy; and the threat posed by the combination of Jews and the Bolshevik party, which Hitler often conflated as the menace of "Judeo-Bolshevism." While historians have

noted that Hitler could emphasize and de-emphasize elements of his worldview as the situation dictated—indicating a degree of pragmatism on his part—there is no doubt that his core beliefs remained present throughout his rise to prominence and until his death in 1945. British historian Sir Ian Kershaw notes, for example that from his radicalization in 1919 to his final testimony, Hitler’s desire to remove the Jews from Europe is a prominent and consistent theme.⁸

While Hitler’s views can be seen today as ethically bankrupt and morally repugnant, he regularly justified his worldview in biblical tones, as in this passage from *Mein Kampf*: “Hence today I believe that I am acting in accordance with the will of the Almighty Creator: *by defending myself against the Jew, I am fighting for the work of the Lord.*”⁹ In the context of the chaos and turmoil characterizing interwar Germany, Adolf Hitler believed it was the highest calling (his) to guarantee Germany’s survival in a Hobbesian world—nasty and brutish—and that he was backed by divine authority. For Hitler, the ends justified the means. This would come to fruition on the Eastern Front, where the implementation of his worldview would take on epic proportions. Thomas Weber observes:

Hitler’s two central policy goals, in the form in which he had defined them in 1919, would dominate his thinking and policies for the next twenty-five years. And they explain his willingness to start another world war and embarking on genocide. They were: the total removal of any Jewish influence from Germany, and the creation of a state that had insufficient territory, people, and resources to be geopolitically on equal footing with the most powerful states in the world.¹⁰

These elements of Hitler’s worldview would be clearly represented in his plans for the conquest of the eastern territories.

Aside from Adolf Hitler, it is instructive to examine briefly the worldview and vision of Heinrich Himmler, the Nazi leader most closely associated with the “Final Solution” and what later became known as the Holocaust. While technically not Hitler’s deputy, Himmler was head of the Third Reich’s security and intelligence apparatus, known by the umbrella term SS—“*Schutzstaffel*”—“protection squadrons.” As Reichsführer SS, Heinrich Himmler zealously implemented Hitler’s policies to establish a new racial order, and was therefore responsible for some of the most heinous war crimes in human history, including the establishment of concentration camps and Jewish ghettos, mass murder of Jews and others by shooting and gassing, crimes against women and children, deliberate starvation of whole populations, and ethnic cleansing. Prior to Operation Barbarossa in June 1941, Himmler was busy establishing the Nazi police state and consolidating power within its institutions that would later help to implement his own vision for Germany, which of course supported those of Adolf Hitler.

A prominent example and one particularly relevant for this paper is Himmler’s vision of a “greater Germanic empire.”¹¹ Detailed in Peter Longerich’s magisterial biography, Himmler saw the end state of Germany as a “...ring of settlements surrounding Germany composed of 80-100 million ‘Germanic peasants.’”¹² While that number was achievable only in the long term, the resettlement of ethnic Germans into lands conquered by the Nazis was already beginning to take shape in Poland after the start of that campaign in September 1939.

Based on successful power politics within the Third Reich bureaucracy, Himmler secured greater responsibility for the SS in race and resettlement policy matters, giving it a much more militarized feel—and more specifically an SS one—as opposed to that of competing civilian ministries. In fact, Himmler insisted that the model German colonist be an SS “military peasant,” guaranteeing his organization primacy on this key issue for Hitler.¹³ Always interested in minute details, Himmler even prescribed the nature of future Germanic peasant villages, even down to SS-designed blueprints.

Of course, the establishment of the “greater Germanic empire” required a worldview that, like Hitler’s, placed the Aryan race above all others. The Reichsführer SS shared Hitler’s racial and ideological worldview, and had the power within the Nazi bureaucracy to pursue it. Himmler zealously attacked all enemies of the Reich, especially those considered “undesirable” or inferior to the Aryan ideal. As such, his part of the government would play a key role in the war with Russia to come, whose nature is described by Himmler biographer Peter Longerich:

What was new about this war, however, was that from the start it was conceived as an ideological and racist war of annihilation. The Soviet Union was not simply to be defeated; the intention was to eliminate its ruling class, decimate the nations living on its territory by the violent destruction of millions of people, and to exploit the survivors as slave labour for the construction of the new German “living space” (*Lebensraum*).¹⁴

Thus, understanding the visions of Adolf Hitler and his security chief Heinrich Himmler is essential to grasp their impact on the development of subsequent plans for the Eastern Front. Their ideology of the survival of the Reich at all costs, territorial expansion, the inherent superiority of the Aryan race, and a deep-seated hatred for Judeo-Bolshevism all play a role in the creation of a “Germanic empire.” The Eastern Front thus provided the greatest opportunity for the Reich leadership to fulfill its vision. All of its goals coalesced there.

“Plans from Hell”

Hitler’s personal leadership style influenced the nature of planning within the Third Reich, as it did on most aspects of the Nazi bureaucracy. In a variation of *auftragstaktik*, or in current Army doctrinal terms “mission command,” the Führer gave broad and sometimes conflicting guidance to his subordinate leaders, inviting open competition and “undisciplined initiative” in order to fulfill Hitler’s vision. Noted Hitler biographer Sir Ian Kershaw coined the phrase “working towards the Führer,” explaining it in this way:

Hitler’s personalized form of rule invited radical initiatives from below and offered such initiatives backing, so long as they were in line with his broadly defined goals. This promoted ferocious competition at all levels of the regime, among competing agencies, and among individuals within those agencies.¹⁵

As noted earlier, Reichsführer SS Heinrich Himmler was particularly adept at this type of bureaucratic in-fighting, carving out a significant swath of responsibilities in the security and racial policy realm, always at the expense of someone else’s portfolio. Kershaw further describes the environment as a “Darwinist jungle” where “the way to power and advancement was through anticipating the ‘Führer will’ and, without waiting for directives, taking initiative to promote what were presumed to be Hitler’s aim and wishes.”¹⁶ Many historians have accepted Kershaw’s analysis, noting that Hitler’s personal leadership style rewarded initiative and opportunism, but could also invite confusion and dysfunction.

Given this milieu we now return to this paper’s main emphasis—Reich planning for Operation Barbarossa and the Eastern Front. As noted early, Hitler’s War Plan Directive does not tell the whole story. Noted German historian Rolf-Dieter Müller, for example, states: “For Hitler, ‘conventional strategy’ was inseparably intertwined with racial ideology. Strategy for Hitler was the grand strategy of race struggle.”¹⁷ As a conventional war plan, the directive gave no indication of the war of annihilation that ensued, nor the shockingly unethical behavior or sheer brutality that accompanied it.

Planning for the Eastern campaign thus took a holistic approach within the Third Reich leadership, with multiple entities “working towards the Führer.” The high commands of the Wehrmacht and the Army did the brunt of the military planning, supported by the Luftwaffe and Kriegsmarine. Other elements of the Third Reich also took part, most notably the SS and other government ministries.

One must consider the conventional war plans in the context of other plans in order to achieve a holistic picture of the Eastern Front. The first we will consider is *Generalplan Ost* (GPO). While not generally familiar to U.S. military students, GPO provides a contextual backdrop for war in the East and was a product of the SS, not the conventional forces. Clouded in secrecy, a complete copy of GPO did not survive the war but existed in partial forms and mutations. Nonetheless, enough is known about GPO to describe its key themes and concepts.

It is important to note that GPO existed prior to the invasion of Russia by German forces in June, 1941 but was really meant to be a long-term plan implementing Hitler and Himmler's vision of a "Germanic empire." In fact, both men described the end state as a "Garden of Eden,"¹⁸ where Germany would secure the territory and resources needed to ensure its future survival. Heinrich Himmler and the SS were the force behind the plan. Ever the opportunist, Himmler saw GPO as a means to "work towards the Fuhrer" at the Army's expense, as shown below by noted German historian Rolf-Dieter Muller:

Himmler recognised the danger that the Wehrmacht would take control of resettlement, as had been the case in the eastern territories during World War I. For him, there was no doubt that the east had to belong to the SS. So he had his men urgently draw up the first sketch of a "General Plan East," which would regulate settlement in the east after the end of the war.¹⁹

Himmler, in working towards the Fuhrer, sought to secure a permanent foothold in the East for the SS, at the expense of other Reich ministries. He sought to marginalize the influence of other powerful actors with a portfolio in the East, especially Alfred Rosenberg, the Reich Minister for the Occupied Eastern Territories, whose job title indicated he should have been Hitler's lead agent for all associated issues.

The fact that Generalplan Ost fell under the purview of the SS is an ominous indicator. Specifically, the plan and its various versions resided in the Reich Commissariat for the Strengthening of the German People, within the Reich Security Main Office, Himmler's central office. Its principal architect was Professor (Dr.) Konrad Meyer, a Ph.D. who held rank in the SS as an Oberfuhrer (Senior Colonel). As an academician, Meyer served as Director of the Institute for Agrarian Affairs and Agrarian Policy at the Berlin University; for Himmler, he eventually served as chief SS planner for resettlement and development.²⁰ Even though race and resettlement issues were not solely the purview of the SS—other ministries argued for primacy in multiple Reich "turf battles"—Himmler was adamant that his organization have oversight on all such issues dealing with newly acquired eastern territories.

Dr. Meyer first worked on ideas associated with Generalplan Ost in early 1941,²¹ following Germany's successful campaign in Poland. As SS planner for the occupied territories, Meyer incorporated some of the features that would come to characterize a grander scheme for the entire East. Duly impressed with his specific plans for Poland, Heinrich Himmler later charged Meyer with expanding the scheme to encompass the entire area that the Reich hoped to gain as a consequence of Operation Barbarossa. It is important to note that while this scheme was developed after Operation Barbarossa began, much of its elements were already being enacted on a smaller scale in Poland. Thus while historian Alex Kay is correct that "the available evidence is fairly meagre"²² regarding pre-invasion resettlement planning, there is no doubt that Meyer applied some of the same principles when asked to expand his GPO concept to the whole of Russia, shortly after the start of Barbarossa.

Meyer's versions of GPO can best be described as conceptual plans to achieve Hitler's vision of a "Germanic empire," as it applied to Eastern Europe, whose access the Reich would gain following a successful conventional attack. Meyer envisioned what both Hitler and Himmler referred to as a "Garden of Eden"—a reordering of society in which Germany had ample living space, food security, and a return to its roots in the soil. German colonists buoyed by SS peasants would settle in the East, occupying huge belts of newly acquired territory in Estonia, Latvia, Lithuania, Belarus, Ukraine and western Russia. Germany's

boundary with Russia would move 1,000 km eastward.²³ The standard of living for the colonists would be high, with modern farms and equipment, interconnecting road networks and modern infrastructure. Although GPO was largely rural in nature, Meyer had in mind a mix of personnel employed in industry, crafts and services to mimic a model German city. In Adam Tooze's words, "the SS vision involved turning the clock back not to the Middle Ages, but to 1900."²⁴

GPO was epic in its scale. In the long-term, over a span of 20-30 years, it envisioned the resettlement of 10 million Germans in order to provide the Reich the living space it deemed appropriate for a country of its size and geographic proportions. These eastern colonists would include ethnic Germans resettled from lands and territories previously conquered, as well as from the Reich itself. Meyer proposed that two million of them come from overpopulated urban areas and another 220,000 families from bloated rural areas. In addition, the plan hoped to attract 220,000 young married couples from Germany proper who were willing to take on the rigors of farm life.²⁵ GPO was also hugely ambitious from a budgetary perspective, and if enacted "...would have involved a massive reallocation of German national capital towards the east."²⁶ Tooze notes that GPO's cost estimate would have been the equivalent of two-thirds of the Reich's GDP in 1941.²⁷ Thus, Hitler and Himmler's scheme for a "Garden of Eden" was not without significant monetary cost. It represented a massive investment in Germany's future.

The human cost, as seen through the ethical implications of *Generalplan Ost*, was staggering and difficult to imagine today. For the Reich intended to "Germanize" the lands conquered in the East, according to a racial hierarchy devised—once again—by the SS, as the lead agency for race and resettlement in Hitler's Germany. Indeed, Reichsführer SS Heinrich Himmler, wearing yet another hat as "Reich Commissar for the Strengthening of German Nationhood," devised a schema for Germanization that would be partially implemented in Poland and serve as a model for Russia. Put succinctly, the inhabitants of eastern lands conquered by the Germans were to be displaced; only those racially acceptable to them would be allowed to stay. The consequences of this policy are staggering indeed. GPO planners estimated the total number of displaced persons to be a whopping 31 million. Adam Tooze indicates that over the long-term that number could grow to as many as 45 million.²⁸ All were subject to the whims of the Third Reich.

Generalplan Ost thus foresaw the removal of tens of millions from the countries invaded by Operation Barbarossa forces, as well as from occupied Poland. These populations were considered "non-Germanizable"—that is, of races or ethnic groups unacceptable to the Nazis. The fate of these groups included hard labor, deportation further east, starvation and/or extermination. Meyer and the GPO planners even calculated the percentage of each population to meet such fates, as show below by Timothy Snyder in his epic history *Bloodlands: Europe Between Hitler and Stalin*:

Depending on the demographic estimates, between thirty-one and forty-five million people, most Slavs, were to disappear. In one redaction, eighty to eighty-five percent of the Poles, sixty-five percent of the west Ukrainians, seventy-five percent of the Belarusians, and fifty percent of the Czechs were to be eliminated.²⁹

GPO also included additional figures for Estonia (50%), Latvia (50%), Czechoslovakia (50%) and Lithuania (85%). Historians point out that the Reich planned to Germanize the land, not the people. Thus, the priority for colonists would be ethnic Germans, either resettled from previously conquered lands or from the Reich itself. The Nazis also considered western Europeans acceptable, including the Dutch, Flemish, Danes, Swedes and Norwegians.³⁰ The largely Slavic displaced populations were thus the "bill payer" for GPO; the Nazis disregarded any moral or ethical considerations of such civilian populations in the East. GPO, while conceptual in nature, was thus nothing less than a grand master plan through which Hitler would achieve the ultimate goal of a Germanic empire with sufficient *Lebensraum* and peopled by a racially pure Aryan stock. Horrific in nature and genocidal in approach, it was nonetheless not the only plan that would come to define the war of annihilation on the Eastern Front.

While Himmler, Meyer and the SS worked on their colonization plan for the East, another part of the Reich bureaucracy crafted a policy with similar, potentially devastating consequences for inhabitants of the eastern territories. And unlike *Generalplan Ost*, which was highly secretive and did not survive the war in a complete copy, the subject of this section of the paper—“*der Hungerplan*” (“the Hunger Plan”)—remained intact and circulated throughout the Reich bureaucracy. As such, its provisions have been scrutinized by multiple historians. One can discern much from its very title; the ethical implications of the Hunger Plan, as devastating as they were, concerned the Nazi leadership not in the least. Historian Adam Tooze summarizes the essence of the plan:

This was the Hunger Plan, as formulated by 23 May 1941: during and after the war on the USSR, the Germans intended to feed German soldiers and German (and west European) civilians by starving the Soviet citizens they would conquer, especially those in the big cities... The cities would be destroyed, the terrain would be returned to natural forest, and about thirty million people would starve to death in the winter of 1941-1942.³¹

The Hunger Plan, like *Generalplan Ost*, would set the tone for the war in the East. Taken together or separately, they envisioned a magnitude of death and destruction that far outweighed the conventional war plans.

While this paper has heretofore not mentioned the name of Hermann Goering, it is necessary to do so in conjunction with the Hunger Plan. At this point of the war, prior to the invasion of the Soviet Union in June 1941, Goering was a key player in the Nazi hierarchy, second only to Hitler in terms of power and influence. As “Plenipotentiary for the Four-Year Plan,” Goering oversaw the use of the economic element of power within the Reich, responsible for preparing the German economy, as well as the armed forces, for war within a four-year period (between 1936 and 1940). As if that weren’t enough, Goering also retained his position as head of the Luftwaffe, as well as the lofty title “Prime Minister of Prussia.”³²

One of Goering’s trusted underlings, Herbert Backe, became the architect of the Hunger Plan. Backe, a State Secretary in the Ministry of Agriculture, was a confidant of Goering who, like Konrad Meyer, simultaneously held rank in the SS. As such, he was another “Nazi intellectual” who combined professorial and technical expertise with a fanatical belief in National Socialism. Backe “worked toward the Fuhrer” by emphasizing economic factors in the Hunger Plan with which Hitler, Goering and the rest of the Reich bureaucracy could readily agree. As such, Backe readily achieved buy-in, shockingly so based on the plan’s moral and ethical implications.

In its essence, the Hunger Plan encompassed a brutal extraction of resources required to sustain the Wehrmacht and greater Germany for the long haul. In particular, the plan focused on acquiring self-sufficiency in food as well as in oil, both desperately needed by the Reich in order to sustain Operation Barbarossa as well as the home front. Conceptually, Backe’s plan was based on the assumption that the Reich and its occupied territories required 8-10 million tons of grain. These would have to come from Russia—particularly from the Ukraine—whose priority Hitler had emphasized on multiple occasions. Backe considered the Ukraine with its bountiful surpluses of wheat as a “surplus area,” while non-agricultural portions of Russia—including heavily forested regions and urban areas—were deemed “deficit areas.”³³ The Hunger Plan sought to separate and cordon off the two; that is, the Wehrmacht would seize and secure the surplus areas, while cutting off and isolating the deficit areas, particularly large cities such as Leningrad. The Wehrmacht would then lay siege to such cities and starve their inhabitants. The overall intent of Backe’s plan was to feed invading German forces totally by living off the land, send surplus grain back to Germany proper, and disregard any consequences for the conquered peoples. Timothy Snyder observes: “The Hunger Plan foresaw the restoration of a preindustrial Soviet Union, with far fewer people, little industry, and no large cities. The forward motion of the Wehrmacht would be a journey backward in time.”³⁴ Backe’s Hunger Plan, as shocking as it was, had complete buy-in from the Nazi military, as well as civilian bureaucracy.

Because it prioritized feeding and fueling the Wehrmacht, and eventually the German people, no one in the Reich bureaucracy opposed it.

While the ethical implications of the Hunger Plan are clear—starvation of its victims—the magnitude of its impact may not be. Historians agree that potential victims numbered 20-30 million, similar in order of magnitude to those of *Generalplan Ost*. Backe himself estimated the number at 30 million, and the Reich leadership bandied about this total casually to audiences without any hesitation or compunction. Historian Alex Kay notes that this number also represents the growth in Russia's urban population between 1914 and 1939, the start points for both World Wars.³⁵ Hence, the Nazis particularly targeted urban populations in the Hunger Plan, who would starve in place, while those in the surplus areas would help in the production of food for the Wehrmacht and the greater Reich, or else be shipped off to Siberia. In short, The Hunger Plan contained “some of the most explicit Nazi language about intentions to kill large numbers of people.”³⁶ Unlike much of the SS language regarding the extermination of European Jewry, it was not clouded in euphemisms such as “resettlement” or “special treatment.” Readily accepted and discussed openly with the Nazi bureaucracy, the Hunger Plan is a testament to a sheer lack of any sense of ethical or moral compunction on the part of Reich planners. According to historian Stephen Fritz, the only question asked by the authors of the Hunger Plan was, “How does this help Germany?”³⁷ The plan “provided the moral premises for the war in the East”³⁸ and as such provided, like GPO, the “ends” for the Reich's Eastern campaign.

Generalplan Ost and the Hunger Plan provided the moral and intellectual underpinnings for the Wehrmacht's conventional war plan for Operation Barbarossa—the German invasion of the Soviet Union. Both were in consonance with the Fuhrer's grand design for a “Germanic empire”—a supposed “Garden of Eden” for German colonists that implied sheer hell for the Baltic and Russian inhabitants. Both plans envisioned horrific death and destruction for millions of civilians in order to achieve Nazi ends that were along economic, racial and ideological lines. Although much of the *Generalplan Ost* planning took place after the invasion began on June 22, 1941, there is no doubt that both the GPO and the Hunger Plan had their roots prior to that date. While the GPO was much more secretive than the Hunger Plan, it is also clear that the Nazi regime—both military and civilian leaders—clearly embraced the principles of both. Thus, *Generalplan Ost* and the Hunger Plan were “plans from hell” designed to enable the Nazi “Garden of Eden.”

Finally, it is important to note that while both plans were clearly genocidal in intent, neither represented a final decision by Adolf Hitler to implement the “Final Solution”—the extermination of European Jewry. While that process is beyond the scope of this paper, suffice it to say that while both *Generalplan Ost* and the Hunger Plan foresaw the extermination of millions *assumed* to include large numbers of Jews, neither targeted them specifically. Additionally, the origins of both plans lay prior to the beginning of Operation Barbarossa in June 1941. While the majority of historians agree that the final decision for the “Final Solution” cannot be pinpointed to a single date, many concur that it resulted from a process of radicalization by those responsible for its implementation. Historian Ian Kershaw believes this occurred over a period of about one year between the summers of 1941 and 1942.³⁹ As we shall see, Operation Barbarossa occurs at the beginning of that period, marking a pronounced intent to expand the killing of Jews that first began with the Polish campaign in 1939.

Implementation in Combat

As mentioned earlier in this paper, the War Plan Directive for Operation Barbarossa belies the nature of the war of annihilation that ensued. However, one can begin to understand the Eastern campaign based on the ends of both *Generalplan Ost* and the Hunger Plan. Both were largely conceptual and required a successful campaign by the Wehrmacht to enable them. In strategic terms, then, GPO and the Hunger Plan provided the ends, while the German armed forces, including Himmler's SS units, provided the means. This paper now

turns to a discussion of two additional elements that contributed to the brutal war of attrition in the East, neither of which was conceptual. These were the role of the Einsatzgruppen and their enforcement of illegal orders issued by the German high command.

The conventional war plan directive for Barbarossa makes no mention of any of the elements of *Generalplan Ost* or the Hunger Plan, nor the role of the SS—particularly in the mobile killing units known euphemistically as the Einsatzgruppen (“task forces”). The Einsatzgruppen were notorious by reputation and were a primary feature of the Polish campaign, which of course preceded the German invasion of Russia. Basically, their job was to assist in consolidating the areas and gains achieved by the conventional forces after their blitzkrieg-style advances. Once again Heinrich Himmler, Reichsführer SS, saw the Einsatzgruppen as a means to “work towards the Führer” while helping to achieve the racial, ideological and economic goals of Germany’s empire in the East. The Einsatzgruppen were so notorious for their immoral and unethical conduct in Poland that the conventional armed forces, the Wehrmacht, were only too pleased to distance themselves from the SS in the division of tasks for Operation Barbarossa and beyond.

The Einsatzgruppen played a key role in accelerating the killing that would be associated with the Nazis’ “Final Solution,” and by extension the Holocaust. Indeed, their legacy was so abominable that the allies decided after the war to conduct a separate trial of the Einsatzgruppen as part of the International Military Tribunals at Nuremberg. The Einsatzgruppen’s mission, according to Himmler biographer Peter Longerich, lacked clarity:

Their duties were, however, only vaguely defined: where they were near the army front line they were to ‘secure’ documentation and people; in the rear area they had responsibility, amongst other things, for ‘identifying and combating activities hostile to the state and the Reich.’⁴⁰

As such, their charter was virtually limitless, allowing for increased “radicalization” at the behest of Reichsführer SS Heinrich Himmler. After conflicts in Poland, Himmler negotiated with the Wehrmacht an exclusive role for his Einsatzgruppen, allowing them to perform “special tasks”—in the euphemistic words typical of the SS. According to the agreement, these tasks were necessary “to settle the conflict between two opposite political systems.”⁴¹ Hitler thus gave Himmler and the SS a wide and independent berth in the accomplishment of their mission in Russia.

The Einsatzgruppen followed in the wake of the Wehrmacht, which conducted a massive, multi-pronged attack commencing on June 22, 1941. Three Army Groups comprising over 150 German divisions, including four panzer groups, spearheaded the attack, designed to encircle and annihilate the unprepared and surprised Soviet armies as close to the German border as possible. The three Army Groups covered an enormous front, spanning the Baltic to the Black Seas and encompassing the Baltic States as well as Belarus, the Ukraine, Crimea and western Russia. They were arrayed from north to south, with Army Group North oriented towards Leningrad, Army Group Center (the main effort) directed against Minsk, and Army Group South pointed towards Kiev.⁴² The four Einsatzgruppen, lettered from A to D, supported each of the Army Groups, as well as the separate Eleventh Army in the far south. Einsatzgruppen A-C supported Army Groups North, Center and South, respectively and were responsible for operations in the Baltics, Belarus and the Ukraine. Einsatzgruppe D in the far south would target southern Ukraine, Crimea and eventually the Caucasus.⁴³

The Einsatzgruppen were essentially fully motorized mobile killing units consisting of between 500 and 900 personnel each, encompassing a variety of units within the SS. This reflects Himmler’s successful consolidation of SS and police functions in his quest for absolute power in the Reich’s security realm. Commanded by SS officers, some of whom held doctorates, the Einsatzgruppen included a hodge-podge of units ranging from the elite Waffen-SS combat units to members of the Order Police, whom historian Christopher Browning, in his epic study of Reserve Police Battalion 101, described in this way:

They were middle-aged family men of working- and lower-middle class background from the city of Hamburg. Considered too old to be of use to the Germany army, they had been drafted instead into the Order Police. Most were raw recruits with no previous experience in German occupied territory.⁴⁴

Other units under the umbrella of the SS in the Einsatzgruppen were the infamous German State Police (Gestapo), as well as the Criminal Police (Kripo) and the Security Service (SD). All told, the Einsatzgruppen numbered about 3,000 in four roughly battalion-sized units. Mobile, lethal, and sworn to uphold the Fuhrer's desires, the Einsatzgruppen had already shown by their acts in Poland that they were willing and able to enforce the Reich's murderous ideological and racial policies in Russia during Barbarossa.

The Ostheer (German Army in the East) made short work of Soviet forces during the summer months of the war, enveloping whole armies, gobbling up huge swaths of territory, and subjecting untold millions, including Russian prisoners of war (POWs) as well as indigenous civilians, to the potential horrors envisioned by Meyer's *Generalplan Ost* and Backe's Hunger Plan. In this regard, the SS and Einsatzgruppen's over-arching commission from Himmler was to decimate 30 million⁴⁵ during the Russian campaign—the same number of victims Backe ascribed to the Hunger Plan. However, in contrast to an abstract concept, the Einsatzgruppen were a concrete means to put policy into practice. They performed “special tasks,” again using the euphemistic language of the SS, that included mass atrocities, extra-judicial killings, ethnic cleansing, deportations, starvation and other deprivations against Jews, Russian prisoners of war, and numerous other victim populations.

The Einsatzgruppen worked with murderous efficiency, employing mass shootings of victims, the majority of them Jews, at point blank range using pistols, rifles and machine guns. In one particularly notorious incident at Babi Yar, a ravine outside of the city of Kiev in the Ukraine, units under Einsatzgruppe C, commanded by Paul Blobel, executed 33,771 Jews during a two-day period in late September, 1941. Much of what we know about these death totals comes from the units themselves; the SS kept meticulous records that went directly to Reichsfuhrer Himmler. Richard Rhodes estimates that Einsatzgruppen, by their own record keeping, executed 738,827 Jewish men, women and children during the Russian campaign but that this number is most likely very low.⁴⁶ For the total period of the war, some estimates run as high as 1.3 million Jews killed in the East following Barbarossa⁴⁷ by Einsatzgruppen, as well as other SS military and police units assigned to Russia.

The Einsatzgruppen received plenty of guidance from Reichsfuhrer Himmler, who visited the front lines often in order to encourage his units to pursue his policies more vigorously. The Fuhrer himself, as quoted in “Himmler's Files from Hallein,” which documented a meeting in July 1941, said, “The fundamental problem is to slice up this tremendous cake so that we can (1) rule it, (2) administer it, and (3) exploit it.”⁴⁸ Himmler's personal philosophy for the Russian campaign, as communicated to his SS leadership, is shown below:

We must be honest, decent, loyal and comradely to the members of our own blood and to nobody else. What happens to a Russian, to a Czech does not interest me a bit... Whether or not nations live in prosperity or starve to death interests me only as much as we need them as slaves for our Kultur; otherwise it is of no interest to me...⁴⁹

Thus, while the Reich leadership spoke euphemistically about the war in Russia in public, behind closed doors there was no doubt as to their intent. In a few instances, however, they communicated it in black and white terms via illegal and unethical orders.

Two of the most notorious of these punctuating the nature of the war of annihilation in the East concerned jurisdiction in the Barbarossa areas of operation and treatment of captured Soviet political officers.

Commonly referred to as the “Barbarossa Jurisdiction Decree” and the “Commissar Order,” respectively, these represent the German high command’s direct order to the Wehrmacht as well as the SS; hence, they help to negate the so-called “myth of the clean Wehrmacht” promulgated by that institution after the war. It is important to note that the Barbarossa Jurisdiction Decree of 13 May 1941 and the Commissar Order of 6 June 1941 both preceded the start of hostilities on 22 June. The Reich fully intended to initiate a war of annihilation in the East, rather than as a response to enemy actions.

While translations from the German language vary slightly, there is no mistaking the intent of the Barbarossa Jurisdiction Decree, formally titled “Order Concerning Martial Law in the Area of Operation ‘Barbarossa’ and Special Measures for the Troops.”⁵⁰ The order recognized the expanse of Russia and “especially the peculiarity of the enemy,” demanding that “guerillas are to be eliminated ruthlessly by the troops in combat or in flight.”⁵¹ It did not define guerillas but required that any persons suspected of crimes be brought before an officer, who would decide whether or not they would be shot.⁵² Further, the order essentially absolved the German military from committing crimes against civilians stating, “There is no compulsion to prosecute actions committed by members of the armed forces... against enemy civilians, even when such acts constitute crimes or offenses under military law.”⁵³ In a fascinating excursion from these general provisions, the order also provided its own moral justification:

In judging such acts it should be kept in mind in each case that the collapse of 1918, that later times of suffering of the German people, and the fight against National Socialism, with the many National Socialists who perished, were mainly the result of bolshevist influence, and no German must forget that.⁵⁴

The jurisdiction decree thus provided *carte blanche* for German forces, Wehrmacht as well as SS, to eliminate all opposition. The Chief of Staff of Wehrmacht High Command, Generalfeldmarschall Wilhelm Keitel, promulgated the order, so there is no doubt that its knowledge was widespread within the armed forces. Later, Keitel ordered all copies of the decree destroyed, but its provisions remained in effect nonetheless.

The Commissar Order, formally “Guidelines for the Treatment of Political Commissars,”⁵⁵ mandated the harsh treatment of Soviet political officers in a manner similar to the Barbarossa Jurisdiction Decree. If German forces encountered commissars on the front line in opposition, they were to separate them from Soviet regular forces and execute them on the spot. If they were “not guilty of any hostile behavior,” German forces were to keep them unharmed and then decide their fate based on “the personal impression made [on their captor] by the commissar’s attitude and manner...”⁵⁶ Finally, those apprehended in rear areas were to be turned over to the *Einsatzgruppen* or other security police, where execution was almost certain. Like the jurisdiction order, the Commissar Order went out of its way to justify the action to the German soldier. It states, “In this struggle mercy and any consideration of international law with regard to these elements are wrong.”⁵⁷ Additionally, the order emphasizes that Soviet political officers “are the originators of barbaric, Asiatic methods of waging war” and must be handled “with all severity.”⁵⁸

Together, the *Einsatzgruppen* and the Wehrmacht conducted a war of annihilation in the East, implementing the vision of their leadership as personified by Adolf Hitler and Heinrich Himmler. Hitler and the German high command empowered their forces through unethical and illegal orders dealing with jurisdiction in the Barbarossa area of operations, as well as the treatment of Soviet political officers. Additionally, the high command gave Himmler’s SS a wide berth in the rear areas to interpret threats and deal with them accordingly. In many cases, that amounted to extrajudicial execution. Thus, given *carte blanche*, the *Einsatzgruppen* and other SS forces committed mass atrocities in Poland, the Baltic States, Belarus, Ukraine and western Russia that forever condemn them to association with the “Final Solution.” This is not to absolve the conventional forces—the Wehrmacht. Eager to disassociate themselves from SS atrocities in the Poland campaign, the Wehrmacht nonetheless committed heinous crimes during the Russian campaign.

These included laying siege to large cities and razing villages, starving their inhabitants, participating in killings alongside the SS, mistreating Russian POWs, and executing Soviet commissars. Thus, the myth of the guiltless Wehrmacht, as perpetrated by its surviving generals after the war, is largely a fiction.

Finally, the work of the Einsatzgruppen must be seen as an accelerant to Germany's "Final Solution" of the Jewish question, or *endoslung*. As such, the murderous acts of the task forces, under the tutelage of Reichsführer SS Heinrich Himmler, constituted one of the phases of what came to be known later—after the war—as the Holocaust. While Einsatzgruppen mass killings began during the Polish campaign as early as 1939, they burgeoned in the summer of 1941 based on Germany's acquisition of expansive new territories and their inhabitants, including an estimated three million Jews resident in the Baltic States and Russia. Einsatzgruppen executions in the East, mostly by shooting and later by gassing victims in mobile vans, contributed to the deaths of approximately one million Jews, or about one-sixth of the total attributed to the Holocaust. Inspired by the visions of Adolf Hitler and motivated by Reichsführer SS Heinrich Himmler, the Einsatzgruppen achieved new levels of barbarism that mark the period of the Russian campaign as one of history's darkest.

Aftermath and Commentary

The Third Reich failed to achieve its vision of a "Germanic empire" in the East, and eventually fell 888 years short of its one thousand-year goal. A resurgent Russia turned the tide at Stalingrad, inflicting a shocking and humiliating defeat on the Wehrmacht in February 1943. Based on these events, *Generalplan Ost* and the Hunger Plan were "overcome by events" and the Nazis shelved these plans for the colonial subjugation of Russia. The Einsatzgruppen, however, continued their murderous ways up until the end of the war, as the "Final Solution" became a separate and intrinsic part of Nazi policy—even as the Reich realized that the war was unwinnable.

The roles of *Generalplan Ost* and the Hunger Plan cannot be understated. While the Nazis were unable to implement them to their fullest extent, they provided the "ends" that were sufficient to guide Hitler's satraps in their relentless pursuit of his vision. While neither plan initiated genocide per se, both were clearly genocidal in nature and reflective of the Nazi mindset. And there is no doubt that their implementation by the Einsatzgruppen in Poland, Russia and other eastern states resulted in the accelerated killing of Jews, as well as others, constituting an early phase of the Holocaust. While the Einsatzgruppen death toll has been mentioned, historian Timothy Snyder—in his epic work *Bloodlands: Europe Between Hitler and Stalin*—reminds us that the Germans also deliberately starved millions during the war in the East, including three million Soviet POWs and one million inhabitants of Leningrad.⁵⁹ That is a staggering total, indeed but pales in comparison to what the Nazis had hoped to accomplish given a successful campaign in Russia. Thus, *Generalplan Ost* and the Hunger Plan provided the ideological, racial and economic pillars framing the war of annihilation Germany conducted against the Soviets.

As for the perpetrators and post-war justice, the record is at best mixed. Those most responsible for the events described in this paper—Hitler, Himmler and Goering—all committed suicide, either before or during captivity by the allies. Field Marshal Wilhelm Keitel, who promulgated many of the illegal orders on behalf of the *Wehrmacht*, was found guilty by the International Military Tribunal at Nuremberg and executed following the first and best known of the twelve "thematic" trials. During the eighth such trial—that of the Reich Security Main Office—the allies found Dr. Konrad Meyer, architect of *Generalplan Ost*, guilty of membership in the SS but not guilty of war crimes. He later served as Professor of Agriculture at the University of Hanover. Dr. Herbert Backe, author of the Hunger Plan, committed suicide in prison in 1947 following the "ministries trial"—the ninth of the International Military Tribunals at Nuremberg.

It is appropriate at this point to address the themes mentioned at the beginning of this paper—the ethical considerations around territory and ownership in large-scale conflict, and when things started to go wrong

ethically in this historic case of genocide and mass atrocities. Regarding both, we must remember that the fascist Nazi regime was among the most unethical, immoral and illiberal regimes in modern history. While Hitler and the Nazi party chose to rise through the democratic process, it was not until he assumed the Chancellorship of Germany in January 1933 that Hitler had the means to enable the vision that he had been ruminating on since 1919. Indeed, some believe that things “started to go wrong” in Germany on the 30th of January 1933. For once in power, Hitler took incremental steps, many first initiated by his underlings, in a long and indirect path leading to the genocide of European Jewry.

This paper has shown that territory and ownership was at the essence of Nazi ideology, especially in the establishment of the “Germanic empire” that Hitler and Himmler so desperately craved. For them, the future of Germany and the spirit of “*volk*” lay in the connection between the people and the soil. Because Hitler and much of the Reich bureaucracy were convinced that their people deserved more space and a better standard of living, German policy goals coalesced in the Russian campaign. There, Hitler’s twin ideological pillars of *Lebensraum* and the elimination of the scourge of “Judeo-Bolshevism” provided the ends for German policy and planning. *Generalplan Ost* and the Hunger Plan were morally and ethically bankrupt. Normal ethical considerations contained in just war theory and the law of armed conflict held no sway for the Germans. They violated *jus ad bellum* by conducting a pre-emptive war of aggression and annihilation on an opponent with whom they had signed a pact of non-aggression just two years earlier. Morally and ethically, they justified their behavior on that of their opponents, as shown in historian Thomas Childers’ recent observation:

But the real thrust of Hitler’s remarks that day dealt more directly with the underlying ideological nature of the coming battle. This campaign would be a conflict not bound by the international rules of war established in the Hague and Geneva Conventions. While Germany was a signatory to those agreements, the Soviets had allowed their commitment to lapse. Therefore the army could expect the most savage, barbaric conduct from the Russians, and the troops must be prepared to respond in kind.⁶⁰

Instead of treating POWs and civilians and their property with dignity and respect, the SS and Wehrmacht took the exact opposite approach in order to Hitler’s vision of a “Garden of Eden” that extended their eastern border to the Ural Mountains. They seized lands and resources, expropriated property and decimated populations through extermination, starvation or deportation.

Conclusion

Large-scale combat operations will no doubt continue to have large-scale ethical implications. The example of the Third Reich shows what can happen when an illiberal regime, empowered by a fanatical autocrat, controls the mean to impose a racist and genocidal vision on an adversary. The Nazis disregarded virtually all ethical considerations in their war on the East, from the tenets of just war theory to the law of armed conflict. Using a moral justification prioritizing Germany’s survival and the supremacy of the Aryan race above all else, the Third Reich embarked on an illegal war of aggression against Russia on a far greater scale than that conducted against Poland or Western Europe. This was to be a no-holds barred contest against a mortal enemy, one between diametrically opposed political systems. As such, Reich planning for Operation Barbarossa was clearly genocidal in nature, as evidenced by the subjects of this paper—*Generalplan Ost* and the Hunger Plan.

After June 22, 1941, the start of Operation Barbarossa, the Nazis demonstrated their total disregard for *jus in bello* as well. While the SS Einsatzgruppen were the most notorious offenders of human rights, the conventional forces of the Wehrmacht were complicit as well. Enabled by illegal orders and encouraged from the high command, both groups killed innocents, mistreated POWs, seized or destroyed property, and

starved countless non-combatants. Even after the war in the East was lost, the killing continued—mainly by the SS—as the “Final Solution” of the Jewish question assumed primacy amongst Reich policy options.

This paper has argued that one cannot understand the nature of war in the East simply by reviewing the conventional war plans associated with Operation Barbarossa—that it takes a comprehension of the interplay between multiple factors in addition to military ones—social, economic and ideological. The Reich incorporated many such considerations in their planning and execution of Operation Barbarossa. While their grand vision for “race and space” culminated in a “Garden of Eden” that was decidedly long-term in outlook, it required military victory as an enabler. This was the role of the Wehrmacht, as supplemented by the SS. Despite falling well short of killing 20-30 million inhabitants of the East as envisioned in both *Generalplan Ost* and the Hunger Plan, the Nazis nonetheless inflicted more harm on POWs and civilian non-combatants than the world has ever witnessed. This descent into barbarism has marked the Third Reich as one of the most fanatical, unethical and murderous regimes in history.

So what value does studying the Third Reich have for today’s military students and future planners of large-scale combat operations? After all, it represented the exact antithesis of a liberal democracy. To begin with, many observers have noted the rise of illiberalism in today’s international community, so U.S. armed forces may very well find opponents who disregard or minimize the impact of moral and ethical considerations when considering large-scale combat operations. The National Socialist example shows what can happen when one extremist ideology confronts another, different in outlook but similarly determined to win at all costs. The same thing could happen today.

More importantly, the example of the Third Reich reminds us of the importance of properly applying just war theory, with its emphasis on moral and ethical considerations. As has been shown in this paper, the Reich did everything wrong, from our ethical perspective. They waged an unjust war of annihilation in the East, murdered or starved millions of innocent civilians, mistreated POWs and shot Soviet political officers. Led by unethical fanatics such as Adolf Hitler and Heinrich Himmler, they brutally imposed their vision of a “Garden of Eden”—a Germanic empire that required a racial and economic reordering of Eastern Europe. Moreover, they put SS officers in charge of *Generalplan Ost* and the Hunger Plan, Nazi intellectuals who strove to please their bosses. The rest of the Reich bureaucracy, along with the conventional forces—the Wehrmacht—either supported these plans enthusiastically or at least did not voice any opposition to them. The result was a descent into brutality and barbarism that was the Eastern Front.

Modern military planners should learn from the mistakes of the past. Those at the strategic level should weigh in on the reasons for going to war in the first place—*jus ad bellum*. Once national authorities have decided to go to war, especially conflicts involving large-scale ground combat, planners must ensure that moral and ethical considerations are at the forefront—not an afterthought—of both conceptual design or detailed processes such as Military Decision Making Process or Joint Planning Process. Large-scale ground combat operations will clearly have multiple ethical considerations for both *jus in bello* and *jus post bellum* involving a whole host of issues that have been mentioned in this paper. While the example of the Third Reich is the antithesis of a liberal democracy, it will no doubt continue to be an object of intense scrutiny for lessons we can learn, and mistakes we must avoid.

End Notes

- 1 Adam Tooze, *The Wages of Destruction: The Making and Breaking of the Nazi Economy* (New York: Penguin Books, 2008), 462.
- 2 Fuehrer Directives and other Top-Level Directives of the German Armed Forces, 1939-1941, Washington, D.C., 1948, 127-130.
- 3 Ibid.
- 4 Timothy Snyder, *Bloodlands: Europe Between Hitler and Stalin* (New York: Basic Books, 2010), 155.
- 5 Thomas Weber, *Becoming Hitler: The Making of a Nazi* (New York Basic Books, 2017), 321.
- 6 Ibid.
- 7 Adolf Hitler, *Mein Kampf* (Boston: Houghton Mifflin Company, 1943), 654. Translated by Ralph Manheim.
- 8 Ian Kershaw. "Hitler's Role in the 'Final Solution.'" Earlier version published in Italian in *Storia della Shoah*, Volume I, edited by Marina Cattaruzza et al. (Torino: UTET, 2005), 7-8.
- 9 Hitler, 65.
- 10 Weber, 332.
- 11 Peter Longerich, *Heinrich Himmler* (Oxford: Oxford University Press, 2012), 386-387. Translated by Jeremy Noakes and Lesley Sharpe.
- 12 Ibid.
- 13 Ibid., 415.
- 14 Ibid., 515.
- 15 Ian Kershaw, *Hitler: A Biography* (New York: W.W. Norton, 2008), 321.
- 16 Ibid.
- 17 Adam Tooze, *The Wages of Destruction: The Making and Breaking of the Nazi Economy* (New York: Penguin Books, 2008), 462.
- 18 "Himmler's Files From Hallein," Office of Military Government for Germany, Office of the Director of Intelligence (8 November 1945), 2.
- 19 Rolf-Dieter Muller, *Enemy in the East: Hitler's Secret Plans to Invade the Soviet Union* (London: I.B. Tauris, 2015), 187.
- 20 Madajczyk, Czeslaw. "General Plan East: Hitler's Master Plan for Expansion." *Polish Western Affairs*, vol. III, no. 2 (1962): 3. <http://www.worldfuturefund.org/wffmaster/Reading/GPO/gpoarticle.HTM> (accessed December 21, 2018)
- 21 Ibid.
- 22 Alex J. Kay, *Exploitation, Resettlement, Mass Murder: Political and Economic Planning for German Occupation Policy in the Soviet Union, 1940-1941* (New York: Berghahn Books, 2006), 99.
- 23 Tooze, 469.

- 24 Ibid.
- 25 Ibid., 472.
- 26 Ibid., 473.
- 27 Ibid., 472.
- 28 Ibid., 467.
- 29 Snyder, 160.
- 30 Kay, 97.
- 31 Snyder, 162-163.
- 32 Tooze, 224.
- 33 Stephen Fritz, *Ostkrieg: Hitler's War of Extermination in the East* (Lexington: University Press of Kentucky, 2015), 61.
- 34 Snyder, 163.
- 35 Kay, 163.
- 36 Snyder, 163.
- 37 Fritz, 62.
- 38 Snyder, 169.
- 39 Kershaw, "Hitler's Role in the 'Final Solution,'" 25.
- 40 Peter Longerich, *Heinrich Himmler* (Oxford: Oxford University Press, 2012), 517.
- 41 "Fuehrer Directives and Other Top-Level Directives of the German Armed Forces: 1939-1941," 158.
- 42 David Glantz and Jonathan House, *When Titans Clashed: How the Red Army Stopped Hitler* (Lawrence: University Press of Kansas, 1995), 31.
- 43 Richard Rhodes, *Masters of Death: The SS-Einsatzgruppen and the Invention of the Holocaust* (New York: Vintage Books, 2003), 12.
- 44 Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Perennial, 1998), 1.
- 45 Longerich, 522.
- 46 Rhodes, 257.
- 47 Richard Rhodes attributes this estimate of 1,300,000 Jewish deaths to eminent Holocaust historian Raul Hilberg.
- 48 "Himmler's Files From Hallein," 2.
- 49 Ibid., 7.
- 50 "Fuehrer Directives and Other Top-Level Directives of the German Armed Forces: 1939-1941," 173.
- 51 Ibid., 173.

52 Ibid.

53 Ibid., 174.

54 Ibid.

55 Frank Ellis, *Barbarossa 1941: Reframing Hitler's Invasion of Stalin's Soviet Empire* (Lawrence: University Press of Kansas, 2015), 491.

56 Ibid., 492.

57 Ibid., 491.

58 Ibid.

59 Snyder, 408.

60 Thomas Childers, *The Third Reich: A History of Nazi Germany* (New York: Simon and Schuster, 2017), 472-3.

The Ethics of Acquiring Disruptive Technologies: Artificial Intelligence, Autonomous Weapon and Decisions Support Systems

C. Anthony Pfaff

Last spring, Google announced that it would not partner with the Department of Defense's "Project Maven," which sought to harness the power of artificial intelligence (AI) to improve intelligence collection and targeting. Google's corporate culture, which one employee characterized as "don't be evil," attracted a number of employees who were opposed to any arrangement where their research would be applied to military and surveillance applications. As a result, Google had to choose between keeping these talented and skilled employees and losing potentially hundreds of millions of dollars in defense contracts. Google chose the former.¹ In fact, a number of AI-related organizations and researchers have signed a "Lethal Autonomous Weapons Pledge" that expressly prohibits development of machines that can decide to take a human life.²

This kind of problem is not going to go away. Setting aside whether the kind of absolute pacifism exhibited by Google employees is morally preferable to its alternatives, it is worth taking these concerns seriously. Persons who enjoy the security a state provides are well within their rights to make personal commitments to avoiding violence of any kind. As Stanley Hauerwas puts it, only a complete commitment to non-violence, even if not entirely philosophically consistent, is often the only way to convince a society not just to consider, but privilege, non-violent approaches to conflict resolution over violent ones.³

Another way, however, of understanding the Google employees' objection is not that all military research is evil, but that development and use of AI weapon systems are *mala en se*, which means their use, in any context, constitutes a moral wrong. If true, then such weapons would fall into the same category as chemical and biological weapons, whose use is banned by international law. If these weapons do fit into that category then the U.S. government's only morally appropriate response would be to work to establish an international ban rather than develop them.

The difficulty here is that no one really knows if these weapons are inherently evil. Objections to their use tend to cluster around the themes that such weapons dehumanize warfare and introduce a "responsibility gap" that could undermine International Humanitarian Law. Moreover, even if one resolved these concerns, the application of such systems risks moral hazards associated with lowering the threshold to war, desensitizing soldiers to violence, and incentivizing a misguided trust in the machine that abdicates human responsibility. At the same time, however, proponents of such systems correctly point out that they are not only typically more precise than their human counterparts, they do not suffer from emotions such as anger, revenge, frustration, and others that give rise to war crimes.

Meanwhile, as the debate rages, adversaries of the United States who do not have these ethical concerns continue with their development. China, for example, has vowed to be the leader in AI by 2030.⁴ No one should have any illusions that they will use this dominance for military as well as civilian purposes. So to maintain parity, if not advantage, the Department of Defense (DoD) has little choice but to proceed with development and employment of artificially intelligent systems. As it does so, ethical concerns will continue to arise, potentially excluding important expertise for their development. To include this expertise, the DoD needs to confront these ethical concerns upfront.

Part of the problem in addressing these concerns is that the technologies in question are “disruptive” in ways that more conventional technologies are not. The term “disruptive technology” typically applies to technologies that not only replace older ones but in doing so change how actors in any particular environment compete.⁵ In this sense, these technologies change the “rules” that guide competitive behavior. For example, the development of the internet changed how people obtained news and information, forcing the closure of more traditional media, which struggled to find ways to generate revenue under these new conditions.

Changing the rules guiding competition, however, does not mean it is immediately obvious what the new rules are. This point holds true for both the practical norms that determine success as well as the ethical ones that ensure the legitimacy of that success. While practical norms will emerge through the application of these systems, the ethical norms need to be established beforehand to ensure the application a new technology conforms to one’s prior moral commitments. It is this requirement that distinguishes acquiring technologies that rely on artificial intelligence from more conventional weapons. Next generation tanks, artillery, and aircraft, for example, not only have a technological and industrial base sufficient to keep up, if not surpass, adversaries, the rules associated with their use are, for the most part, well-understood. For example, norms prohibiting harms to noncombatants drive efforts to make these weapons more precise. That is not the case with the technologies under consideration here.

It is, of course, impossible to fully address the concerns of a committed pacifist when developing lethal systems. However, one can take on the question regarding whether military AI-systems are *mala en se* as well as determine measures for the moral hazards this new technology may present.

For the purposes of this discussion, the term AI-systems will refer to military AI-systems that may be involved in “life-and-death” decisions. These systems include both lethal autonomous weapons systems (LAWS) that can select and engage targets without human intervention and decision support systems (DSS) that facilitate complex decision-making processes, such as operational and logistics planning. After a brief discussion of military applications of AI, I will take on the question whether these systems are *mala en se* and argue that the objections described above are insufficient to establish that they are inherently evil. Still, this is new and disruptive technology that gives rise to moral hazards that are unique to its employment. I will take up that concern and discuss measures DoD can take to mitigate these hazards so that the employment of these systems conforms to our moral commitments.

Military Applications of Artificial Intelligence

Military applications of artificial intelligence pose ethical challenges because, whatever the activity these systems partake in, the nature of warfare entails they will almost certainly play some role in making decisions that will affect the lives and well-being of humans.⁶ Examples include the Phalanx ship-board air defense system, which performs functions associated with searching, detecting, evaluating, tracking, engaging, and destroying targets⁷ or the Course of Action Display and Evaluation Tool, which produces detailed, actionable battle plans significantly faster than humans.⁸

While these are both simple examples of autonomous systems, the technology will continue to develop in both complexity and capability. As it does so, humans will likely become more dependent on these machines for making such life-and-death decisions. When they do so, humans will start to cede responsibility for those decisions in a way that can make accountability for failure impossible. Life-and-death decisions, precisely because they affect the well-being of other persons, are moral decisions. Thus, to maintain moral accountability, they should be made by moral agents capable of assuming responsibility for any failures. Otherwise, one risks setting conditions for war crimes or other moral failures for which no one is at fault.

Of course, different systems pose different concerns. The Phalanx system is more automated than autonomous and typically functions in environments where the likelihood of collateral harm is low. Armed Unmanned Aerial Vehicles such as the MQ-1 Predator or the more advanced MQ-9 Reaper are probably the best known examples of LAWs; however, these systems are not autonomous in the relevant sense. While they can stay aloft far beyond the scope of human endurance, the cognitive load on the humans who operate it from the ground is not much different than if they were on board. Humans still pilot the aircraft and operate the on-board sensors.⁹

Systems that raise even greater concerns would be the so far fictitious drone swarms portrayed in the anti-autonomous weapons video, *Slaughterbots*, where miniature drones are able to discriminate among human targets based on age, sex, fitness, uniform, and ethnicity. As a result, they are capable of hyper-precision, which arguably is a moral good: the ability to perfectly discriminate between legitimate and illegitimate targets is a moral as much as it is a practical pursuit and *should be* part of any weapon acquisition program. Many innocent lives would have been saved, for example, if the U.S. military could have deployed a swarm of drones into Mosul that would only attack persons who fit the profile of a Daesh member. In the film clip, however, the weapons fall into the wrong hands and are used by terrorists to assassinate individuals ranging from specific members of the U.S. congress to ideologically opposed political activists.¹⁰ While the scenario is fictitious, swarm and sensor technology is not.¹¹

While the threat in the video is certainly overstated,¹² it does portray the central moral concern driving opposition to the employment of autonomous weapons. Setting aside the possibility that terrorists will acquire such systems, which is a concern for any technology, the idea that we can deploy machines that can, on their own, discriminate between intended and unintended targets without further input from a human, is, or at least should be, concerning.

Mala En Se: Autonomous Systems and the Morality of War

It may not seem obvious at first why ceding some autonomy regarding life-and-death decisions should raise concerns. AI technology not only has the potential to decrease risk to combatants, but non-combatants as well. The result could be a less lethal form of warfare that allows for better conformity to the law of war and less killing overall. If that is the case, what does it matter if violations that do occur go unpunished? This point is, in fact, a main objection of proponents of AI-systems. If the employment of such systems entails more good than harm, it makes sense to put up with the harm. The difficulty with that response is that it reduces moral judgment to utilitarian concerns where the ends justify the means. Since the ends do not, in fact, always justify the means, this objection is insufficient to resolve the moral concerns associated with the employment of AI-systems.¹³

The War Convention

To answer that question and determine if such systems are *mala en se*, one must first account for the evil such systems will commit. Most discussions of ethics in war begin with Just War Theory as well the legal norms of International Humanitarian Law to which it gave rise. However, as Michael Walzer observes, the law does not exhaust the convention. Rather, he argues that the practice of war is accompanied by moral argument regarding specific acts of war and over time has resulted in a complex set of “norms, customs, professional codes, religious and philosophical principles, and reciprocal arrangements that shape our judgments of military conduct.” He refers to that complex set as “the war convention.”¹⁴

However, the War Convention, as Walzer conceives it, primarily governs relationships between enemies. In this context, norms associated with necessity, discrimination, proportionality, and avoidance of unnecessary suffering govern the use of force and any system the military employs should conform to them.¹⁵ For example, any weapon that causes suffering or harm that is unnecessary to defeating the enemy, such as

bullets poisoned to create infections that linger after the wounded soldier has been taken off the battlefield, would be impermissible.¹⁶ Similarly, weapons that are insufficiently discriminate or proportionate, such as biological weapons, are also banned.

Walzer's conception of the war convention says very little regarding obligations civilian leaders and military commanders have to their own troops. That is not to say those norms do not exist. Professional codes, as well as the leadership curriculum in every level of military education, specify the duties leaders have to those they lead. Space does not exist to fully articulate what those obligations are; however, Walzer recognizes that military commanders are expected to do what is necessary to achieve legitimate military objectives with the least cost in friendly lives and resources, while upholding International Humanitarian Law.¹⁷ To the extent deployment of AI systems impact commanders' ability to fulfill those obligations, then those obligations should count as norms of warfighting as well and assimilated into the war convention. This broader notion of the war convention, which includes obligations to friends and enemies, will apply to rest of this discussion. What I will discuss next is what happens when autonomous systems share some of the responsibility of warfighting.

Responsibility Gap

Advocates of AI-systems often make the point that these system's capabilities enable better ethical behavior than human beings, especially in combat. Ronald G. Arkin, in his book *Governing Lethal Behavior in Autonomous Robots*, argues that not only do such systems often have greater situational awareness, they are also not motivated by self-preservation, fear, anger, revenge, or misplaced loyalty suggesting that they will be less likely to violate the war convention than their human counterparts.¹⁸ Improving ethical outcomes, however, is only part of the problem. While machines may perform ethically better—in certain conditions at least—than humans, they still make mistakes. Separately, depending on the complexity of the system, it may not always be possible to tell why it behaved the way it did.

For example, in June 2007, the first three “Talon” Special Weapons Observation Reconnaissance Detection Systems, which are remotely controlled robots that can aim at targets automatically, were deployed to Iraq but reportedly never used because their guns moved when they should not have.¹⁹ In October 2007, a semi-autonomous robotic cannon employed by the South African military killed nine soldiers and wounded 14 others, though no one is certain whether it was a hardware or software malfunction.²⁰ As Paul Scharre and Michael Horowitz observe, at least some of the information AI systems use to determine their responses is often encoded in the strength of connections of their neural networks and not as code that human operators can analyze. As a result, machine thinking can be something of a “black box.”²¹

So, even if one is able to design machines that *can* function ethically in battle, they can still make mistakes. Moreover, those mistakes may occur even when the machine is operating properly. Whom, then, should be held responsible for such mistakes? The soldier who operated the machine, the manufacturer who designed the machine, or the acquisition officer who set the system requirements?

Wendell Wallach and Colin Allen in their book, *Moral Machines, Teaching Robots Right from Wrong*, echo this concern. As they point out, “As either the environment becomes more complex or the internal processing of the computational system requires the management of a wide array of variables, the designers and engineers who built the system may no longer be able to predict the many circumstances the system will encounter or the manner in which it will process new information.”²² If it is not possible to fully account for machine behavior in terms of decisions by human beings, then it is possible to have an ethical violation for which no one is responsible. Thus the inability to fully account for machine behavior introduces a “responsibility gap,” which threatens to undermine the application of the war convention and dehumanize warfighting.²³

This concern applies to DSS as much as it does LAWS. The more commanders rely on and come to trust the output of DSS, the more difficult it can be to question that output. Eventually, DSS's could come to exert more control over the decision-making process and thus increase the responsibility gap beyond what is morally acceptable.²⁴

In Iraq, for example, some units employed a DSS to select the safest route for convoys to travel. It made this recommendation based on attack and other incident data it received. In one instance, the machine recommended a route in which a convoy suffered an attack where U.S. soldiers' lives were lost. As it turned out, the recommended route had previously been categorized as one of the most dangerous routes in the area of operations. Because it was one of the more dangerous routes, convoys quit travelling on it so over time it appeared from the perspective of the DSS as one of the safer routes since there had not been any recorded attacks.²⁵ The question then is, who or what is responsible for choosing the riskier route: the machine or the human who approved the route based on the machine's input? This is, of course, a simple example from a very rudimentary DSS. **The point here is as machines get more complex, determining how to trust the information they provide will be increasingly problematic.**

To the extent AI-systems cannot be morally responsible for the harms they cause, Hin-Yan Liu views the application of these systems as the moral equivalent of employing child soldiers who are also not morally responsible for the harms they commit. In this case, Liu is specifically addressing LAWS though the same concerns could apply to DSS. Rather, he argues, since international law criminalizes the introduction of children on the battlefield, regardless of how they behave, the crime for those who employ them is not simply that they are victimizing children, but that they are also introducing "irresponsible entities" on the battlefield. Since AI-systems are also "irresponsible" in the relevant sense, they too should be banned and those who do introduce them subject to criminal penalty.²⁶

Since AI-systems cannot be coerced this objection does not seem to apply to them. That point shifts the focus of concern onto AI-system behavior. In this context, it is worth asking, if children did not enjoy this special status, would their behavior then matter? The answer is arguably yes. Moreover, if children turned out to be more humane than adults, would that be a reason to employ them in place of adults? Assuming children have no special rights, again, the answer is arguably yes. The point here, obviously, is not that children should be recruited as soldiers. Forcing children to fight is exploitive. However, the fact that AI-systems are not coerced and often more humane than human counterparts suggest the analogy to child soldiers is inadequate to justify a ban on AI-systems. If the use of AI-systems diminishes the overall horrors of war, it makes sense to tolerate the reduced number of violations they commit.

This last point, however, ignores how norms function in governing human behavior. Norms, whatever form they come in, moral, legal, or practical, are the means by which we communicate to others what we hold them, and ourselves, accountable. However, when norms are not upheld, they die.²⁷ Consider a work-place environment where there is a norm, for example, to show up on time. If workers instead habitually show up late and are not held accountable, then they will likely continue to do so and others are likely to follow. Eventually, the norm to show up on time will cease to be a norm.

The employment of AI-systems risks the same fate to International Humanitarian Law. The fact that LAWS and DSS can absolve humans of accountability for at least some violations will establish an incentive to employ the machines more often and find ways to blame them when something goes wrong, even *when* a human is actually responsible. It is not hard to imagine that over time there would be sufficient unaccountable violations that the rules themselves are rarely applied, even to humans. This point suggests that it will be insufficient to defend the use of AI-systems simply because they can be necessary, proportionate, discriminate, and avoid unnecessary suffering if their use threatens to undermine the rules themselves.²⁸

Banning AI systems for this reason, however, raises its own concerns. As Geoffrey S. Corn argues, while humanitarian constraints on the conduct of war are a “noble goal,” they do not exhaust the war convention, which permits states to defend themselves and others from aggression. As he states, “when these constraints are perceived as prohibiting operationally or tactically logical methods or means of warfare, it creates risk that the profession of arms—the very constituents who must embrace the law—will see it as a fiction at best or, at worst, that will feign commitment to the law while pursuing *sub rosa* agendas to sidestep obligations.”²⁹

Of course, the concern here is not simply that soldiers will sidestep legal or moral obligations because upholding them represents excessive risk. The fact that humans are motivated by self-preservation to do so only underscores the positive ethical role AI-systems can play. There are, however, deeper obligations at play here. States not only have an obligation to defend their citizens, they have an obligation to ensure that those citizens who come to that defense have every advantage to do so successfully at the least risk possible.³⁰ Thus any ban on LAWS or DSS, to the extent it limits chances for success or puts soldiers at greater risk, represents its own kind of moral failure.

This point, however, is insufficient to fully establish the permissibility of AI-systems. It is not enough to point out that AI-systems can lead to better ethical outcomes without fully accounting for the unethical ones. It may be permissible to accept some ethical “risk” regarding human incentives as these can be compensated for by additional rules and oversight. When those are inadequate, as I will discuss later, there are still other ways to address the responsibility gap given any particular human-machine relationship. This point suggests that where humans can establish sufficient control over these systems to be responsible for their behavior, their use would be permissible. The difficulty with this approach, however, is that such control usually comes at the expense of using this technology to its full capability. I will take up closing this “capability gap” later. The point here is that the responsibility gap—while real—is insufficient to establish AI-systems as *mala en se*.

Dehumanizing War and Respect for Persons

Another major critique of AI-systems is that they will dehumanize warfighting. On the surface this seems like an odd case to make. War may be a human activity, but rarely does it feel to those involved as a particularly humane activity, often bringing out the worst in humans more often than it brings out the best. If LAWS and DSS can shed some of the cruelty and pain war inevitably brings then it is reasonable to question whether dehumanizing war is really a bad thing. As Scharre notes, the complaint that respecting human dignity requires that only humans make decisions about killing “is an unusual, almost bizarre critique of autonomous weapons” and adds, “[t]here is no legal, ethical, or historical tradition of combatants affording their enemies the right to die a dignified death in war.”³¹

Scharre is correct that AI-systems do not represent a fundamentally different way for enemy soldiers and civilians to die than those human soldiers are permitted to employ. The concern here, however, is not that death or bad planning by robot represents a more horrible outcome than when a human pulls the trigger or publishes an operations order. Rather it has to do with the nature of morality itself and the central role respect, where respect is understood in the Kantian sense as something moral agents owe each other, plays in forming our moral judgments.

Drawing on Kant, Robert Sparrow argues that respect for persons entails that even in war, one must acknowledge the personhood of those one interacts with, including the enemy. Acknowledging that personhood requires that whatever one does to another, it is done intentionally with the knowledge that whatever the act is, it is affecting another person.³² Actors must see affected persons as subjects of that action and affected persons must see themselves as the object of that act is to be subject to moral judgment. The point here is that moral acts arise in the interaction of moral agents and that interaction requires an

interpersonal relationship.³³ That relationship does not require communication or even the awareness by one actor that he or she may be acted upon by another. It just requires that the reasons actors give for any act that affects another human being take into account the respect owed that particular human being. To make life-and-death decisions absent that relationship subjects human beings to an impersonal and pre-determined process and subjecting human beings to such a process is *disrespectful* of their status as human beings.

Thus a concern arises when *non-moral* agents impose moral consequences on *moral* agents. Consider, for example, an artificially intelligent legal process that imposes penalties on human violators. It is certainly conceivable that engineers could design a machine that could take into account a large quantity and variety of data and analyze it relative to a certain law or other legal standard. The difficulty with the judgment it renders, however, is its impersonal, pre-determined nature.³⁴ Absent an interpersonal relationship between judge and defendant, defendants have little ability to appeal to judges who may be able to get beyond the letter of the law and decide in their favor. In fact, the European Union has enshrined the right of persons not to be subject to decisions based solely on automated data processing. In the United States, a number of states limit the applicability to computer-generated decisions and typically ensure an appeals process where a human makes any final decisions.³⁵

This ability to interact with other moral agents is thus central to treating others morally. Being in an interpersonal relationship allows all sides to give and take reasons regarding how they are to be treated by the other and to take up relevant factors that they may not have considered before-hand.³⁶ In fact, what might distinguish machine judgments from human ones is the human ability to establish what is relevant as part of the judicial process rather than before-hand. That ability is, in fact, what creates space for sentiments such as mercy and compassion to arise. This point is why only persons—so far at least—can show respect for other persons.

So if it seems wrong to subject persons to legal penalties based on machine judgment, it seems even more wrong to subject them to life-and-death decisions based on machine judgment. A machine might be able to enforce the law, but it is less clear if it can provide justice. Sparrow further observes that what distinguishes murder from justified killing cannot be expressed by a “set of rules that distinguish murder from other forms of killing, but only by its place within a wider network of moral and emotional responses.”³⁷ Rather, combatants must “acknowledge the morally relevant features” that render another person a legitimate target for killing. In doing so, they must also grant the possibility that the other person may have the right not to be attacked by virtue of their noncombatant status or other morally relevant feature.³⁸

The concern here is not whether using robots obscures moral responsibility; rather the concern here is that the employment of AI-systems obscures the good humans *can* do, even in war. Because humans can experience mercy and compassion they can choose not to kill, even when, all things being equal, it may be permissible. To illustrate this important point, at the end of *Slaughterbots*, some unknown actor releases a swarm of slaughterbots into a crowded classroom. As one of the bots moves towards a young student, whom the viewer knows engaged in a minor act of protest earlier, he begs for his life. The bot, of course, kills him. A human, who can take more into account than the limited targeting criteria of the bot may have been moved by his youth and pleas and chosen not to kill him.

The fact that AI-driven systems cannot have the kind interpersonal relationships necessary for moral behavior accounts, in part, for much of the opposition to their use.³⁹ If it is wrong to treat persons as mere means, then it seems wrong to have a “mere means” be in a position to decide how to treat persons. One problem with this line of argument, which Sparrow recognizes, is that not all employment of autonomous systems breaks the relevant interpersonal relationship. To the extent humans still make the decision to kill or act on the output of a DSS, they maintain respect for the persons affected by those decisions.

However, even with semi-autonomous weapons, some decision-making is taken on by the machine, mediating, if not breaking, the interpersonal relationship. Here Scharre's point is somewhat relevant. Morality may demand an interpersonal relationship between killer and killed but as a matter of practice, few persons in those roles directly encounter the other. An ISIS fighter would have no idea whether the bomb that struck him was the result of a human or machine process; therefore, it does not seem to matter much which one it was. A problem remains, however, regarding harms to noncombatants. While, as a practical matter, they have no more experience of an interpersonal relationship than a combatant in most cases, it still seems wrong to subject decisions about *their* lives and deaths to a lethal AI-system just as it would seem wrong to subject decisions about one's liberty to a legal AI-system. Moreover, as the legal analogy suggests, it seems wrong even if the machine judgment were the correct one.

This legal analogy, of course, has its limits. States do not have the same obligations to enemy civilians that they do towards their own. States may be obligated to ensure justice for their citizens and not be so obligated to citizens of other states. There is a difference, however, between promoting justice and avoiding injustice. States may not be obligated to ensure the justice of another state; however, they must still avoid acting unjustly toward that other state's citizens. In the context of warfighting, it is a generally held principle that one should not put enemy noncombatant civilians at any greater risk than one would one's own. So if states would not employ autonomous weapons on their own territory, then they should not employ them in enemy territory.⁴⁰

What matters here, however, is context. States may choose not to apply LAWS in their own territory in conditions of peace; however, the technology could get to the point where they would employ such systems under conditions of war precisely because they are less lethal. If that were to be the case, then the concern regarding the inherent injustice of AI-driven systems could be resolved. So, this concern, while important, is not sufficient to justify a ban on autonomous weapons, as many writers suggest.⁴¹

Of course, the fact that such systems can be used in ways that satisfy the responsibility and respect requirements, does not entail that they will be. Thus there is much more to say about the conditions such systems may be employed as well as how to ensure human sentiments such as compassion and mercy are fully accounted for on the battlefield. To address these concerns, I will next discuss the kinds of moral hazards to which these systems give rise.

Moral Hazard and AI-Systems

While the use of AI-systems may not be inherently evil, the dual concerns of responsibility and dehumanization suggest their use will give rise to a number of moral hazards that need to be addressed if states are to ethically use these systems to their full capability. Moral hazards arise when one person assumes greater risk because they know some other person will bear the burden of that risk.⁴² Given the reduction in risk—both for political leaders who decide to use force as well as the combatants who employ it—the employment of AI-systems will establish an incentive structure to ignore the moral risks described above. AI-systems may not be *mala en se*; however, that point does not entail they cannot or will not be used in an evil manner. To address this concern, we need to have a better account of how moral autonomy relates to machine autonomy and how humans, who have moral autonomy, can relate to machines.

Autonomy and Moral Agency

To mitigate the hazards of unaccountable moral failure and dehumanizing war, which are essentially two sides to the same coin, one either has to ensure a human makes life-and-death decisions or that machines develop the capability to act as an “autonomous moral agents.” Both give rise to moral concerns unique to AI-systems. Keeping a human in the loop often means that one cannot take full advantage of the capabilities of LAWS and DSS systems. When that decision is to fire at a rapidly approaching missile, any delay

can make the difference between life and death. Additionally, employing such systems risk desensitizing soldiers, lowering the threshold for violence, and a bias favoring machine judgments over human ones.

To understand the difficulty in resolving these concerns it will help to understand what it would take to make an AI-system what Wendell Wallach and Colin Allen call “autonomous moral agents.” They argue in their book, *Moral Machines: Teaching Robots Right from Wrong*, that moral agents require the ability to “monitor and regulate their behavior in light of the harms their actions may cause or the duties they may neglect.”⁴³ Moreover, they further require the ability to “detect the possibility of harm or neglect of duty” as well as take steps to minimize or avoid any undesirable outcomes.⁴⁴ There are two routes to achieving this level of agency. First, is for designers and programmers to anticipate all possible courses of action and determine rules that result in desired outcomes in the situations the autonomous system will be employed. Second, is to build “learning” systems that can gather information, attempt to predict consequences of its actions based on that information, and determine an appropriate response.⁴⁵

The former requires either a great deal of knowledge on the part of the programmer or a very limited application for the machine. It would be, of course, daunting—though not conceptually impossible, for a programmer to describe and then encode the different situations one may find in combat. However, what makes this approach especially difficult are the related problems of *ascription* and *isotropy*.

Ascription refers to the difficulties associated with inferring other persons’ intent from their actions and isotropy refers to determining what elements of the environment or background knowledge are relevant to that ascription. Consider, for example, a group of soldiers who burst into a room looking for an insurgent and see a couple of young children wearing a knives and running in their direction. On what basis do they consider the children a threat? If the operation were conducted in a Sikh village, these soldiers might know that Sikhs often wear a traditional dagger, which is a religious symbol and never used as a weapon. Moreover, they might be able to discern from the way the children were running and other relevant environmental cues that children were, in fact, at play, and not to be taken as a threat.⁴⁶

To program that capability in a robot would be a daunting, perhaps impossible, challenge. Ascribing mental states to others requires humans to see in others the beliefs, desires, hopes, fears, intentions, and so on, that they see in themselves. As Marcello Guarini and Paul Bello observe, the relevant information associated with such ascriptions is extensive and include such diverse things as “[f]acial expressions, gaze orientation, body language, attire, information about the agents movement through an environment, information about the agent’s sensory apparatus, information about the agents background beliefs, desires, hopes, fears, and other mental states.”⁴⁷

This difficulty is frequently referred to as the *frame* problem. Human knowledge about the world is holistic where changes in one bit of knowledge can affect others. For example, learning that one is out of milk may require one to schedule a grocery shopping trip, which in turn might cause one to reschedule a meeting as well as determine to buy more milk than one had previously. While humans do this easily, computational AI-systems must go through all of its stored information to test how running out of milk affects it.⁴⁸

Even when an AI-system can reasonably handle sorting through alternatives, their output—whether it is behavior or a course of action—lacks intention, an important component to moral analysis. In his famous “Chinese Room” thought experiment, philosopher John Searle described a man who sits in a room. His job is to take input, in the form of Chinese characters, and then consult a rule book that tells him what the output should be. He then takes the appropriate characters and provides them to whomever is outside the room. He does not understand the meaning of the characters, only how they relate to the rules. Thus, given a sufficiently complex rule book, he conceptually can mimic a fluent Chinese speaker without understanding anything being said.⁴⁹ Moreover, while he may be causally responsible for the output, since he does not

understand it, he cannot be said to intend its content. If he does not intend the content of the response, it can further be concluded that he is indifferent to it.

The point here is that one thing at least that differentiates humans from machines is that humans, in the words of AI theorist John Haugeland, “give a damn.” He argues that understanding language depends not only on caring about one’s self, but also the world in which one lives.⁵⁰ The human in the Chinese room may care (or at least can care) that he gets the rules right, but the machine itself does not have the capacity to care what the output actually means. There is a difference between something being manipulated according to a set of rules and someone acting, on one’s volition, according to rules.⁵¹ The output of the Chinese Room is clearly an example of the former.

At this point it is worth considering what structurally differentiates machines from humans. As Philosopher Harry Frankfurt puts it, what separates humans—or at least human agency—from that of animals is the ability to form effective second-order desires regarding first-order desires.⁵² For example, as a matter of their physiology, both humans and animals will experience a desire for food. Only humans, however, can form a second-order desire regarding whether they *want* to desire food. Persons who are on a diet because they care about their weight, for instance, may not be able to choose whether they desire food, but they can choose whether they want to desire food. Moreover, they can choose which desire to act on, the first-order desire for food or the second-order desire not to eat.

To the extent the second-order desire is effective, they can be said to exercise their will in a way that is uniquely human. As Frankfurt says it, “a person that [sic] enjoys freedom of the will means ... that he is free to want what he wants to want.” Put another way, it means persons are free to have the will they want and are not bound by particular instincts or programming in how they respond to situations in which they find themselves.⁵³ It is this structure of the will that allows persons to set their own goals and direct their actions towards those goals in ways which they can be held morally responsible. This is what it means to be an autonomous agent in a way in which one can be held morally responsible for one’s actions.

This concept of autonomy is, of course, different than that associated with autonomous systems. What makes an AI-system autonomous is that it is “self-directed towards a goal” and able to make decisions about how to achieve that goal without external interference.⁵⁴ As DoD Directive 3000.09 (Autonomy in Weapon Systems) defines it, a LAW is “a weapon system that, once activated, can select and engage targets without further intervention by a human operator.”⁵⁵ What it cannot do—yet at least—is make decisions about the desirability of that goal. If it cannot do that, then, as described above, it cannot be considered morally autonomous in the human sense. It could be said that we will know when we have achieved true robot autonomy not when it perfectly and ethically employs lethal force; rather, we will know it when it refuses to use that force because, perhaps based on humanitarian grounds, it rejects the purpose for which it was designed.

There are, of course, different approaches to AI that do not operate according to a strict computational approach. Connectionist approaches, like Artificial Neural Networks or Parallel Distribution Processing, rely on networks of “neural like” processing units, similar to the way the human brain works. Machines based on this technology can learn from examples they encounter and determine responses without additional programming. While these systems seem more capable than symbolic ones at certain tasks, there are things symbolic ones can do better, such as handle sequential, complex tasks. The future of the technology will likely employ hybrid strategies to increase machine intelligence.⁵⁶ To the extent future technologies rely on such models, these concerns will endure.

Currently, however, AI-systems lack the ability to take into context or adapt to new situations outside their design parameters. What this limitation means is that while AI-systems may be able to accurately identify human faces, emotions and body movements, they cannot determine a plausible story explaining a person’s

behavior. Without that capability, one will not likely be able to ascribe intent or motivation to a person's actions, which is typically necessary to determining if that person is a threat.⁵⁷ Moreover, even if a machine-learning process could improve the machine's ability in this regard, doing so would require interacting with the environment and in doing so these machines would be bound to make mistakes.⁵⁸ When those mistakes entail harm to human life, it is reasonable to ask where the responsibility lies, with the machine or the humans who employed it?

It is this capacity for self-direction that gives rise to moral concern. If the goal involves killing a human being, or in the case of DSS's, potentially placing soldiers at risk, then decisions associated with achieving those goals are inherently moral. As discussed above, it seems axiomatic then that moral decisions should be taken by moral agents. As Christopher Heyns asks the question, "is it right for machines to have the power of life and death over humans or the ability to inflict serious injury?"⁵⁹ The answer, as discussed previously, is no. Accountability requires that moral acts are committed by moral agents.

Moral Responsibility and Meaningful Human Control

However, there is space short of full moral agency to address these concerns. As Wallach and Allen argue, machines can exhibit operational and functional morality. Operational morality means humans design the machine in a way that reflects a moral norm. For example, placing a safety device on a rifle reflects a concern for individual well-being. Functional morality means the machine has the ability to assess morally significant aspects of how they operate. Moreover, machines do not have to be artificially intelligent to have this capability. For example, autopilots take passenger comfort into account when they make course corrections and limit the kinds of maneuvers they can make, not because these maneuvers might prevent the plane from reaching its destination, but because the designer cared about passenger comfort.⁶⁰

In this way moral agents can impart moral values into the function of the machine. Doing so will not make the machine moral, but it is a step toward ensuring that the machine "behaves" in a moral fashion as well as closing the responsibility gap autonomous machines introduce. Moreover, the fact that designers and manufacturers can take into account operational and functional morality of the machine entails that they should.

Paying attention to the demands of operational and functional morality may not get you an autonomous moral agent, but it can set conditions for *trust*. Even "dumb" machines can be causally responsible for harms through no fault of the human operator. For example, a bullet fired at a legitimate target can ricochet and kill an innocent person. However, that does not mean that we cannot trust machines to function reliably enough within a certain context that their use is morally permissible. As Wallach and Allen point out, all technology fits on the dual spectrums of autonomy and ethical sensitivity. Some tools, like a hammer, have neither. The rifle has no autonomy but can have some ethical sensitivity reflected in its design. The autopilot has more of both autonomy and ethical sensitivity.⁶¹ Within their respective functions, moral agents trust them to operate in accordance with norms for which moral agents may be held accountable. That trust does not mean there will not be accidents, but even then we typically understand the relationship between the actions of the moral agent and the system to know where accountability lies.

However, as noted above, that often may not be possible with artificially intelligent systems. So the question is, can one develop AI-systems to the point they have sufficient ethical sensitivity that moral agents can trust them to operate in ways those same moral agents can be held accountable. The answer depends on the relationship between the moral agent and machine. Before we can discuss the nature of those relationships, we need first to establish a standard of accountability so that we can understand what counts as meaningful human control.

Moral Responsibility

Frankfurt argued that the source of moral responsibility in humans is the ability to form second-order desires. When a human acts on that second-order desire, they are morally responsible for the resulting behavior. This suggests moral responsibility has two parts: 1) intent as reflected in the second order desire and 2) action, which results from the agent making that desire effective. This concept of moral responsibility maps well onto the legal standards regarding individual and command responsibility.

Criminal responsibility, in both civil and military contexts rests on an individual's intent to violate a law (*mens rea*) and his or her act of violating that law (*actus reus*).⁶² This is the standard employed by the post-World War II Nuremberg trials as well as the Rome Statute that governs the International Criminal Court. As the Nuremberg trial document states, for an accused to be responsible for a war-crime, "there must be a breach of some moral obligation fixed by international law, a personal act voluntarily done with the knowledge of its inherent criminality under international law."⁶³ This criminal responsibility can also extend to anyone, such as commanders, who orders the commission of any crime.

It is clear from the previous discussion that an autonomous machine will not likely, in the near future at least, be capable of meeting such a standard as it cannot possess the relevant kind of intent. Therefore, responsibility for any violation committed by a machine will have to find a human host.

One implication of this point is that it may expand the kinds of persons we hold accountable for specific violations. Because soldiers possess the relevant autonomy, responsibility for any violations they commit rests, for the most part, with them. Because it rests with them, it makes little sense to charge the recruiters who bring them into the military or the drill sergeants who train them. One might, upon investigating, determine that there were flaws in the recruiting and training processes that contributed to the crime. In that case, it may make sense to hold individuals responsible for those flaws, but not for the specific violation itself.

In the case of AI-systems, however, that responsibility is diffused. Since the behavior of the machine has been wholly determined in advance by individuals related to its design, manufacture, and employment, it makes sense to hold them—to some degree at least—culpable of the actions of the machine.⁶⁴ The connection between their actions and the moral harm is not mediated by another moral agent who can exercise his or her own second-order desires and thus choose whether or at least how to respond to their influence.

Thus, more than operators and, in some circumstances at least, commanders, it may make sense to hold acquisition officials, programmers, and manufacturers responsible for crimes their machines commit as well. Of course, such responsibility will be limited to what they actually intended as they fulfilled their various roles in the acquisition and employment of the system. Just as is the case in every human endeavor, there is room for honest mistakes. To the extent one of these persons intended a violation of the war convention or other relevant norms or were grossly negligent or indifferent to those norms as they fulfilled their role, they can be held responsible not just for malicious intent, negligence, or indifference but for the specific violation the machine committed.

This responsibility, of course, has its limits. As noted earlier, AI-systems thinking can be something of a "black box," which could make it difficult to figure out who played what role in any particular harm. As Liu notes, as AI programming interacts with other machine systems and those systems interact with the operational environment machine behavior will become increasingly difficult to predict, much less account for. Moreover, that difficulty is further increased when these machines are employed in swarms. So even if individual machines were entirely controllable, when employed in large numbers, predicting and accounting for their aggregate behavior will be much more difficult.⁶⁵ Thus, as Liu points out, violations can arise not just from bad intent and negligence, but from everyone doing a "job well done."⁶⁶

This point suggests that while diffusing responsibility will be a necessary feature in any ethic associated with the employment of AI-systems, it will not fully close the responsibility gap. It is possible, however, to have moral responsibility for outcomes one may not have intended based on the role one plays. Role responsibility attaches to an individual by virtue of the position they hold and the functions they are supposed to fulfil.⁶⁷ I have already argued that acquisition officials, designers, programmers, and manufacturers may have responsibility for specific violations by virtue of the role they played. However, that responsibility depends largely on what they intended or failed to intend relative to the violation in question. Commanders, on the other hand, can be held responsible even when they did not have a particular intent.

Of course, commanders are certainly responsible for any crimes they do intend, even if they do not commit them themselves; however, our understanding of command responsibility also entails that they are also responsible for crimes that they should have prevented, whether they intended them or not. For a commander to be held accountable for a war crime he or she neither intended nor committed, two conditions must hold: 1) the commander must have knowledge of the crime and 2) have responsibility for those perpetrating the crime.⁶⁸

Regarding the first condition, it does not matter whether a commander did have knowledge of a particular crime, but whether he or she should have known. As the Nuremberg trial documents state, “an army commander will not ordinarily be permitted to deny knowledge of reports received at his headquarters, they being sent there for his special benefit.”⁶⁹ Moreover, to the extent a commander has responsibility over an organization, he or she also takes on an affirmative duty to become cognizant of the actions of his or her subordinates. Also as the Nuremberg Trial documents state, “If he (a commander) fails to require and obtain complete information, the dereliction of duty rests upon him and he is in no position to plead his own dereliction as defense.”⁷⁰ These points suggest that commanders must, in addition to not ordering illegal or immoral acts, must also take steps to ensure they are knowledgeable of their subordinate activities, limit unintended harm, and if those fail, take steps to hold violators accountable.⁷¹

This kind of command responsibility extends what it means to have meaningful human control. To the extent humans are in a position to give the machine instructions, understand the system well-enough that they can take steps to ensure it behaves appropriately, and act when it appears the machine has not, then humans have meaningful control.

This discussion so far suggests that establishing meaningful human control entails the following conditions: 1) acquisition officials, designers, programmers, manufacturers, as well as commanders and operators must fulfill their roles with the war convention in mind; 2) commanders and operators must not only be knowledgeable regarding what the machine is doing, they must be sufficiently knowledgeable regarding how the machine works so they better understand how it will interpret and act on instructions as well as provide output; 3) to the extent possible commanders and operators must be in position to prevent machine violations, either by ensuring they authorize all potentially harmful actions by the machine or that they are able to monitor the operations of the machine and prevent them from happening; and 4) systems where operator intervention is not possible should only be employed in situations where commanders and operators can trust them to perform at least as well as human soldiers.

With this concept of meaningful control in mind, it remains to be discussed how to manage the additional moral hazards associated with AI-systems. Obviously, the closer the relationship, the less the responsibility gap or dehumanizing warfare are. However, the more dependent humans become on machines, one runs the risk of moral violations that humans may be responsible for, but which they are more likely to make.

Meaningful Human Control: Autonomy, Responsibility, and Human-Machine Relationships

Humans interact with autonomous and semi-autonomous machines generally in three ways: “human in the loop,” “human on the loop,” and “human off the loop.”⁷² Here, the “loop” is the “sense-decide-act”

operation the machine performs relative to a particular purpose. When humans are in the loop, the machine waits for human input after performing a task. When humans are on the loop, the machine can sense, decide, and act on its own, but a human monitors the system and can intervene to prevent it from acting in an undesirable manner. When humans are off the loop, the machine senses, decides, and acts on its own, without human supervision.⁷³ These are, of course, imprecise descriptions of how humans and machines interact. Even in a fully automated system, there is a human in the loop somewhere, whether in the design of the system, the software, or in decisions regarding employment.⁷⁴ These machines, after all, are human creations. However, for the purposes of this discussion, these categories of interaction are sufficient to illuminate a number of moral concerns.

Humans in the Loop

The Predator and Reaper unmanned aerial vehicles described above fit into the first category, where some elements of the system such as take-off, landing, and navigation may be automated, however, life-and-death decisions are made by humans. Locating moral responsibility for lethal decisions in such systems is not an ethical concern since it remains with humans. However, that responsibility may be mediated to the extent humans rely on AI-driven assessments, such as those Project Maven seeks to develop, in making those decisions.⁷⁵ Thus, human in the loop systems may not only lower the risk to combatants by distancing them from their targets, but they can also distance operators from their decisions to kill or otherwise act on AI-generated recommendation. This distancing gives rise to concerns regarding the psychological impact on operators as well as senior leaders. In the case of the former, it may desensitize them to the killing or other harms they do, making them easier to commit. In the case of the latter, such distancing lowers the physical and political risk associated with using force, making resorts to violence more likely.

Psychological Effects: Desensitization and Trauma

General William T. Sherman famously observed that “war is hell.” Prefacing that comment he stated “[i]t is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation.”⁷⁶ With the advent of remote controlled “human-in-the-loop” systems war fighters may fire shots, but they no longer directly experience the associated shrieks and groans. In fact, much of the literature on LAWS cites studies by SLA Marshall’s and David Grossman’s observations that human soldiers come with a natural reluctance to kill. Marshall observed that only 15-20% of riflemen in World War II engaged the enemy and Grossman’s observation that after the Battle of Gettysburg, 90% of the muskets recovered were still loaded or loaded with multiple rounds, suggesting soldiers pretended to fire.⁷⁷ These studies, and others like them, attribute—justifiably so—the reasons for this reluctance to shoot as fear of being killed and resistance to killing. Our fear of being killed makes us reluctant to take the risks necessary to engage the enemy, and even when we do so, an innate natural sympathy to our fellow humans can make us reluctant to pull the trigger. Distance plays a role in mitigating both these concerns.

In general, trends in military technology have been to distance soldiers from the killing they do. Crossbows allowed killing at greater distances than did swords, rifles farther than crossbows, cannons and artillery farther than rifles. What is different about autonomous weapons is that they do not just distance soldiers from killing, they can also distance soldiers from the decision to kill. While this is clearly true in fully autonomous systems, it can be true for semi-autonomous systems as well. As P.W. Singer notes in *Wired for War*, “By removing warriors completely from risk and fear, unmanned systems create the first complete break in the ancient connection that defines warriors and their soldierly values.”⁷⁸

As Singer goes on to observe, the traditional warrior identity arises from conquering profound existential fear, “not the absence of it.”⁷⁹ The result is a fighting force that is not merely distanced from risk, but disconnected from it altogether. As one Air Force lieutenant reportedly said about conducting unmanned air

strikes in Iraq, “It’s like a video game. The ability to kill. It’s like ... freaking cool.”⁸⁰ In that case, a human was on the loop ... imagine how desensitized we might become if we are off the loop altogether.

Of course, since there are few fully autonomous systems available, there is little information on how operators and commanders might respond to the killing such machines would do. Having said that, Singer offers us, perhaps unintentionally, a cautionary tale. After the fall of Saddam, U.S. forces embarked on a manhunt for the regime’s former leaders, including Saddam’s sons Uday and Qusay. When they were cornered by U.S. forces in a villa in Mosul where they were hiding, a large fire-fight ensued. Meanwhile, hundreds of miles away in Qatar, staff members at the command center gathered around the television screens showing the feed from an unmanned aerial vehicle circling the battle. Rather than being horrified at the carnage, they were entertained. As Singer notes, “it was like a Super Bowl party in there,” adding that a number of participants brought snacks and would cheer when there was a “particularly big explosion.”⁸¹

The point here is not to criticize what might be argued was a reasonable response to the demise of some particularly horrible people.⁸² For all Singer, or the author, know, the soldiers on the ground experienced equal joy at the sound of large explosions and would have brought snacks had that been allowed.⁸³ Rather the point here is to observe that autonomous technologies *can* set conditions where operators take a casual approach to the killing they do. The key word here, of course, is “can.” There are features of human-in-the-loop operations that can actually increase sensitivity to killing and set conditions for post-traumatic stress syndrome or moral injury in its operators. In fact, in 2015 a large number of drone operators quit, some citing overwork, others citing the horrors they felt responsible for as reasons.⁸⁴

As Samuel Issacharoff and Richard Pildes observe, the use of human-in-the-loop LAWS have increased the individuation of responsibility for killing and thus bring about a greater sense of responsibility for the killing they do.⁸⁵ One feature that increases sensitivity is the amount of time unmanned aerial vehicle pilots spend observing their targets and then watching the effects and after-effects of strikes they initiate. One unmanned aerial vehicle operator, Brandon Bryant, reported as a source of emotional stress the fact that after a strike he would not only sometimes have to watch his targets die, but also review the aftermath. Recounting one strike in Afghanistan, he not only observed the strike but also the bodies and body parts afterward. One particularly disturbing image was watching one of the individuals struck. As he recalls, “It took him a long time to die. I just watched him. I watched him become the same colour [sic] as the ground he was lying on.”⁸⁶

This kind of interaction is typically not a feature of conventional strikes. As one unmanned aerial vehicle pilot put it, “I doubted whether B-17 and B-20 [sic] pilots and bombardiers of World War II agonized much over dropping bombs over Dresden or Berlin as much as I did taking out one measly perp in a car.”⁸⁷ The point here is not that increased use of semi-autonomous and autonomous weapons will bring about greater or less sensitivity to killing or greater or less trauma. The point here is that as the character of war changes different persons will respond differently. The ethical imperative is that leaders pay attention to those changes and take steps to mitigate their ill-effects.

Decreasing the Threshold to War

Lowering risk to soldiers also lowers risk for civilian leadership when it comes to decisions regarding when to use such weapons. Of course, this concern is not unique to autonomous systems. Any technology that distances soldiers from the violence they do or decreases harm to civilians will lower the political risks associated with using that technology. The ethical concern here is to ensure that decreased risk does not result in an increase in the number of unjust uses of these weapons.⁸⁸ Otherwise, the moral advantage gained from greater precision will be offset.

As Christian Enemark argues, “Political leaders, having less cause to contemplate the prospect of deaths, injuries and grieving families, might accordingly feel less anxious about using force to solve political

problems.”⁸⁹ Like concerns regarding desensitization, concerns regarding lowering the threshold to war may be overstated. While arguably the use of unmanned aerial vehicle strikes has expanded over the last decade, instances of escalation into wider conflict have not. Even in areas such as Pakistan, Yemen, and Somalia, where the United States is not at war, the conflict in question preceded the use of unmanned systems, not the other way around. Thus the ethical question is whether, if human-in-the-loop technology were not available, would (and should) the United States do *something*. If the answer is yes, then to the extent the use of force is just and the use of LAWS makes the use of force more precise and humane, it is at least permissible. If the answer is no, then it is likely that *no* force would be permissible.

The difficulty in resolving this concern is that, much like the concern regarding desensitization, it pits a psychological claim regarding human motivations to employ violence against moral claims associated with the permissibility of violence. The answer to one question just is not an answer to the other. So while it may be true that lower risks make decisions about using force easier, it is irrelevant to whether such force is permissible. Having said that, to the extent the psychological concern is valid, it makes sense to ensure decisions to use risk-decreasing weapons are subject to strict oversight to ensure the conditions of justice are met as well as any other measures that might mitigate these effects. The absence of this oversight and transparency is, in fact, often cited in the literature as a genuine moral concern and has been a longstanding criticism of the U.S. unmanned aerial vehicle operations.⁹⁰ Given this concern, it makes sense to ensure such oversight and transparency is in place. In this way one can ensure the human reliance on the machine does not set humans up for moral failures they may otherwise not make.

Another concern is that even when LAWS are employed ethically in the service of legitimate U.S. interests, their use may drag the United States into local conflicts whose justice may be questionable. Enemark notes a debate within the Department of Defense regarding whether such strikes are permitted only against high value targets or also permitted against the larger number of low-level militants whose concerns are more local. He observes that the narrower set is more defensible as pre-emptive strikes to the extent these individuals are actively plotting against the United States and the lower-level militants who are motivated to fight for local concerns. As he states, “The narrow view is more easily defensible because individuals who are actively plotting to attack the United States more obviously attract (pre-emptive) defensive action than do individuals who merely happen to possess an antipathy towards the United States.”⁹¹

Of course, this concern arises as much out of the fact that networks of terrorists threatening the United States draw on and cooperate with networks of oppositionists whose concerns are local, sometimes to the point where it is difficult to distinguish between the two. Thus, regardless of the means used, engaging the former risks expanding conflict to the United States with the latter, who would not otherwise be a threat. While this concern is real, it is more a feature of the character of the conflicts the U.S. finds itself in rather than the weapon system itself. In fact, it is conceivable that AI-assisted analysis could increase U.S. military’s capability of differentiating between these local and transnational networks.⁹² Having said that, the fact of this dynamic suggests the United States should adopt the narrower policy and employ a principle of conservatism when pressure to expand targeting to local targets increases. It may be permissible to do so; however, there should be a demonstrable relationship between the putative target and any threat to the United States.

Humans on the Loop: As noted previously, while human in the loop systems are the least morally risky, they can also reduce the benefit from employing AI significantly. To offset that disadvantage, one can put humans on the loop, where they monitor the activity of the machine and intervene only to prevent a violation or other malfunction. While still potentially limiting the full effectiveness of the machine, this relationship has the advantage of maintaining meaningful human control throughout a targeting or other decision cycle. However, in addition to the moral hazards associated with human-in-the-loop systems, human-on-the-loop systems come with a significant concern of their own.

When humans are on the loop, they are monitoring the machines behavior and, hopefully, evaluating it for appropriateness. To properly evaluate that behavior for appropriateness, however, humans have to be able to trust the information they receive. Sometimes that trust can be taken too far and humans may inappropriately subordinate their judgment to that of a less capable machine. Moreover, systems do not have to be that advanced for that inappropriate subordination to happen.

One of the most often cited examples of this phenomenon is the shoot-down of Iranian Air Flight 655 airliner by the USS Vincennes in 1988. The USS Vincennes was equipped with the AEGIS air defense system which is fully autonomous but has humans monitoring it as it goes through its targeting cycle. Humans can override the system at any point in this cycle and, in fact, the system was set to its lowest degree of autonomy. The jet's path and radio signature was consistent with civilian airliners; however, the system registered the aircraft as an Iranian F-14, and thus an enemy.⁹³

As Singer retells the event,

Even though the hard data were telling the human crew that the plane wasn't a fighter jet, they trusted what the computer was telling them more. Aegis was on semi-automatic mode, but not one of the eighteen sailors and officers on the command crew was willing to challenge the computer's wisdom. They authorized it to fire. ... Only after the fact did the crew members realize that they had accidentally shot down an airliner, killing all 290 passengers and crew, including 66 children.⁹⁴

The difficulty for humans in situations like this is that the complexity of machine "thinking" coupled with the pressure to act, especially in combat, disposes them to trust the machine, especially when doing so can absolve them of at least some of the responsibility of the action in question. Moreover, as at least one study has shown, that trust can emerge independent of the reliability of the machine. One study conducted by Korean researchers indicated that the most important factors in human assimilation of DSS systems were: institutional pressure, mature information technology infrastructure, and top management support. Quality of information, stated the report, had no significant impact on DSS assimilation.⁹⁵

Thus the concern with human in the loop systems is that even though humans can prevent inappropriate machine behavior, often they will not. That counter-intuitive outcome arises from the fact that what the machine often presents to the human is a judgment, but the human takes it as fact. This certainly seemed to be case in shoot-down of the Iranian airliner. The *fact* was that there was an aircraft approaching the Vincennes, which the system *judged* was enemy. From the context, specifically the flight path and radio signature, the humans on board should have questioned the machine and aborted the attack.⁹⁶ As machine judgments become more complex, this concern is only going to get worse.

This point suggests that operators are going to need to develop sufficient expertise to know what sources of bad judgement are. It will also require operators to also adopt a "principle of conservatism," regarding when they should trust the machine without corroborating its output, and limit those times to only what is necessary to accomplishing the mission at hand. To facilitate that trust, as Scharre and Horowitz argue, designers will have to do their best to ensure the output of AI-systems are "explainable" to at least the operator, if not commander.⁹⁷

The good news here, as Scharre points out, is that the most successful AI-systems will be those that rely on human-machine interaction, suggesting the most successful systems will either be human-in-the-loop or human-on-the-loop systems.⁹⁸ These systems, which he refers to as "Centaur Systems," are intentionally designed to maximize the speed and accuracy of a hybrid human-machine system in given situations. Examples include defensive systems such as the counter-rocket, artillery, and mortar systems that autonomously create "do not engage" sectors around friendly aircraft. These systems have a human

“fail-safe” to ensure engagements outside those sectors avoid fratricide or harm to civilian aircraft that might approach too closely.⁹⁹

As noted above, such systems pose the least, though still real, concern regarding the responsibility gap and dehumanizing warfare. As long as those who employ those systems take care to address conditions that could lead to desensitization; rigorously enforce international law regarding the use of force, and conscientiously apply a principle of conservatism regarding whom to target as well as when and how to trust machine judgments, the employment of AI-systems would be morally permissible. However, there will still be times taking full advantage of a system will require the human to be off the loop. Regarding those situations, there will still remain concerns regarding whether such use is inherently evil. I will turn to that next.

Humans off the Loop: The difficulty for human-off-the-loop systems, of course, is that once they are launched, meaningful human control appears to be lost. However, as noted above, humans exert meaningful control in multiple ways, not just in deciding to pull the trigger to act on an AI-system’s advice. Acquisition officials, designers, programmers, and manufacturer have opportunities to ensure the system meets the highest standards of operational and functional morality. Taking those opportunities, unfortunately, will not ensure ethical behavior by the machine any more than the most conscientious drill sergeant will ensure ethical behavior of the soldier. Even when all actors in the acquisition process are meeting their responsibilities, the complexity of the machine coupled with the complexity of the environment it operates in suggests that there will be violations for which it will be impossible to assign blame. It is easy to imagine that such situations will incentivize blaming the machine and obscuring the possibility of human error. That fact alone should give rise to moral concern.

It is worth noting that in addition to the fact the more successful systems will at least have the possibility of meaningful human control, there are few fully autonomous systems operational in combat environments. Slaughterbot swarms may be frightening and even technically possible, but so far there have been no actors who have employed anything like them. Currently, the Israeli Harpy, and the Chinese knock-off ASN-3-1, which is a copy of the Israeli system, are probably the best example of such systems. These systems are fully autonomous airborne loitering munitions that once launched orbit in a designated area search for radar signals associated with air defense systems. When they detect a signal, they fly into the source, destroying it.¹⁰⁰ Given the fact that their on-board explosive is relatively small, the chances of collateral harm are low. As long as the only radar operating in the area are enemy air defense radars, the Harpy and its variants are likely sufficiently discriminate to meet the standards of *jus in bello*.

However, as discussed above, the drive for autonomous systems suggests states will develop more complex systems for more complex environments. The task, then, is to determine what would count as meaningful human control in human-off-the-loop systems. At first blush, it may seem impossible to meet such a standard since, by definition, there is no human on the loop to offer meaningful control. However, as also discussed, humans impart control in a variety of ways throughout the acquisition and employment process. The question then is, how do we ensure all those ways give us the kind of control necessary.

The first difficulty that arises is that there is no set standard for meaningful human control that could apply. At one extreme, activist groups such as the International Committee for Robot Arms Control argue that meaningful human control must entail human operators must have full contextual and situational awareness of the target area. They also need sufficient time for deliberation on the nature of the target, the necessity and appropriateness of attack, and the likely collateral harms and effects. Finally, they must have the means to abort the attack if necessary to meet the other conditions.¹⁰¹

The difficulty with these criteria is that it essentially bans the use of off-the-loop systems. Moreover, it holds the systems that it does not ban to a higher standard than non-autonomous weapon systems already in use. Rarely in war do soldiers and their commanders have “full contextual and situational awareness of a target

area.” Even when they do, soldiers who fire their rifles at an enemy have no ability to prevent the bullet from striking wherever they aimed it. It seems odd, then, to ban future weapons based on higher standards than the ones current weapons meet.¹⁰² It makes less sense when one realizes that some of the capabilities that come along with autonomous weapons can set conditions for better moral decision-making.

As discussed previously, a greater reliance on autonomy can result not only in better contextual and situational awareness, but also greater deliberation when determining whether to engage a target than typically associated with humans. As Heyns, himself an opponent of LAWS, points out, “the increased depersonalization in the deployment of force brought about by [autonomous weapons systems] may thus lead to greater personalization in targeting outcomes and saving lives or preventing unwarranted injuries.”¹⁰³ As previously discussed, there are a host of factors that can make deployment of AI-systems less lethal than leaving all the killing or operational decisions to humans.¹⁰⁴

These facts, however, do not and cannot fully resolve concerns regarding the responsibility gap and the dehumanization of warfare. Moreover, it is not sufficient to say that the better outcomes these machines provide permits one to set aside the rights of those negatively affected. Doing so would reduce our ethical concerns to those of simple utilitarianism, which justifies any means given a certain ends.¹⁰⁵ That outcome is something to be avoided.

However, there is at least one good reason to set aside these concerns in favor of employing fully autonomous AI-systems. In general, to the extent some act makes someone better off and no one worse off, then that act is permissible. As Isaak Applbaum argues, “If a general principle sometimes is to a person’s advantage and never is to that person’s disadvantage, then actors who are guided by that principle can be understood to act for the sake of that person.”¹⁰⁶ Thus, if Arkin and others are right about AI capabilities, then as long as their employment does not put any persons at more risk than if those systems were not employed, then arguably states are at least permitted, if not obligated, to use them. Because employing these systems under such conditions constitutes acting for the sake of those persons, it also counts as a demonstration of respect towards those persons, even if the interpersonal relationship Sparrow described is mediated, if not broken, by the machine.

One can further close the responsibility gap by paying attention to the circumstances in which AI-systems are employed. As previously discussed, command responsibility entails knowledge of what subordinates are doing and a responsibility for their actions. However, no commander has perfect knowledge of what his or her subordinates are doing, and, despite that fact, a commander can still be responsible for any violations those subordinates commit. Thus what matters to commanders is whether they trust those subordinates to function ethically and effectively in situations where the possibility of war convention violations arise. So, to the extent a commander can trust an AI-system to function at least as ethically and effectively as human soldiers, then employment of these systems should be morally permissible.

This bar is not as high as it sounds. Recall that the fact of harms to noncombatants by itself is not a violation of the war convention. Such harm only becomes a violation when it is the product of an indiscriminate or disproportionate use of force. Regarding DSS systems like Course of Action Display and Evaluation Tool, standards for humans should apply to the machine as well. Thus commanders have as much responsibility to be able to assess the output of DSS as they do for the output of human planning processes. These points suggest that while commanders may not be responsible for every mistake a machine makes, they will have to justify their trust in the machine and cease use of that machine when there are reasons to question that trust, just as they should for their human subordinates. Requiring commanders to account for this trust will help ensure AI-systems do not become an excuse for bad judgment and unaccountable wrong-doing. This requirement may not fully close the responsibility gap; however, it probably closes it enough to permit the use of human-off-the loop systems under the right conditions.

As previously discussed, determining what those conditions are requires an adequate understanding of how the machine works and more specifically how it will interact with its environment. Guarini and Bello argue that military activity occurs in theaters that can be described in terms of spectrums of activity with one end populated by combatants and the other populated by non-combatants. In space dominated by combatants, the task is to distinguish friend from foe. In space dominated by non-combatants, the task is not only to distinguish friend from foe, but also legitimate from illegitimate targets. To the extent friend and foe are relatively easily distinguished, autonomous systems will likely be able to perform it better than humans.

In non-combatant dominated space, the task is significantly more difficult, as previously discussed. In these “civilian theaters,” where soldiers operate in the same space civilians conduct their daily lives, the tasks for AI-systems can be vastly more complicated. In such theaters, almost anything can become a threat, yet the preponderance of civilians entails that one cannot assume a threat. Someone carrying a pipe, for example, could be a plumber or a bomber.¹⁰⁷ To the extent an AI-system would have difficulty sorting through the complexities of making that determination, its use would not be permissible.

Thus, generally speaking, the greater combatant domination in a particular theater is, the more trust, all other things being equal, commanders may have in the machine. The greater the noncombatant domination, the less trust they should have. Determining where that point lies should not only be a matter of human judgment, but will also be a judgment for which we will hold humans to account. The uncertainties associated with these judgments are certainly complex, but this fact should encourage a conservative approach to employing human off-the-loop systems.

Conclusion

What this analysis has shown is that the arguments for considering military AI-systems, even fully autonomous ones, *mala en se* are on shakier ground than those that permit their use. It is possible to reduce, if not close, the responsibility gap and demonstrate respect for persons even in cases where the machine is making all the decisions. This point suggests that it is possible to align effective AI-systems development with our moral commitments and conform to the war convention.

Thus calls to eliminate or strictly reduce the employment of such weapons are off-base. If done right, the development and employment of such weapons can better deter war, or failing that, reduce the harms caused by war. If done wrong, however, these same weapons can encourage militaristic responses when other non-violent alternatives were available, resulting in atrocities for which no one is accountable, and desensitizing soldiers to the killing they do. To promote the former and avoid the latter, the United States should consider the following measures to ensure the ethical employment of these weapon systems. These measures include:

- *Work with AI-developing States to Update International Law:* As previously discussed, international law abhors a vacuum and makes the introduction of any system that mitigates or removes human responsibility problematic. On the other hand, many AI-developing states will take advantage of this vacuum to maximize the effectiveness of these systems, sometimes, if not often, without regard to the moral concerns discussed above. This point suggests the need to update the International Humanitarian Law and other applicable international law, to specify standards of responsibility for the employment of semi-autonomous and fully autonomous systems. These standards would include something like:
 - Humans in the loop would be fully responsible for the behavior of their systems. That responsibility can be mitigated to the extent the human operator relies on AI-driven DSS to make targeting decisions. In that case, responsibility for violations could fall to others involved in the procurement process. However, operators and commanders would have to be able to justify trust in any facts or judgments made by the machine. If that justification is inadequate, then they may be responsible for any violations.

- Humans on the loop would be responsible for the quality of information and assessment the machine provides and responsible for violations in the event inappropriate machine behavior is the result of poor quality information or assessment.
- Humans off the loop will be responsible for ensuring AI-systems are only employed in conditions for which they are designed to perform ethically. They are also responsible for monitoring the environment and the machine and ceasing operations when conditions changes in a way that sets conditions for violations.
- *Establish standards for diffusing responsibility.* States should establish standards for holding acquisition officials, programmers, designers and manufacturers responsible for machine violations. These standards will be especially important for fully autonomous systems where conditions for trust by commanders and operators are heavily dependent on the procurement side for ensuring that the machine meets standards associated with operational and functional morality. Meeting such standards would entail accounting for International Humanitarian Law when determining the features of the machine in the same way one might incorporate a safety device on a rifle.
- *Maintain a reasonably high threshold for use.* To ensure employment of AI-systems does not inappropriately lower the threshold to violence, states should agree to only employ these systems when the conditions of *jus ad vim* are met. These conditions permit an armed response for acts of aggression that fall short of war, but include the other standards of *jus ad bellum* as well as the requirement to take steps to avoid escalation. *Jus ad vim* also entails an obligation to ensure a high degree of probability that the use of force will achieve the desired objective.¹⁰⁸
- *Specify conditions for employment.* Given the different human-machine relationships, states should specify conditions for use that ensure meaningful human control and the appropriate trust relationships are maintained. Update these standards as the technology evolves to avoid further gaps between effective use of AI-systems and moral commitments.
- *Regulate AI proliferation.* States that develop AI-systems for military use should establish proliferation standards similar to the ones the U.S. has established for the proliferation of unmanned aerial vehicles. At a minimum, these standards should include a commitment to only employ these systems in conflicts that meet the standards of *jus ad bellum*, and in a manner that meets the standards of *jus in bello*. Moreover, there should be a strong presumption of denial to recipients of the technology who have, in the past, been weak on their commitments to these standards.¹⁰⁹
- *Preserve the Soldier Identity and address conditions that give rise to desensitization and other psychological trauma.* As the U.S. military becomes more reliant on AI-technology, soldiers will experience less risk, but not less trauma. Senior leaders should continue efforts to understand the nature of this trauma and take steps to mitigate. Moreover, disconnecting soldiers from the risk will also affect how society views and rewards military service. Senior leaders should take steps now to mitigate this potential moral hazard. One step could be to rotate AI-system operators in and out of assignments that expose them to risks commensurate with the conflict in question. Doing so will prevent the creation of a class of “riskless” soldiers and moderate the impact of this technology of civil-military relations.
- *Communicate the Principles regarding AI use.* Military leaders should develop a communications plan to explain the ethical framework for AI use to the public, media, and Congress.¹¹⁰

As Sharkey observes, the heavy manpower requirements with remotely controlled systems will place greater pressure to design and employ increasingly autonomous systems.¹¹¹ This point, coupled with the increased

effectiveness these systems afford, suggest the trend towards fully autonomous systems is inevitable. As this pressure mounts, commitments to keep humans in and on the loop will be increasingly difficult to keep. Fortunately, as the above analysis indicates, it is possible to manage the moral hazards associated with this technology to ensure moral commitments to human dignity, the rule of law, and a stable international order are met. Doing so may not assuage every Google employee; however, it will ensure that in acquiring these systems, the U.S. avoids evil.

End Notes

- 1 Scott Shane, Cade Metz, Daisuke Wakabayashi, “How a Pentagon Contract Became an Identity Crisis for Google,” *New York Times*, May 30, 2018, available from <https://www.nytimes.com/2018/05/30/technology/google-project-maven-pentagon.html>, accessed June 28, 2018. It is worth noting that Google’s commitment to avoiding evil is less than consistent, given their proposed cooperation with the Chinese government to provide a censored search engine. See Rob Schmitz, “Google Plans for a Censored Search Engine in China,” *All Things Considered*, National Public Radio, August 2, 2018, available from <https://www.npr.org/2018/08/02/635047694/google-plans-for-a-censored-search-engine-in-china>, accessed August 6, 2018.
- 2 Future of Life Institute, *Lethal Autonomous Weapons Pledge*, <https://futureoflife.org/lethal-autonomous-weapons-pledge/?cn-reloaded=1>, accessed August 27, 2018.
- 3 Stanley Hauerwas, “Pacifism: Some Philosophical Considerations,” in *War, Morality, and the Military Profession*, Malham M. Wakin, ed. (Boulder, CO: Westview Press, 1986), 282.
- 4 Paul Mozur, “Beijing Wants AI to be Made in China by 2030,” in *The New York Times*, July 20, 2017. <https://www.nytimes.com/2017/07/20/business/china-artificial-intelligence.html>, accessed August 9, 2018.
- 5 Erwin Danneels, “Disruptive Technology Reconsidered: A Critique and Research Agenda,” in *The Journal of Product Innovation Management*, 2004: 21, 249.
- 6 Paul Scharre, *Army of None: Autonomous Weapons and the Future of War*, New York: W.W. Norton and Company, 2018, 6.
- 7 Ronald G. Arkin, *Governing Lethal Behavior in Autonomous Robots*, Boca Raton: CRC Press, 2009, 7-8.
- 8 Larry Ground, Alexander Kott, and Ray Budd: “Coalition-based Planning of Military Operations: Adversarial Reasoning Algorithms in an Integrated Decision Aid,” *Computing Research Repository*, 2015, 2-8. Quoted in James Boggess, “More than a Game: Third Offset and the Implications for Moral Injury,” in *Closer than You Think: The Implications of the Third Offset Strategy*, Carlisle, PA: Strategic Studies Institute, 2017, 133. With the Course of Action Display and Evaluation Tool DSS, a human planner provides key operational goals and the program expands them into a detailed plan. In a 2002, the system competed against a team of field grade officers using the standard manual system. Course of Action Display and Evaluation Tool produced a plan in approximately two minutes. It took the field grade officers 16 hours to produce a comparable plan. See also Valerie Insinna, “U.S. Air Force looks to accelerate artificial intelligence contracts,” *Defense News*, July 17, 2018, available from https://www.defensenews.com/digital-show-dailies/farnborough/2018/07/17/air-force-looks-to-accelerate-artificial-intelligence-contracts/?utm_source=Sailthru&utm_medium=email&utm_campaign=EBB-7-18&utm_term=Editorial%20-%20Early%20Bird%20Brief, accessed July 18, 2018. This article discusses efforts by the U.S. Air Force to acquire DSS to facilitate aircraft maintenance.
- 9 Scharre, *Army of None*, 16.
- 10 Lukas Mikelionis, “UC Berkeley’s Professor Slaughterbots video goes viral,” Fox News, November 21st, 2017, available from <http://www.foxnews.com/tech/2017/11/21/uc-berkeley-professor-s-slaughterbots-video-on-killer-drones-goes-viral.html>, accessed July 13, 2018. For other interesting, and less dystopian, depictions where the technology may heading, see also: “New Weapon Designed By Russian Inventor Demonstrating Of Destroying US, Israel and Russian Tanks,” available from <https://www.youtube.com/watch?v=gIJJaG7X6918> or “New Weapons of the Russian Army 2018,” <https://www.youtube.com/watch?v=ihVszNrz6dQ>, accessed July 13, 2018.
- 11 Scharre, *Army of None*, 11-13.
- 12 Paul Scharre, “Why You Shouldn’t Fear Slaughterbots,” *IEEE Spectrum*, December 22, 2017, <https://>

spectrum.ieee.org/autaton/robotics/military-robots/why-you-shouldnt-fear-slaughterbots, accessed July 13, 2018.

13 A common criticism of utility theory is that it can justify, depending on the balance of interests in question, unjust acts. See Louis P. Pojman, *Ethics: Discovering Right and Wrong*, Belmont, CA: Wadsworth Publishing Company, 1995, 122.

14 Michael Walzer, *Just and Unjust Wars*, 2nd ed, New York: Basic Books, 1992, 44-47.

15 Ibid., 131-137.

16 Ibid., 129.

17 Ibid., 144.

18 Arkin, 30.

19 Noel Sharkey, “Killing Made Easy,” in Patrick Lin, Keith Abney, and George A. Berkey eds., *Robot Ethics*, Cambridge, MA: The MIT Press, 2014, 113.

20 Wendell Wallach and Colin Allen, *Moral Machines: Teaching Robots Right from Wrong*, Oxford: Oxford University Press, 2009, 4.

21 Paul Scharre and Michael Horowitz, *Artificial Intelligence: What Every Policy Maker Needs to Know*, Center for New American Security, June 2018, 11, available from <https://www.cnas.org/publications/reports/artificial-intelligence-what-every-policymaker-needs-to-know>, accessed August 7, 2018. As an example of “black box” thinking, Scharre and Horowitz note that an “AI image recognition system may be able to identify the image of a school bus, but not be able to explain what features of the image cause it to conclude that the picture is a bus.”

22 Wendell Wallach and Colin Allen, “Framing robot arms control,” *Ethics of Information Technology*, Vol. 15, 2013, 127.

23 Heather Roff, “Killing in War: Responsibility, liability, and lethal autonomous robots,” in Fritz Allhoff, Nicholas G. Evans, and Adam Henschke, eds., *The Routledge Handbook of Ethics in War*, New York: Routledge, 2013, 355.

24 Wallach and Cohen, *Moral Machines*. 40.

25 Colnel James Boggess, Interview with author, January 4, 2017.

26 Hin Yan Liu, “Refining responsibility: differentiating two types of responsibility issues raised by autonomous weapons systems,” in Nehal Bhuta, Susanne Beck, Robin Geiß, Hin-Yan Liu, Claus Kreß, eds., *Autonomous Weapon Systems: Law, Ethics, Policy*, Cambridge: Cambridge University Press, 2016, 341-344.

27 Geoffrey Brennan, Lina Eriksson, Robert Goodin, and Nicholas Southwood, *Explaining Norms*, Oxford: Oxford University Press, 2013, 35-39.

28 These principles are also stated in Army doctrine. See Headquarters, Department of the Army, Army Doctrine Reference Publication, No. 1, *The Army Profession*, Washington, D.C.: U.S. Government Printing Office, June 2015, 3-5. I owe this point to Michael Toler, Center for the Army Profession and Ethic.

29 Geoffrey S. Corn, “Risk, Transparency, and Legal Compliance,” in Nehal Bhuta, Susanne Beck, Robin Geiß, Hin-Yan Liu, Claus Kreß, eds., *Autonomous Weapon Systems: Law, Ethics, Policy*, Cambridge: Cambridge University Press, 2016, 217-218.

30 Michael Walzer, *Arguing About War*, New Haven: Yale University Press, 2004, 23-32.

31 Scharre, *Army of None*, 287-288.

32 It is worth noting here that the Army Ethic acknowledges the importance of respect and includes as a principle, “In war and peace, we recognize the intrinsic dignity and worth of all people, treating them with respect.” See ADRP-1, 2-7. I owe this point to Michael Toler, Center for the Army Profession and Ethic.

33 Robert Sparrow: “Robots and Respect: Assessing the Case Against Autonomous Weapon Systems,” *Ethics & International Affairs*, Vol. 30, No. 1, 2016, 106.

34 Eliav Liebllich and Eyal Benvenisti, “The obligation to exercise discretion in warfare: why autonomous weapons systems are unlawful,” in Nehal Bhuta, Susanne Beck, Robin Geiß, Hin-Yan Liu, Claus Kreß, eds., *Autonomous Weapon Systems: Law, Ethics, Policy*, Cambridge: Cambridge University Press, 2016, 266.

35 Liebllich and Benvenisti, 267.

36 The point here is not that the battlefield is a place to negotiate or that there has to be some kind of interaction independent of a targeting process to justify the decision to use lethal force. Rather, the point is that in any given situation where a human being may be harmed that the decision made to commit that harm is made by another human who can identify and consider the range of factors that would justify that harm. In this way, the person deciding to harm understands it is another person who he or she is harming and considers reasons not to do it. Autonomous systems may eventually be able to discern a number of relevant factors; however, that only entails they are considering reasons to harm, not reasons not to harm.

37 Sparrow, 101.

38 Ibid., 106-107.

39 Ibid., 108.

40 Liebllich and Benvenisti, 267.

41 Sparrow, 110-111.

42 Kenneth J. Arrow: “Uncertainty and the Welfare Economics of Medical Care,” *The American Economic Review*, Vol. 53, No. 5, December 1963, 941, 961. See also Matthew McCaffrey, “Moral Hazard: Kenneth Arrow vs Frank Knight and the Austrians,” MISES WIRE, March 14, 2017, available from <https://mises.org/blog/moral-hazard-kennetharrow-vs-frank-knight-and-austrians>, accessed August 27, 2018.

43 Wallach and Allen, *Moral Machines*, 16.

44 Ibid., 16.

45 Ibid.

46 Marcello Guarini and Paul Bello, “Robotic Warfare: Some Challenges in Moving from Noncivilian to Civilian Theaters,” in Patrick Lin, Keith Abney, and George A. Berkey eds., *Robot Ethics*, Cambridge, MA: The MIT Press, 2014, 129-130.

47 Ibid., 131-132.

48 Zed Adams and Jacob Browning, “Introduction,” in Zed Adams and Jacob Browning, eds., *Giving a Damn: Essays in Dialogue with John Haugeland*, Cambridge, MA: MIT Press, 2017, 4.

49 Kevin Warwick, “Robots with Biological Brains,” in , Patrick Lin, Keith Abney, and George A. Bekey, eds., *Robot Ethics*, Cambridge, MA: MIT Press, 2014, 327-328.

50 Adams and Browning, 5.

51 Ibid., 13.

52 Harry Frankfurt: “Freedom of the Will and the Concept of the Person,” *The Journal of Philosophy*, Vol. 68, No. 1, January 14, 1971, pp. 6-10. Persons, in Frankfurt’s scheme, can have an infinite number of higher order desires; however, the actual number will be practically limited by “common sense” and “fatigue.” His point here is that as long as there is a second order desire, the potential for free will exists. See Frankfurt, 16.

53 Ibid., 15.

54 Roff, 353.

55 Department of Defense, *Department of Defense Directive: Autonomy in Weapon Systems, Number 3000.09*, Washington, DC: U.S. Government Printing Office, November 21, 2012.

56 David Davenport, “The Two (Computational) Faces of AI,” in Vincent C. Muller, ed., *Philosophy and Theory of Artificial Intelligence*, Heidelberg: Springer, 2013, 44-53.

57 Scharre and Horowitz, *Artificial Intelligence: What Every Policy Maker Needs to Know*, 10.

58 Wendell Wallach and Colin Allen, “Framing robot arms control,” *Ethics of Information Technology*, Vol. 15, 2013, 126.

59 Christopher Heyns, “Autonomous Weapon Systems: living a dignified life and dying a dignified death,” in Nehal Bhuta, Susanne Beck, Robin Geiß, Hin-Yan Liu, Claus Kreß, eds., *Autonomous Weapon Systems: Law, Ethics, Policy*, (Cambridge: Cambridge University Press, 2016), 10.

60 Wallach and Allen, *Moral Machines*, 25-26.

61 Ibid., 25.

62 Yoram Dinstein, *War, Aggression, and Self-Defence*, 4th Ed, Cambridge, Cambridge University Press, 2005, 136.

63 Sanford Levinson, “Responsibility for War Crimes,” in Marshall Cohen, Thomas Nagel, and Thomas Scanlon, eds., *War and Moral Responsibility*, Princeton, Princeton University Press, 1974, 117.

64 Liu, 329.

65 Ibid., 330-331.

66 Ibid., 340.

67 Ibid., 336.

68 Levinson, 118.

69 Ibid., 119.

70 Ibid., 119.

71 Walzer, *Just and Unjust Wars*, 316-320.

72 Jeffrey L. Caton, *Autonomous Weapon Systems: A Brief Survey of Developmental, Operational, Legal, and Ethical Issues*, Carlisle Barracks, PA: Strategic Studies Institute, December 2015, 2-3.

73 Scharre, *Army of None*, 28-29.

74 Heynes, 14.

75 Cheryl Pellerin, “Project Maven to Deploy Computer Algorithms to War Zones by Years End,” *Defense*

One, July 21, 2017, available from <https://www.defense.gov/News/Article/Article/1254719/project-maven-to-deploy-computer-algorithms-to-war-zone-by-years-end/>, accessed August 13, 2018. Regarding AI-driven assessments: humans are better considered “on-the-loop” regarding the assessment itself, since they can monitor and intervene how the machine considers relevant input; however, to the extent they decide how to act on that assessment, they would be “in-the-loop.” I owe this point to Colonel David Barnes, Department of English and Philosophy, United States Military Academy at West Point.

76 William T. Sherman, available from https://www.goodreads.com/author/quotes/177344.William_T_Sherman, accessed August 27, 2018.

77 Noel Sharkey, “Killing Made Easy: From Joy Sticks to Politics,” in *Robot Ethics*, 111-112.

78 P.W. Singer, *Wired for War: The Robotics Revolution and Conflict in the 21st Century*, New York: Penguin Books, 2009, 332.

79 Ibid., 332.

80 Ibid., 395.

81 Ibid., 326-327.

82 Efram Karsh and Inari Rautsi, *Saddam Hussein*, New York: The Free Press, 1991. This book documents the human rights abuses of Saddam Hussein and family members, including Uday and Qusay.

83 Williamson Murray and Major General Robert H. Scales Jr., *The Iraq War: A Military History*, Cambridge, MA: The Belknap Press, 2003, 234-235.

84 Pratap Chatterjee, American Drone Operators are Quitting in Record Numbers, *The Nation*, March 5 2015, available from <https://www.thenation.com/article/american-drone-operators-are-quitting-record-numbers>, accessed August 2, 2018.

85 Samuel Issacharoff and Richard Pildes, “Drones and the Dilemmas of Modern Warfare,” in Peter Bergen and Daniel Rothenberg, eds., *Drone Wars: Transforming Conflict, Law, and Policy*, Cambridge: Cambridge University Press, 2015, 399.

86 Phillip Sherwell, “U.S. drone pilot haunted by horrors of remote killings; Operator sickened by death count” *London Daily Telegraph*, October 25, 2013, available from <https://www.telegraph.co.uk/news/worldnews/northamerica/usa/10403313/Confessions-of-a-US-drone-operator-I-watched-him-die.-It-took-a-long-time.html>, accessed August 10, 2018.

87 Matt J. Martin and Charles Sasser, *Predator: The remote-control air war over Iraq and Afghanistan: A pilot's story*, Minneapolis, MN: Zenith Press, 2010, quoted in Issacharoff and Pildes, 416.

88 Christian Enemark, *Armed Drones and the Ethics of War*, London: Routledge, 2014, 22.

89 Ibid., 23.

90 Sharkey, 115. As Sharkey states, “it is now unclear what type and level of evidence is being used to sentence nonstate actors to death by Hellfire attack without right to appeal or right to surrender.” The point here is not that U.S. targeting procedures are unjust, but to the extent they are not transparent—at least to the extent possible without compromising the process—the perception of injustice will persist, generating the kind of response evidence by the Google employees.

91 Enemark, 25.

92 I owe this point to Colonel David Barnes, Department of English and Philosophy, U.S. Military Academy at West Point.

93 Singer, 125.

94 Ibid., 125.

95 Hyun-Ku Lee and Hangjung Zo, “Assimilation of Military Group Decision Support Systems in Korea: The Mediating Role of Structural Appropriation” *Information Development* 33, Vol 21, No. 1, 2017, quoted in James Boggess, “More than a Game: Third Offset and the Implications for Moral Injury,” in *Closer than You Think: The Implications of the Third Offset Strategy*, Carlisle, PA: Strategic Studies Institute, 2017, 133.

96 David Evans, “Vincennes: A Case Study,” *Proceedings*, Vol 119/8/1086, August, 1993.

97 Scharre and Horowitz, *What Policy Makers Need to Know*, 11.

98 Scharre, *Army of None*, 321.

99 Ibid., *Army of None*, 323-324.

100 Ami Rojkes Dombé, “China Unveils a Harpy-type Loitering Munition,” *IsraelDefense*, March 1, 2017, <http://www.israeldefense.co.il/en/node/28716>, accessed July 16, 2018.

101 Noah Sharkey, “Guidelines for the human control of Weapon Systems,” *International Committee for Robot Arms Control*, April 2018, https://www.icrac.net/wp-content/uploads/2018/04/Sharkey_Guideline-for-the-human-control-of-weapons-systems_ICRAC-WP3_GGE-April-2018.pdf, accessed August 10, 2018.

102 Scharre and Horowitz, *Autonomy in Weapons Systems*, Washington, D.C.: Center for a New American Security, 2015, 16.

103 Heyns, 7.

104 Arkin, 30.

105 James Rachels, *The Elements of Moral Philosophy*, 3rd Ed., Boston: McGraw Hill, 1999, 107-121.

106 Arthur Isaak Applbaum, *Ethics for Adversaries: The Morality of Roles in Public and Professional Life*, Princeton, NJ: Princeton University Press, 1999, pp. 162-166. Applbaum refers to situations where someone is better off and no one is worse off as “avoiding Pareto-inferior outcomes.” Avoiding such outcomes can count as “fair” and warrant overriding consent.

107 Guarini and Bello, 132.

108 Daniel Brunstetter and Megan Braun, “From Jus ad Bellum to Jus ad Vim: Recalibrating our Understanding of the Moral Use of Force,” *Ethics & International Affairs*, 27, no. 1 (2013).

109 Fact Sheet, *U.S. Policy on the Export of Unmanned Aerial Systems*, U.S. State Department, April 19, 2018. <https://www.state.gov/r/pa/prs/ps/2018/04/280619.htm>. This policy is a little more permissive than the one implemented by the last administration. The new policy permits the sale of armed unmanned systems through Direct Commercial Sales and removes language regarding a “strong presumption of denial” for systems that cross the Missile Technology Control Regime thresholds, which in this case are systems with a range greater than 300 kilometers and are capable of carrying 500 kilogram payloads or more. Both sets of standards require upholding international law. See Fact Sheet, *U.S. Policy on the Export of Unmanned Aerial Systems*, U.S. State Department, February 17, 2015. <https://2009-2017.state.gov/r/pa/prs/ps/2015/02/237541.htm>. Accessed August 10, 2018.

110 I owe this point to Dr. Steve Metz, Strategic Studies Institute, U.S. Army War College.

111 Sharkey, 115.

The Moral Leadership Training Model: Addressing the Army's Dearth of Moral Leadership Training Tools

Derek M. Pottinger

The American people expect Army leaders to be moral leaders of exceptional character. Beyond expectations, the Army requires leaders to adhere to high standards of moral conduct throughout its doctrine and regulations. However, this fundamental requirement is exacerbated by three challenges of the future battlefield: the complexity of large-scale combat operations (LSCO), principles of Mission Command, and multi-domain battlefields. To address these issues and empower moral leaders, this paper advocates for the use of the Moral Leadership Training Model as one way to meet future demands and maintain our moral center.

First, the Army currently expects the next major conflict will be a LSCO fought against a near-peer adversary. This means the conflict will be one of large scope and complexity ripe for decentralized decision-making. Leadership in this environment will be further complicated as degraded systems lead inexorably to a reduction in the ability to control forces. The Multi-domain Battle white paper reflects the potential for degraded control. "Headquarters and subordinate units alike must be capable of operating despite severe degradation of command and control networks."³ "Highly advanced potential adversaries are developing methods to counter U.S. strengths... degrading key capabilities by disrupting access to land, space, cyberspace, and the EMS [Electromagnetic Spectrum—this particularly impacts communication systems]."⁴

Second, the Army's doctrine of Mission command, further complicates matters. The concepts of prudent risk and disciplined initiative under the construct of a commander's intent places enormous emphasis on sound judgment. Widely dispersed, subordinate leaders, will be required to make difficult ethical decisions in the heat of battle. "With the ability to operate in degraded conditions... for extended periods... the guiding principle is that they must be able to employ multi-domain combined arms capabilities at the lowest practical echelons to enable dispersed operations."⁵ This will not only, as the multi-domain battle white paper suggests, "Necessitate leaders, Soldiers and Marines be capable of using mission command tenets," but to do so in accord with the Army Ethic and its ethical foundation both legal and moral. How will they judge which risks are prudent and which are not? Will their commitment to the foundational moral principles of the Army Ethic be sufficient to appropriately discipline their initiative or will they take the initiative in directions inconsistent with those principles? Professor J. Thomas Whetstone highlights the importance of moral character in this kind of setting. "Flatter and geographically dispersed organizations especially need to rely upon the moral character of their managers."⁶ Loyola University professor Al Gini might add another caveat, "The central issue of power in leadership is not will it be used; but, rather, will it be used wisely and well?"⁷ Mission command's dependence on decentralized decision-making, initiative, and prudent risk requires flourishing moral agents at the point of decision. If these agents are not morally flourishing, decisions in contravention of Army values will take place.

Third, the multi-domain battlefield presents the reality of a fluid, constantly shifting battle space and locus for decision-making. "U.S. forces will possess the ability to rapidly refocus and capitalize on successive and/or simultaneous windows of advantage."⁸ Change will be a constant on the multi-domain battlefield

of the future in LSCO. As Whetstone sees it, “People act ethically or unethically in the world as they face challenges that change continuously over time.”⁹ Since the future battlespace is constantly changing, more often than not significant ethical decisions will be made at the point of contact, the lowest level, and with guidance ill-suited to the current operating environment. With the Army’s current dearth of character development tools and what Brian Michelson refers to as a “laissez-faire” approach to character development, we assume unacceptable, imprudent risk. Army leaders must become preeminently moral leaders or risk a significant number of unethical actions, even potential atrocities, which run counter to the Army profession’s common moral principles and the fundamental ethics of warfare, as a result of the challenges of LSCO, on a multi-domain battlefield, under the auspices of Mission Command.

Recognizing the specter of atrocity and/or unethical actions summoned by the three factors mentioned above is a matter of little difficulty. Rectifying the situation and making progress in terms of developing moral leaders who demonstrate good character is substantially more complicated. Inculcating Army doctrine, implementing current Army training programs, and encouraging self-development is insufficient. As Colonel Brian Michelson concludes in an Army War College manuscript:

The Army is assuming excessive operational and institutional risk if it does not meet the challenge of developing the personal character of its leaders. The Army does an exceptional job in developing the technical and tactical abilities of its leaders. And yet, despite character being an inseparable component of successful leadership, the Army believes that individuals will develop themselves to the level desired by the Army with little or no clear guidance.¹⁰

The Army’s current methodology for developing character of leaders through self-initiated study and development, which Michelson calls, “laissez-faire,” is “[n]ot sufficiently effective to meet the challenges posed by either the implementation of mission command, or by the future operating environment.”¹¹ Additionally, as Linda Trevino points out, “In an authoritarian or mechanistic organization where roles are strictly prescribed and decisions are based on formal authority [Such as the Army], moral development may be arrested or its expression in work situations repressed.”¹² The bottom line: Army leaders will remain morally immature—absent a concerted, coherent, and targeted approach to developing moral leaders—leading to long-term organizational damage.

In a groundbreaking study on the relationship between ethical leadership and unethical pro-organizational behavior, professor Miao and his team found that moderate levels of ethical leadership, where ethics is talked about but is not top priority, led to the highest level of unethical pro-organizational behaviors when compared with no effort at being ethical and strong efforts at being ethical. They write:

Unethical pro-organizational behaviors are unethical actions carried out under a “pro-organizational” façade. Such behaviors are dangerous because they may easily be overlooked by management and cause great harm to the organizations reputation and legal standing in the long-term.... Only when implemented strictly and consistently is ethical leadership able to raise the ethical awareness of subordinates, regulate their unethical conduct, and reduce the likelihood of [unethical pro-organizational behavior].¹³

In essence, unless consistently trained otherwise, Soldiers will do unethical things they believe are good for the organization out of loyalty. For example, they might cover-up misdeeds to prevent a black-eye for the Army. If they are not trained to hold the right virtues as critical aspects of leadership, they will act unethically to prevent the organization from taking a deserved hit.

Even without the demands of the future battlefield, the American people expect Army leaders to exhibit moral behavior and lead by moral means with moral purposes. Army doctrine demands no less. It

unequivocally states that an Army leader must be a man or woman of exemplary character, as well as, one who actively persuades followers to adopt our shared fundamental moral principles. Leadership researcher Bernard Bass opines that authentic leaders, “Openly bring about changes in followers’ values by the merit and relevancy of the leader’s ideas and mission to their followers’ ultimate benefit and satisfaction.”¹⁴ So, there is an acknowledged need for moral leadership even without the risks posed by LSCO conducted under mission command on a multi-domain battlefield under degraded conditions. But training, to some, is a bridge too far.

Some critics of moral leadership training might suggest that by the time the Army receives a Soldier, that Soldier’s character is unchangeably set—that no training regimen can affect real change in adults. I disagree. As management professor J. Thomas Whetstone writes, “A person’s character matters, can be developed even in adults, and developing it is a responsibility of organizations and of the individual.”¹⁵ Regrettably, the recent white paper by the Center for the Army Profession and Ethic on the Army’s framework for character development finds the Army, “Lacks a deliberate, holistic approach for developing and assessing character within the process of leader development,” and it, “[l]acks effective resources to assist leaders in doing so.”¹⁶ So, even if the Army desired to shape a Soldier’s character, which it does, it lacks effective tools for doing so. In the final analysis, it is clear that the highly fluid character of multi-domain battle and the inherently decentralized nature of Mission Command present the potential for significant moral failings by Army leader leaders during LSCO. This problem is exacerbated by a lack of viable corrective training options.

Army doctrine defines leadership as, “The process of influencing people by providing purpose, direction, and motivation to accomplish the mission and improve the organization.”¹⁷ However, this definition is insufficient to address the issue of leading through a moral lens. In effect, one could conduct immoral actions while providing purpose, direction and motivation that accomplishes the mission and improves the organization. More importantly, leadership is never amoral because people and their just treatment are always involved. Bass says, “It is the presence or absence of such a moral foundation of the leader as a moral agent that grounds the distinction between an authentic versus a pseudo-transformational leader.”¹⁸ It can then be argued that all leadership is, at its root, moral leadership because the actions of leaders necessarily impact followers and those with whom they interact. Gini concurs, “All leadership is value laden. All leadership, whether good or bad, is moral leadership.”¹⁹ When the modifier “moral” is fused to leadership and, moral is assumed to reflect the idea of “morally good,” it fundamentally circumscribes the process, effectively eliminating several potential modes of behavior.

Moral leadership is essentially leading with a conscious moral bent driven by an ethical system that provides a strong foundation for the actions a leader takes. It is virtuous leadership driven by deeper concerns of humanity, like human dignity and flourishing, which far exceed mission accomplishment. It upholds the virtue of leaders whilst developing the follower towards virtuousness as its purpose; organizational success is a side benefit. It moves beyond behavior modification (what one does) to shaping a person’s true self (who one is). Bass suggests that leadership “Is motivational and enabling, highlighting a new realization and transformation of the person.”²⁰ In the Moral Leadership Training Model, I propose the definition that Moral Leadership is leading by demonstrating virtue in thought and action that is both exemplary and actively persuasive in its execution. It is exemplary because the leader willingly sets himself/ herself up as a role model. It is actively persuasive because the leader carries a personal and professional burden to engender foundational organizational beliefs and values in the follower. S. Duane Hansen, professor of business at Weber State University, and his team back up this concept when they “[d]efine ethical leadership as the *demonstration of normatively appropriate conduct through personal actions* [Exemplary] in interpersonal relationships and the *promotion of such conduct* [Actively Persuasive] to followers through communication, reinforcement and decision-making.”²¹ (Emphasis added.) Essentially, moral leadership means certain values are “baked into” the leader in such a way that they manifest these

virtues in the natural course of their leading. Morality is fundamentally part of a moral leader's leadership DNA. Al Gini reiterates the depth of morality as follows: "Character... refers to the enduring marks, engravings or etched-in factors in our personality."²²

Educational leadership expert, John West-Burnham, describing moral leadership writes, "Leadership behavior which is consistent with personal and organizational values which are in turn derived from a coherent ethical system."²³ The Army requires moral leadership at all levels which we typically describe as good character. One could argue that virtues are essentially the descriptors of such goodness, or as Gabriel Flynn puts it in "The Virtuous Manager", "In common parlance, a virtue is a trait of character or intellect, which is morally laudable."²⁴ It is the exercise of these virtues, when observed, that we label good character. Moral leadership, however, goes beneath the surface. While character development extends only to that which is observed, moral leadership brings into focus the idea of "promoting goodness for its own sake."²⁵ As professor Kim Cameron's research characterizes it, "Rather than being an instrumentally motivated action or emotion valued only because of what it produces, however, virtuousness... Refers to the most ennobling behaviors and outcomes, the excellence in essence of humankind, the best of the human condition, and the highest aspirations of humanity."²⁶ This excellence in essence is the motivation of the moral leader. Considering the Army's lack of resources to address development, we are unlikely to develop the kind of moral leaders we desperately need. Perhaps, it would help to amplify the Army's definition of leadership, in a moral sense.

In the Army context, moral leadership is the process of influencing people by providing moral purpose (the *what* of seeking a moral good end), moral direction (*how* one should act—through morally justifiable means), and moral motivation (the *why* or inspiration for action—the creation of an aspiration to an ethical standard which causes followers to demonstrate virtue). The result of this type of leadership is mission accomplishment through morally justifiable means for a greater moral purpose leading to an organization that improves not simply in competency or success but in moral standing. This view more closely accords with the Just War Tradition and the moral spirit of Army doctrine. As Army Doctrinal Publication 1 *The Army* (ADP 1) puts it, "The support of the American people has been, and will remain, paramount to our success. We remain mindful of their trust in us to get the mission accomplished in a way that brings credit to us and to the nation."²⁷ Whetstone's research helpfully adds, "Moral character and technical competence are viewed as being equally important for managerial excellence... whereas immorality was the most often mentioned attribute of the least admired managers, technical incompetence was rarely mentioned."²⁸ Exceptional leaders are perceptibly moral and competent, whereas the poorest leaders are labeled, "poorest," even when perceived as technically competent. This affirms Army doctrine's emphasis on being both ethical and efficient.

As stated in ADP 1, "Membership in the Army profession carries with it significant responsibility—the effective and ethical application combat power."²⁹ Army Doctrinal Reference Publication 1 *The Army Profession* (ADRP 1) states,

The office which Army professionals enter upon taking their oath is not a physical workspace; it is a moral workspace. This unique workspace involves our subordination to the moral responsibilities of the profession. Specifically, Army professionals are stewards of the sacred trust with the American people."³⁰

Further highlighting the key concepts of role modeling and active persuasion, Army Doctrinal Reference Publication 6-22 *Army Leadership* (ADRP 6-22) states, "An ideal Army leader has strong intellect, physical presence, professional competence, moral character, and serves as a role model.... Their personal example and actions carry tremendous moral force."³¹ ADRP 6-22 continues, "The Army relies on leaders of integrity who possess high moral standards."³² The preponderance of doctrine points to the conclusion that training to

make Army leaders “morally complete” is necessary. ADRP 6-22 makes it abundantly clear that, “Conflicts between personal and Army values should be resolved before a leader can expect to become a complete Army leader.”³³

The Moral Leadership Training Model (MLTM) presents one way to move Army leaders towards moral completeness. The MLTM is an eight-module training toolkit which equips Unit Ministry Teams to provide moral leadership training. It employs the Army Values as a framework of Superintending Virtues supported by 68 Associated Virtues. Cultivating the 68 virtues the MLTM associates with the Army Values: through small-group discussion, Individualized Moral Leadership Development Worksheets—which encourage the practice of the virtues in both personal and professional settings—and a continuous assessment process catalyzes the flourishing of Soldiers as leaders and moral agents.³⁴

The MLTM is a virtues based approach consistent with Army leadership and profession doctrine. Beginning with the idea that moral leadership is, “Leadership behavior which is consistent with personal and organizational values which are in turn derived from a coherent ethical system,” the MLTM lays a broad foundation for moral leadership. It follows by erecting a superstructure consisting of the Army Values, considered as superintending virtues, and finishing that frame by demonstrating how understanding groups of virtues associated with each Army Value leads to both a fuller understanding of how to exemplify the Army Values in leadership and how to actively persuade others to do so as well. The MLTM is strongly tied to the Army Values because as preeminent ethicist Alasdair McIntyre notes, “Since the Enlightenment there has been an inability to agree upon a catalog of the virtues, and, even more fundamentally, an inability to agree upon the relative importance of the virtue concepts that moral scheme in which notions of rights and of utility also have a key place.”³⁵ In a sense, using the Army Values as the superintending framework alleviates the need to develop a catalog. It represents an organizationally pre-approved catalog. Whetstone sees this enculturation of the framework as fundamental to effective implementation. “Cultural milieu does matter; institutionalizing virtue ethics does require a process of customization in light of the role and organizational culture... They cannot be understood apart from the reflexive interrelationships of act, outcome and actor within the context of situation and culture.”³⁶

The MLTM is designed as a practical, adaptive approach to address weakness in moral leadership across the Army. This weakness is driven by a divergence of American cultural values from Army Values, resulting in indiscipline, and a high number of prominent Army leaders failing to lead morally. The MLTM is designed to be implemented by battalion-level Unit Ministry Teams as an integrated system of flexible training events centered on small-group discussion and application of virtues associated with each Army Value. This is in accord with the Army Learning Model and Army Regulation 165-1 *Army Chaplain Corps Activities* (AR 165-1) designation of the Chaplain Corps as the proponent for moral leadership training. Battalion Unit Ministry Teams will be trained to instruct the foundational set of eight modules by skilled trainers sanctioned by the MLTM developer. The entire course of eight modules is intended to be taught over the course of 16 to 24 months. This allows sufficient time for the virtues brought into focus in each module to be practiced and adopted by students. The goal is for Soldiers to have sufficient time between each module to develop the virtues introduced in a previous module before introducing more in a follow-on module. Each module, aside from module one, uses an Individual Moral Leadership Development Worksheet allowing Soldiers to build a written plan to implement and practice three virtues, associated with the module, across both personal and professional domains between training sessions. This is consistent with Army doctrine as:

Leaders of integrity adhere to values that are part of their personal identity and set a standard for their followers to emulate.... Living and leading from an identity that is not integrated, meaning one that places one’s personal morality outside the scope of professional ethics, drawing then on each one on a situational basis, does not comport with Army leadership doctrines and will quickly be recognized by followers as inauthentic.³⁷

Each module is intended to be standalone, interchangeable, and scalable. In practice, whatever amount of the program the Soldier gets will be beneficial and won't feel incomplete without the others. Each module reminds students of the larger purpose outlined in module one, and allows customization to the current needs of the unit. In other words, a Unit Ministry Team that knows their unit struggles with virtues associated with integrity, for example, can shift the order to frontload instruction on that particular Army Value. Modules two through seven can be taught in any order. In addition, the training time for each module is not fixed and can be customized to easily fit any training schedule. Some modules will be naturally longer and others shorter. Modules can be taught in a traditional classroom or they can be taught in an off-site or field setting. Each trainer customizes their instruction to fit the needs of their unit while retaining the core content. Each module, again excepting module one, also includes a review of the students Individualized Moral Leadership Development Worksheet from the previous module to cement learning, evaluate efficacy, and mitigate a Soldier's failure to stick to his or her plan. Practice is critical because as Flynn explains, "Virtues, then, are dispositions engendered in us through practice or habituation."³⁸ As part of the in-module review process, the impact of previously attended modules is captured using the Quick Take Assessment for further development and evaluation of the MLTM. Lastly, each module ends with a "hot wash" to collect immediate feedback from participants.

The MLTM's foundational modules employ a variety of teaching processes. This variety is beneficial, keeping materials fresh and reducing a feeling of redundancy. Unit Ministry Teams customize MLTM modules and provide developmental feedback on concepts and products for the continuous development of future iterations while retaining core elements. Teams then use this feedback to build a centralized repository of developmental ideas that foster subsequent renditions of the modules. As a collaborative endeavor, the repository permits those most talented in curriculum development to drive a synergistic effect, as their products provide a wider range of options for those pressed for time or whose talents lie in other areas.

Having introduced the basics of the MLTM, the remainder of this paper will focus on answering a variety of questions regarding the focus and implementation of the model.

Question 1: What is the MLTM's goal?

In simple terms, the MLTM is dedicated to moving students towards holistic flourishing as moral leaders who maintain the trust of the American People and are best equipped to meet the challenges raised by the challenges of mission command, multi-domain battle, and large-scale combat operations. Whetstone's vision for servant leadership is similar, "The servant leader formulation attempts to bring together the conceptual and intuitive levels of ethics, offering a focus on developing people fit to make the ethical choices and to implement them one-by-one—while continuing to improve over time."³⁹

Continual self-improvement is another critical goal of the MLTM because as Trevino and her colleagues explain, "Most adults in industrialized societies are at [Lawrence Kohlberg's] 'conventional' level of cognitive moral development, and less than twenty percent of adults ever reach the 'principled' level where thinking is more autonomous and principle-based."⁴⁰ The potential for casualties, collateral damage, or even atrocity means Army leaders must be capable of making decisions at the principled level of Kohlberg's scale. The MLTM begins this development process focused on shared ideals (virtues) to engender a spirit of aspiration toward higher level moral development. Bernard Bass regards this as the preeminent task of leadership. "Perhaps the greatest challenge of leadership is precisely to bridge ethical relativism by forging a platform of common values and stimulating alignment and congruence of interests."⁴¹ In the MLTM, the Army Values provide just such a platform of common values and by considering their broader implications through the Associated Virtues construct, MLTM seeks to bring a unified drive towards living the Army Values in and out of uniform. The MLTM calls students to, as Paul Robinson suggests in *Parameters*, "Engage in sustained normative reflections and... engage in sustained critical thinking about complex problems."⁴² The focus is training "Soldiers who act ethically, not because they have been told to, or

because they think it will make them look good, but because they themselves have determined that it is the right thing to do.”⁴³ The MLTM seeks to make leaders whose thinking and actions reflect an instinctively normative morality. The model is primarily interested in morally developing leaders, not reducing numerical indicators of indiscipline. It is likely that more moral leaders will result in the reduction of such measurable acts of indiscipline, but this is a side benefit, not the main thrust of the model. In an ultimate sense, it is worth considering Trevino’s thought that “It can be argued that the continuing moral development of organizational members is a desired end in and of itself.”⁴⁴

Question 2: Why use a virtues/values approach?

A virtues approach is congruent with both Army doctrine and Framework for Character Development. As Professor Whetstone points out, “A virtues perspective can provide a learning process highlighting the continuous dynamic of action and development of the motivational dispositions of human persons to act within the broad environmental community context. The normative aim is to move towards the standard set by a concept of the good organization.”⁴⁵ The Army Values and profession doctrine, along with the Framework, represent our concept of a good organization.

Additionally, Army Professionals desire this kind of training to enhance their leadership qualities. The Army Profession Campaign Annual Report 2012 confirms this:

Army Professionals are looking for the Army to refocus on professional values. Army Professionals voiced broad support for developing, training, and educating specific institutional characteristics that define the Army as a profession, as well as listing the individual attributes that identify Army personnel as professional.⁴⁶

Beyond the desire of Army Professionals for discussions in this area, it best reflects our pluralistic culture. Bernard Bass is instructive here. “An approach to ethics based upon moral character and virtue enjoys an extraordinarily broad cross-cultural base.”⁴⁷ Further research by Schwartz, Lin, Rosemont, and Ames, finds, “The moral life rests upon foundations of individual virtue and that the individually virtuous person transforms others as well as the social environment.”⁴⁸ So instilling virtue in individuals positively impacts the organizations to which they belong by extension.

Lastly, as Author Kim Cameron so cogently points out, a set of agreed upon, fixed principles are an irreplaceable navigational aid to leaders. “Disorientation afflicts individuals and organizations in situations where there are no unchanging references. When nothing is stable—no clear fixed points or undisputed guiding principles exist—leaders are left with nothing by which to steer.”⁴⁹ Beyond that, according to Whetstone, educating for virtues is effective in creating positive change.

Virtues are not static; they are corrective. They help guide, motivate, or correct moral deliberation and behavior. By promoting and facilitating methods of moral education, character development, and emotional well-being of the actor, an ethic of virtue can serve as a framework for implementing positive change in behavior.”⁵⁰

In the end, by positively focusing on who a leader should be as opposed to what a leader should not do, the MLTM supplies a set of fixed reference points by which to judge not only the observable character of a leader, but their internal motivations as well. As Paul Robinson states, “While negative cases can make a contribution, it would be more useful to the inculcation of appropriate responses if more positive examples were used.”⁵¹ Don Snider chimes in, “While both forms of motivation have their uses, it is common sense, as well as Army doctrine, to prefer transformational leadership that draws on the moral foundations and inspires Army professionals to honorable service over motivation that is based punitively on law and regulations.”⁵²

Question 3: How does learning about virtues associated with the Army values produce change in the learner?

There is a distinct difference between creating good order through compliance means and striving to create good people. Compliance does not drive character, but character can drive compliance. As Whetstone sees it, “Having a good moral character suggests the presence of virtues or moral excellences and the absence of vices. [These are] beneficial to personal actors and to the others affected by their acts.”⁵³ This approach ultimately leads to good order by means of internal commitment. Paul Robinson quoting Hilliard Aronovitch in a 2007 *Parameters* article stating, “Effective fighters are also ethical fighters, good soldiers in the one sense are also good soldiers in the other sense.... Hence, good soldiers must in certain ways be good persons as well.”⁵⁴ Commitment outcomes are by nature superior to compliance outcomes. The MLTM intends to launch a dialog between and within the students to lead them to commitment. As Bass points out this is, “Predicated upon the inner dynamics of a freely embraced change of heart in the realm of core values and motivation, upon open-ended intellectual stimulation and a commitment to treating people as ends not merely means.”⁵⁵ The creators of MTML designed it as a discussion and investigation launchpad augmented by the Individualized Moral Leadership Development Worksheets. Participant and facilitator discussion lead to learning through discovery. This is especially so when students are introduced to other viewpoints, even when in error. For this reason, Army doctrinal definitions are not introduced in an authoritative sense early in each module and are not the sole focus of the training. Rather, the group explores possibilities together to achieve greater moral vision. As Corvig and his colleagues comment, “Saying yes to an invitation to hear someone else’s moral thinking is not an acknowledgment that they are right; it is being open enough to hear them out.”⁵⁶ In fact, this sort of thinking reflects the emphasis on the 21st century soldier competency of critical thought. The concept of interacting with opposing opinions using critical thought to arrive at valid conclusions is far from new. Furthermore, Corvig and his colleagues demonstrate this by quoting early 20th century educational professional Ellen White who wrote:

The men [and women] in whom this power [critical thinking] is developed are the men who bear responsibilities, who are leaders in enterprise, and who influence character. It is the work of true education to develop this power, to train the youth to be thinkers and not mere reflectors of other men’s thought.⁵⁷

The impetus to develop comes when ideas are wrestled with. As Robinson points out however, “It is one thing to say soldiers will have to undergo ethics training, it is quite another to ensure that they learn the right lessons.”⁵⁸ This is why it is essential to take this broad virtues approach to moral leadership training and root it in the sound underpinnings of the Army Values.

Perhaps, it is significant to mention that a language of virtues and vices is the language of leaders. Whetstone’s research into grocery store management led him to the following conclusion:

[While] practicing managers are not schooled in philosophy, certainly not in the classical traditions and language of virtue. Nevertheless, the empirical exploration of the language managers actually use [revealed it as]... Essentially one of virtues and vices, not quite that of ancient Greek or medieval philosophers, but one suited to the society and culture of the contemporary organization.⁵⁹

Question 4: Why use Unit Ministry Teams as the primary instructors?

Army Regulation 165-1 clearly designates the Army Chaplain Corps as the proponent agency for moral leadership training. Additionally, chaplains are among the most well-trained speakers and teachers in the Army. We need our most skilled presenters to inspire development since, as Robinson points out, “The

ability of military institutions to indirectly influence the character of their members has declined.”⁶⁰ Employing Unit Ministry Teams as lead instructors also allows sensitivity to particular unit needs, schedules, and challenges. It permits greater flexibility and decentralizes training which boosts effectiveness. As Robinson elucidates, “Giving a leading role in ethics training to those of lower levels of the chain of command, and allowing for differences between units [and even service branches] is one way of overcoming such perceptions [that this kind of training is simply check the block].”⁶¹ Ultimately, as Snider and Shine conclude, “Moral leadership is best applied under mission command when the profession’s culture is meritocratic and self-policing at each level rather than imposed from above, and when a broad diversity of personal moralities is leveraged to the effectiveness of the profession.”⁶² In the end, the Chaplain Corps is better trained—opposed to other branches—to understand the moral and spiritual plurality of our force.

Question 5: Why does the model take so long? What if soldiers cannot complete all eight modules? Why not just point students towards Army doctrine, make them familiar with it, and let them develop themselves?

Corvig tells us, “Modern scholarship on followership strongly indicates that there is often a moral weakness and followers.”⁶³ Correcting this weakness is difficult. Developing Moral Leaders and building a climate and culture of moral leadership is time intensive. It cannot and will not be created overnight. In Corvig’s view, “Moral leadership is a rich cultural process of engaged dialogue that leads to better mature thinking. That is messy, time-consuming, and the temptation to reign in that process is always present.”⁶⁴ To accomplish the goals of the MLTM takes time, effort and strong resistance to organizational entropy, the natural tendency of organizations to lose their devotion to foundational principles over time. As Whetstone puts it, “The virtue ethics perspective attempts to help the person as actor understand himself and develop the moral capacities to live and work well in situations both ordinary ones and crises.”⁶⁵ There is no shortcut to this destination. For example, in another article based on research done with grocery store managers, he further elucidates, “Managers are not merely lists of qualities, but humans striving to reach goals that can conflict under multiple pressures within a dynamic and very complex social and cultural environment.”⁶⁶ If this is true of grocery store managers, how much more so of Army leaders who are, within the LSCO environment, concerned with vastly more dynamic and complex situations than the price of lettuce or providing adequate time off for employees?

Although completing the full eight modules would be time consuming, a Soldier need not complete all to begin developing. Developing will always be an ongoing process. The more a Soldier experiences the model, the more catalyzed the process. Yet, leaders never arrive at a “trained” status in terms of moral leadership, they always aspire to move further along.

Trevino, referencing Lawrence Kohlberg’s work, suggests that “[t]he cognitive moral development model logically leads to prescriptions for moral education as a way to a higher maturity stage.”⁶⁷ One challenge is that encouraging self-development efforts and our own organizational model don’t make it easier. On the one hand, there is the challenge of moral cruise control as Corvig, Ongo, and Ledsma assert, “Power accumulation and centralization tempts followers to put their own moral and spiritual thinking on cruise control and let others decide.”⁶⁸ On the other hand, there is a challenge presented by those who come into the Army with strong personal moralities as well. As Snider makes clear, “In the event of a clash between a Soldier’s personal morality and his or her understanding of responsibility under the Army’s Ethic or directives, he or she cannot in good conscience simply jettison the personal ethic to support that of the Army.”⁶⁹ In the final analysis, every Soldier must conduct some form of hybridizing where personal and organizational morality and ethics are acceptably congruent in order to serve in good conscience. Soldiers need interpretative assistance to successfully navigate this hybridizing process.

Question 6: Why are design for development and intentional customization part of the model?

Al Gini points out a static, one-size-fits-all approach is a failure waiting to happen. “Leadership is never tidy. ‘Any attempt to describe a social process complex as leadership inevitably makes it seem more orderly than it is.’”⁷⁰ It would be astoundingly arrogant to assume that the pilot modules of the MLTM, if they remained static or in a singular format, would suffice to address the moral leadership development needs of Soldiers across the Army long-term. Only a model that adapts its methods to changing conditions while refining content, fights organizational entropy, furthers collaboration, catalyzes innovation, and complements future components in the Army’s moral leadership/character development programing allows for sustainable implementation.

Question 7: How does MLTM begin to answer the moral challenges of the Army both on and off the battlefield?

Firstly, as demonstrated by John Cullen and his associates, deriving guidance from internalized principles is how true professional lead.

Professionals are expected to internalize professional principles and give them priority over organizational norms. As such, it seems likely that when organizations develop principled climates they are more likely to be congruent with internalized professional norms and values, which should lead to greater levels of organizational commitment.”⁷¹

Second, The MLTM benefits both individual Soldiers and the Army as an organization by developing effective, trustworthy leaders who take the organization towards the destination envisioned by the American people long-term. Hansen’s team writes:

Strong ethical leaders are, therefore likely to be more effective than weak ethical leaders at maintaining the trust of key stakeholders vital for the realization of long-term, strategic organizational objectives. By placing a high priority on long-term stakeholder trust via their adherence to high moral standards, strong ethical leaders demonstrate commitment to their organization’s long-term success. They also create environments of trust were subordinates are likely to develop similarly committed behavior patterns.⁷²

Third, it is the best way to guide subordinates’ behaviors beyond self-benefit. Hansen’s study continues,

Organizational ethical leaders have a stronger impact on employee commitment... Being an ethical leader will not only positively impact subordinate ethical behavior; it will also positively impact a broad range of behaviors that are beneficial to the supervisor, the workgroup, and the organization.⁷³

The day-to-day behavior of moral leaders can change the face of our Army from moral ambivalence to moral consistency. Professor David Mayer sums it up. “When leaders are moral people (e.g., integrity, concern for others, just, trustworthy) and moral managers (e.g., communicating, rewarding, punishing, emphasizing ethical standards, role modeling ethical behavior) they’re better equipped to create an environment in which doing the right thing is valued.”⁷⁴ Potential benefits abound according to Professor Miao of Zhejiang University, whose international team of researchers believe, “Ethical leadership enhances employee work attitudes such as job satisfaction and affective organizational commitment, job performance, voice behavior, and organizational citizenship behavior... Reducing subordinates’ misconduct, deviant behaviors, and organizational bullying in the workplace.”⁷⁵

Conclusion

In a future characterized by near-peer, Large-Scale Combat Operations, across a multi-domain battle field, under the doctrine of mission command, our Army must be replete with moral leaders. Historian Anne Loveland quotes President Truman as saying, “The spiritual and moral health of our Armed Forces is a vital element of our national security.”⁷⁶ Our leaders must model behavior anyone would be proud to emulate. Further, they must be convincing leaders, persuading the leaders of the future to lead through the same kind of moral action they themselves do today. Cultivating a richer and more life-integrated approach to the Army Values through the understanding of other virtues, which shed light on their nuances, and finding ways to practice those virtues both in and out of uniform can lead Soldiers to become fully flourishing moral agents. The Moral Leadership Training Model addresses many of the concerns detailed throughout this essay and provides the Army a desperately needed weapon in its character development arsenal.

End Notes

- 1 “The Army’s Framework for Character Development: Integrating *Character Development* within *Leader Development* Strengthening the shared identity of *Trusted Army Professionals*,” Center for the Army Profession and Ethic, 28AUG17, 2 & 6. Accessible at: <http://data.cape.army.mil/web/repository/white-papers/armys-framework-for-character-development-white-paper.pdf>.
- 2 John West-Burnham, “Moral Leadership,” 4. Accessible at: https://www.unrwa.org/userfiles/file/leading_4_the_future/module1/moral-leadership%20West%20Burnham.pdf.
- 3 United States Army and U.S. Marine Corps, “Multi-Domain Battle: Combined Arms for the 21st Century,” United States Army and Marine Corps White paper (January, 2017), 11.
- 4 United States Army and U.S. Marine Corps, “Multi-Domain Battle”, 3.
- 5 Ibid., 7.
- 6 J. Thomas Whetstone, “How Virtue Fits within Business Ethics,” *Journal of Business Ethics* 33, no. 2 (September, 2001): 107.
- 7 Al Gini, “Moral Leadership: An Overview,” *Journal of Business Ethics* 16, no. 3 (February, 1997): 325.
- 8 “Multi-Domain Battle,” 8.
- 9 Whetstone, “How Virtue Fits within Business Ethics,” 106.
- 10 Brian M. Michelson, “Character Development of U.S. Army Leaders: A Laissez Faire Approach,” Paper, United States Army War College (Carlisle, PA 2013): 21.
- 11 Ibid., 19.
- 12 Linda Klebe Trevino, “Ethical Decision Making in Organizations: A Person-Situation Interactionist Model,” *The Academy of Management Review* 11, no. 3 (July, 1986): 611.
- 13 Q, A. Newman Miao, J. Yu and L. Xu, “The Relationship Between Ethical Leadership and Unethical Pro-Organizational Behavior: Linear or Curvilinear Effects?” *Journal of Business Ethics* 116, no. 3 (September, 2013): 650.
- 14 Bernard M. Bass and Paul Steidlmeier, “Ethics, Character, and Authentic Transformational Leadership Behavior,” *Leadership Quarterly* 10, no.2 (Summer, 1999): 187.
- 15 J. Thomas Whetstone, “The Language of Managerial Excellence: Virtues as understood and Applied,” *Journal of Business Ethics* 44, no. 4 (June, 2003): 344.
- 16 “The Army’s Framework for Character Development,” 2 & 6.
- 17 U.S. Department of the Army, *Army Leadership*, Army Doctrinal Publication 6-22 (Washington, D.C.: U.S. Department of the Army, August 2012), 1.
- 18 Bass and Steidlmeier, 186.
- 19 Gini, 325.
- 20 Bass and Steidlmeier, 187.
- 21 S. Duane Hansen, Bradley J. Alge, Michael E. Brown, Christine L. Jackson, and Benjamin B. Dunford, “Ethical Leadership: Assessing the Value of a Multifoci Social Exchange Perspective,” *Journal of Business Ethics* 115, no. 3 (July, 2013): 435.

- 22 Gini, 326.
- 23 John West-Burnham, 4.
- 24 Gabriel Flynn, "The Virtuous Manager: A Vision for Leadership in Business," *Journal of Business Ethics* 78, no. 3 (March, 2008): 361.
- 25 Kim Cameron, "Responsible Leadership as Virtuous Leadership," *Journal of Business Ethics* 98 (2011): 26.
- 26Ibid., 28.
- 27 U.S. Department of the Army. *ADPI: The Army*. Army Doctrinal Publication 1 (Washington, D.C.: U.S. Department of the Army, June 2015), 4-1.
- 28 Whetstone, "The Language of Managerial Excellence," 351.
- 29 U.S. Department of the Army. *ADPI: The Army*. Army Doctrinal Publication 1 (Washington, D.C.: U.S. Department of the Army, June 2015), 2-5.
- 30 Ibid., 6-2.
- 31 U.S. Department of the Army. *Army Leadership*. Army Doctrinal Reference Publication 6-22 (Washington, D.C.: U.S. Department of the Army, August 2012), 1-3.
- 32 Ibid., 3-3.
- 33Ibid.
- 34 The Individual Moral Leadership Development Worksheets are an adaptation of CH (LTC) Anthony Randall's Individual Character Development Plan worksheets developed in his study of Transformational Moral Leadership. The reader is encouraged to examine Chaplain Randall's material for a comprehensive understanding of the Transformational Moral Leadership program conducted at the U.S. Army's Maneuver Center of Excellence.
- 35 Whetstone, "The Language of Managerial Excellence," 345.
- 36 Ibid., 3.
- 37 Don M. Snider, and Alexander P. Shine. "A Soldier's Morality, Religion, and Our Professional Ethic: Does the Army's Culture Facilitate Integration, Character Development, and Trust in the Profession?" *Professional Military Monograph Series* 6, Strategic Studies Institute and United States Army War College Press (April, 2014), 19.
- 38 Flynn, "The Virtuous Manager," 363-364.
- 39 Whetstone, "How Virtue Fits within Business Ethics," 110.
- 40 Linda Klebe Trevino, Michael E. Brown, and Stephen J. Wall, "Managing to Be Ethical: Debunking Five Business Ethics Myths [and Executive Commentary]," *The Academy of Management Executive* 18, no. 2 (May, 2004): 71.
- 41 Bass and Steidlemeier, 208.
- 42 Robinson, "Ethics Training and Development in the Military," 29.
- 43Ibid., 30.

- 44 Trevino, 615.
- 45 Whetstone, "How Virtue Fits within Business Ethics," 107.
- 46 U.S. Army, *US Army Profession Campaign Annual Report*, April 2, 2012, 6.
- 47 Bass and Steidlemeier, 192.
- 48Ibid., 193.
- 49 Cameron, 29-30.
- 50 Whetstone, "How Virtue Fits within Business Ethics," 105.
- 51 Paul Robinson. "Ethics Training and Development in the Military." *Parameters* 37, no.1 (Spring, 2007): 23-36, 33.
- 52 Snider and Shine, 18.
- 53 Whetstone, "How Virtue Fits within Business Ethics," 105.
- 54 Robinson, 25.
- 55 Bass and Steidlemeier, 191.
- 56 Duane M. Corvig , Mordekai O. Ongo, and Janet Ledesma, "Integrating Four Types of Moral Leadership," *Journal of Applied Christian Leadership* 16, no. 1 (Spring 2002): 55.
- 57 Corvig et al, "Integrating Four Types of Moral Leadership," 58 here quoting from Ellen G. White, *Education* (Mountain View, CA: Pacific Press, 1903).
- 58 Robinson, 23.
- 59 Whetstone, "The Language of Managerial Excellence," 354.
- 60 Robinson, 26.
- 61 Ibid., 27
- 62 Snider and Shine, 31.
- 63 Corvig et al, "Integrating Four Types of Moral Leadership," 44.
- 64 Ibid., 60.
- 65 Whetstone, "How Virtue Fits within Business Ethics," 105.
- 66 Whetstone, "The Language of Managerial Excellence," 353.
- 67 Trevino, 607.
- 68 Corvig et al, "Integrating Four Types of Moral Leadership," 43.
- 69 Snider and Shine, 21.
- 70 Gini, 329.
- 71 John B.Cullen, K. Paraveen Parboteeah, and Bart Victor, "The Effects of Ethical Climates on Organizational Commitment: A Two Study Analysis," *Journal of Business Ethics* 46, no. 2 (August, 2003): 131.

72 Hansen et al, 437.

73 Ibid., 446.

74 David M. Mayer, Maribeth Kuenzi, and Rebecca L. Greenbaum, "Examining the Link Between Ethical Leadership and Employee Misconduct: The Mediating Role of Ethical Climate," *Journal of Business Ethics* 95, "Supplement 1:Regulating Ethical Failures: Insights from Psychology" (2010): 13.

75 Q. Miao, A. Newman, J. Yu and L. Xu, "The Relationship Between Ethical Leadership and Unethical Pro-Organizational Behavior: Linear or Curvilinear Effects?" *Journal of Business Ethics* 116, no. 3 (September, 2013): 643.

76 Anne C. Loveland, "Character Education in the U.S. Army, 1947-1977," *Journal of Military History* 64, no. 3 (July, 2000): 801

Ready or Not (?)

The Ethics of Time in Preparing for Large Scale Combat Operations: Navigate Chronos Lest We Die

Samuel L. Rico

How do we fight and win Large Scale Combat Operations (LSCO)? We must build readiness. Without readiness our Armed Forces will fail to fight and win. But the very notion of readiness itself begs this question: What do leaders mean when they say our number one priority is “readiness”? Many layers of linguistic substrata exist within the “readiness” continuum. For instance, to build readiness and project combat power, what must the Army must manage, plan, and execute, in order to dominate our adversaries? While higher echelons clarify what “readiness” entails, I argue that we must devote ourselves to a more pressing planning factor: Time.

In a monthly message to the DoD, the Secretary of Defense, Patrick Shanahan, stated the DoD completed their “first full financial statement.”¹ According to the Secretary of Defense, the extensive audit supported the main line of effort within the National Defense Strategy: Enhance the lethality of the Joint Force.² While proper resource management maintains a vital role for increasing the military’s lethality, time is, (as they say), of the essence. Resources stitch the fabric of military operations, and time is the seamstress.

Chronos (Not on Our Side)

*Time in his avarice steals so much away:
Men call it Fame; 'tis but a second death,
And both alike are strong beyond defense.
Thus doth Time triumph over the world and Fame.*

—Petrarch *from* Triumph of Time³

Generally understood, we operate in three dimensions, composed of length, width, and depth. Some physicists envision a fourth dimension: time. Time, the unseen and yet utterly inescapable dimension, binds us and confines us. Time sets a pure linear course outside of human convention or intervention. Time has no allies or foes. It devours all equally. The Ancient Greeks appear to have envisaged time in this regard. Greek mythology personified Time as the god Chronos. Chronos was not man’s friend. In some versions of the Greek mythos, he ate his children. The ancient Greek writer Petrarch captures Chronos’s consuming and eroding nature, when avers, “Time doth triumph over the world and fame.” In such a schema, the immediate implication of Time was constraint and consumption, not liberty. The Army doctrine publication *The Operations Process* shares a fraternal connection to Greek mythology’s notion of time when it cautiously remarks, “The defining challenges to effective [military] planning are uncertainty and time.”⁴

The Greeks did not construe Time as a resource. Chronos was not something to be managed, but something to be dreaded. (Time may have been on the side of Mick Jagger and the Rolling Stones, but the Greeks were more cautious and realistic.) Time was not on their side. It was against them. One had to make the most of

one's finite amount of time, and this did not necessarily imply that one must do as much as they could in one day. The ancient Greek personification of Time may benefit us. They would beckon that we understand "time" as a persistent constraint, rather than a resource.

In addition to time, leaders state that Soldiers and funding are our most valuable resources. The latter two are a resource, in the sense that the U.S. government procures and manages them. For instance, when the DoD requests more funding and more Soldiers, congress may or may not approve these requests. Time, however, stands alone. We cannot submit a line item to buy more time, nor can we legislate a 25th hour addendum to the clock. Time wrests itself free from the will of the State. We cannot manage time, it forces its will upon us. Accordingly, "time management" is a misnomer. Rather than contemplating time as a resource to manage, commanders and staffs must consider time as a persistent limitation that we must navigate. We cannot control time, it controls us.

Understanding time as an independent force, rather than a resource, allows planners to recalibrate expectations for what units accomplish within their allotted time. Given the Armed Forces' overextended state of resources and personnel, it is time to embrace a paradigm shift about time. For, if we strain to accomplish everything well, we may well accomplish nothing at all. The more commanders try to defy time constraints, the more time will set its will to devour. The Armed Forces should avoid factoring time as a resource, instead we should envision time as a constant constraint and limitation. Commanders and staffs often fall prey to the illusion that time is their resource. No plan occurs in a vacuum, and therefore we cannot underestimate the governance of time.

Is Our Use of Time an Ethical Issue?

Given the stakes of what our military stands for, namely, the interests of American people, how we navigate and use our time is, by implication, an ethical issue. How we steward our time is commensurate with how we remain accountable to those who depend upon us to fight and win. Given the complex world we live in, and the potential for singular catastrophic attacks that adversaries may deliver, we must steward our time well to be ready and lethal.

The ethics of artificial intelligence in LSCO, trans-human discussions, and warfare in megacities, potentially prods curiosity more than discussing the ethics of time. However, I believe the ethics of time transcends all others. For, winning requires lethality, and lethality requires readiness. Readiness requires training, and training requires time. In light of the gravity of our mission, time is more than a mission or operational variable. The interests of the American people hinge on whether or not the DoD views its use of time as an ethical issue.

In talking tactical operations center reality, Army training development often pays lip-service to time. For subordinate echelons to organize and resource training, Army doctrine requires locking in a six-week training calendar. However, higher echelons often (either out of necessity or trying to do too much) inject short suspenses, which derail six week calendars. Additionally, Army planning doctrine promotes the 1/3-2/3 rule as it applies to the time commanders and staff should give units, in order to ensure that subordinate units have sufficient time to conduct Troop Leading Procedures. Unfortunately, most leaders and staffs call the 1/3-2/3 ratio a myth. The degree to which we neglect such doctrinal standards, we both disrupt our ethics and erode our integrity before the America people.

Time to Train: Are We Ready?

Are we ready to conduct Large Scale Combat Operations? Significant voices answer no. the Army Times recently referenced a National Defense Strategy Commission's specter of LSCO if the U.S. Military faced a near-peer: "If the United States had to fight Russia in a Baltic contingency or China in a war over Taiwan, Americans could face a decisive defeat."⁵ We may be tempted to argue that such comments are simply

attempts to procure funds for the Armed Forces. Perhaps the authors employed language of “if” and “could” to scare money their way? The procuring money hypothesis may have a hue of validity, until we observe that “a congressionally mandated, bi-partisan review” formulated the grim analysis.

In order to be ready, we must be well trained. Being well trained requires vigilant efforts directed at prioritizing the time. The Secretary of the Army (the Honorable Mark Esper) has rolled out many Army Directives to reduce training requirements to prioritize readiness and lethality. The Reducing Requirements on Brigade and Below initiative suggests the Army wrestles over the ethics of prioritizing time, so that we will be ready to fight and win the nation’s wars. Are leaders acting upon the Secretary of the Army’s golden opportunity to reduce requirements listed in the Directives? The degree to which we reduce requirements correlates to the degree we adhere to the intent behind these Directives, namely, to prioritize lethality. If we fail to reduce requirements, we will rob units’ time to train lethality. If we do not navigate time, we will train a sub-lethal force that is not ready.

Does compliance to complete all Army Regulation 350-1 *Army Training and Leader Development* (AR 350-1) tasks (and other such training requirements) prepare us for LSCO? Are we truly prepared to meet our enemies where they might have overmatch on us? Field Manual 3-0 *Operations* (FM 3-0) states that in some domains of battle the enemy is equal to, and in some cases, superior to our capabilities.⁶ As noted earlier, ethical inquiries such as artificial intelligence on the battlefield and bio-enhancement are no doubt interesting, but they remain of secondary importance if we are not “ready” to fight. Our greatest risk to increasing readiness for LSCO is ultimately not the enemy, but ourselves, and our commanders’ ability to be bold, assume risk, reduce requirements, and prioritize training that makes our Army more lethal (i.e., ready to win).

Even the four characteristics of the offensive, namely, surprise, audacity, concentration, and tempo all operate within the overarching control measure of time. Time and LSCO do not honor bureaucracy. They will not wait for an Operational Needs Statement to acquire a resource. The threat of LSCO faces us and snorts, “Ready or Not (?).” We must ready, and we must be lethal. To build readiness and maximize lethality, we must continually conduct thorough reviews of our training and administrative requirements. Baldly put, it is time we overhaul our training requirements and administrative processes.

Time to Calibrate Training and Administrative Requirements

Years ago I spoke with a First Sergeant at Fort Leonard Wood about the monthly requirements that piled on us like a landslide. Shaking his head, he mused, “Chaplain, just give me a Soldier who can do physical training and fire his weapon, and I’ll win your wars.” If we do not take a hard look to see ourselves, we may be overlooking a serious insider threat: the adversary of training and administrative requirements. Cutting programs and streamlining the flood of administrative paperwork and logistic processes could free up millions, if not billions, of dollars.⁷ These monies could then be funneled to new equipment, updated facilities, and perhaps the most inspiring of them all, Soldier pay-raises commensurate with the Employment Cost Index.⁸

Calibrating requirement inspires Soldiers, because they will have ample time to train and recover. Commanders must exercise the mission command principle “accept prudent risk.” Leaders ought to take a hard look at requirements and ask, “Will this task get us ready to deploy, engage, and destroy the enemy in close combat?” In order to leverage time and consolidate gains on future battlefields, which are complex, contested, and congested, we must not allow an unmanageable body count in combat to trigger our efforts to prioritize requirements. Prioritization needs to begin at home; it begins with training and recovery. If leaders do not submit to time, LSCO will be won by attrition rather than commanders driving the operations process.

A few years ago, in private confab with an agile, smart, and seasoned Field Grade Officer, he gazed pensively at the wall and said, “Chaplain, we are not ready to fight.” I couldn’t say that I disagreed with him. His statement broke my heart. I watched the staff work hard to develop products amidst a steady barrage of short suspenses. They worked tirelessly, sacrificing time away from loved ones and much needed rest. While we can be tempted to keep pushing, continuing to drive a car on a flat tire will destroy the wheel beyond repair. Running on a broken leg might be tough, but it turns the Soldiers into rubble.

Streamlining tasks and actually maintaining fidelity to a priority list will take effort. The mounting requirements strain company level echelons to lock in a six-week training plan. Leaders must provide subordinates predictability, and they must ensure that Soldiers have task and purpose. If higher echelons regularly drop short suspenses upon lower echelons, the subordinate echelons unlearn the value of planning. At best they will plan, but they will be cynical about planning. At worst, they will lose the will to plan effectively. Superiors lose the trust of their subordinates, when subordinates spend significant effort planning only to have higher consistently render their planning ineffective beyond 48 hours meaning much needed training and coordination suffer.

Ask any company commander about their thoughts on the six-week training plan, and they’ll snicker that it is a thing of legend. We live in a dynamic and complex world that forces us to reorient our plans. Yet this should not preclude leaders from seriously striving to protect subordinate units’ training plans. While it is true that any changes within our dynamic and complex world alter military plans, the impacts may affect one dimension or level of war greater than others. Such impacts should not inherently entail changes to lower echelon calendars unless it directly affects the unit or the unit’s mission.

Army Times recently published a foreboding article, which probed the ethical state of Special Forces. In the article, Greg Walker comments that Operators, “don’t get the time to decompress, they don’t get the time to heal up from whatever injuries that are not anything that puts them in a hospital.”⁹ Walker continued, “the demands on the force overran attempts to address individual troops.”¹⁰ This notion applies to the military at large, and especially the Army.

FM 3-0 avers that “Large-scale combat operations are intense, lethal, and brutal. Their conditions include complexity, chaos, fear, violence, fatigue, and uncertainty.”¹¹ Preparing for modern battles demands that we be utterly lethal. Preparing for brutality requires that we be strong. Instead, many units’ qualification status is sloppy, and Soldiers are not strong. They are strung out. If we attempt everything, we will succeed at nothing.

Time Constrains Leader Development

Lieutenant General Michael Lundy states, “Doctrine is only one factor in how we fight. Of greater importance is our training and leader development.”¹² If our aim to win LSCO decisively requires leadership, we must grant leader’s time to execute immersive leader development plans. However, just about every leader can relate to this scenario: staring at the blue number of unread emails in parentheses adjacent to their inbox, they sigh, “I don’t have time for all this.” Unfortunately, if leaders scarcely have the time to clean out their inbox, how much time do they have to implement a quality and effective leader development program?

Current requirements have massed effects and have clogged our efficiency. The current slog of training and administrative molasses muddles leaders’ efforts like wagons driving through the mud of the Civil War. Similarly, leaders may become so ground in the mire of requirements, we leave them little white space to develop robust leader development programs. And yet, pursuant to Army doctrine the success of LSCO hinges upon leadership.

Military leadership also requires character development. In the midst of a complex extended Operational Environment, which is brutal, intense, and lethal, the actions of leaders of character will be paramount to maintain the trust of the American people (Army Doctrine Reference Publication 1 *The Army Profession*; Army Doctrine Reference Publication 6-22 *Army Leadership*). The bloodshed in LSCO of the 21st century will most likely exceed that of WWI. In essence, the amount of bloodshed will be inconceivable given modern weapon capabilities, speed, timing, and accuracy. As it stands, units wage war against a torrent of requirements just to get after their Mission Essential Task List tasks, much less a block of instruction on character development.

Commands and staffs conducting Army Design Methodology during a training exercise may present a level of stress when problem framing the effects of displaced people and the dead. But when commanders and staffs confront real world factors such as, destroyed brigades alongside tens of thousands of dead Soldiers and civilians, such iterations of the operations process will look and feel markedly different than planning during a Combat Training Center exercise. In those moments our nation and the world need leaders possessed of impeccable moral character.¹³

“All work and no play makes Jack a dull boy.”

Stephen King’s Jack Torrance set out for a noble enough purpose: to write a play. At some point, the arduous work required to write a play drove Jack to madness. (His moral decline made cinematic history). In fear of stretching the analogy too far, a modern military proverb might read, “All work and no white space makes leaders bad boys at play.” Subsequently, when we misuse time and cram requirements in the calendar like stuffing a week’s worth of clothes in luggage meant for a day, a sobering reality has emerged amongst our leaders’ character: ethical and moral failure. In the past decade the Armed Forces has witnessed an unprecedented rise in the ethical disintegration of its senior leaders. The amount of time it takes to meet mission requirements forces leaders to spend inordinate time away from their families, and lowers the threshold for mistakes made due to various types of fatigue.

Ready or Not, it is Time to Stop “Lying to Ourselves”

The article “Lying to Ourselves” unearthed the “ethical fading” that misted over leaders under the “deluge of mandatory training requirements”¹⁴ And yet, what lasting impact did it have upon how the Army manages training and administrative requirements? For instance, do we really need *annual* Cyber Awareness training, *annual* Managing People with Security Clearances, or *annual* Equal Opportunity training? Is there any way to measure their effectiveness? Are the yearly and quarterly Sexual Harassment/Assault Response & Prevention requirements building the ethics of the Army? Rather than add layers of porous “preventive” techniques, we need to leverage the tools we have (e.g., Uniform Code of Military Justice exists to maintain good order and discipline).

Consider the stumbling pace of our administrative processes. Think of submitting awards 120 days out from their presentation date, and the multi-page pamphlet that is the leave packet. The latest administrative system (i.e., GEARS) may someday help us consolidate gains by way of time, but for now administrative delays grind commanders and staffs. Unfortunately, our misuse of time has extended to military ceremony as well. For instance, one morning I was riding my bike back to the office after physical training, and I noticed enlisted Soldiers standing at the ready in ascots. When I asked what they were doing, someone informed me they were rehearsing for a Command Sergeant Major’s change of responsibility. Soldiers bundled in ascots for a Change of Responsibility—is that an efficient use of a Soldier’s time?

Regarding the deleterious effects of requirements, by way of analogy, John Bolton says it best when he argues that Mission Command systems inhibit Mission Command. He quips, “Our system promises simplicity but delivers staff-crushing complexity.”¹⁵ Current training and administrative requirements have

exceed flood stage. An officer once said to me, the Army is good at adding one to two requirements per year, but never takes any way.” As Bolton also avows, “Rather than creating dilemmas for the enemy, we often create them for ourselves instead.”

How about the Officer Evaluation Report writing process? The pseudo-Freedom of Information Act word-on-the-street states that board members scan an officer’s file in 2-4 minutes. The eyes of each board member will scan each Officer Evaluation Report for a minute. So why must we spend 10-15 hours of our lives crafting an Officer Evaluation Report support form, when only a portion will appear on the final Officer Evaluation Report. Moreover, what is the point when rumor has it that board members look at the Department of the Army photo, and then they scan left to quantify Most Qualified-Highly Qualified ratios?

A few years ago, in a Subway line at a mini-Post Exchange, the TV flashed scenes of ISIS soldiers dressed in black climbing ropes and conducting weapons training. At the time, ISIS had just begun their campaign of brutalizing and beheading. I turned to a Specialist next to me, and nodding my head towards the TV, I asked him what he thought. In a sober tone, he said, “I don’t know. It’s going to be rough facing them. Seeing them jump over those logs and stuff, they look ready.”

We need to scale the requirements down and focus on lethality. It should matter little what caliber of enemy our Soldiers see on the screen, they need to be confident they can and will kill and defeat any enemy in close combat. Army leadership needs to ensure that happens. Slides, colors, and metrics do not measure the will to fight; indeed they cannot. They cannot measure boldness in battle. Let us hope the true test of our readiness does not come in the midst of battle.

How do we build resilient Soldiers? Give them a consistent calendar. Give them time to conduct their warrior tasks and drills. Ensure they have requisite time to rest. What has happened to our organizations when staff cannot even qualify on their weapons a mere two times a year? And why can’t they qualify?— They don’t have time. Meanwhile, they lurch in their chairs beautifying a story board or power point slide, all the while developing carpal tunnel with bones ossifying in place.

Exercises with partners are essential, but if they become too time consuming and fail to build real capabilities for us and our partners, they are not worth defeat. The accomplishments of higher echelon’s bulleted in Officer Evaluation Reports may be necessary for promotions, but they are not worth the death of Soldiers. Career advancement is necessary, but it is not worth the disintegration of the interests of the American people if we are not ready to fight and win their wars.

Conclusion

Time management is a misnomer. We do not manage Time, he manages us. At best, we navigate Time. In our running estimates and in the quadrant of every quad chart, under constraints and limitations, we would do well to put time on every slide. The Honorable Mark Esper has given us a gift: reduce requirements. It is time to overhaul training and administrative requirements. If we do not, the dreaded Chronos will steal American’s sons and daughters as well as her way of life. It is time to prioritize. It is time not to just realign programs and reduce requirements, it’s time to gut them.

Why do commanders hesitate to reduce requirements? No doubt commanders want to make sure Soldiers are ready. But, it may be that an anxiety broods over them that if “accept prudent risk” and reduce (too many) requirements, they jeopardize their careers if they did not turn all the red bubbles green. Fear of reducing requirements, equals failing to maximize lethality. As Chaplain (Major) Bailey averred, “Fear is the foundation of failure. Of all the principles of mission command, perhaps “accept prudent risk” reigns as the pinnacle of command. Commanders must accept they do not have time to do everything. The Army must navigate Chronos lest we die. Overhauling training and administrative requirements is risky business, but it will be business well-risked insofar as it makes our Soldiers resilient and lethal.

When a Soldier finds himself or herself immersed in trench warfare, or positioned in a defense in depth, or poised to assault, it will matter little if they are green on 350-1 training. But, it will matter immensely that he or she fires their weapon precisely and accurately, and if necessary, boldly take a bullet. We must identify that leveraging time is not simply a mission or operational variable. To seize the initiative, the Army must rethink not only what, but also how, it prioritizes. This begins by recognizing that navigating time is an ethical issue. Only when Army leaderships submits to the constraints of time, will it truly be ready. Constrained by time, let us not wait for the enemy to make us prioritize our efforts. We owe it to our Soldiers, we owe it the American people, and we owe it our posterity. Ready or not (?).

End Notes

- 1 Secretary of Defense, Patrick Shanahan, “November Monthly Message to the DoD,” email Newsletter, November 30, 2018, 4:25PM.
- 2 Ibid. See also General Miley’s six modernization priorities, one is “Soldier Lethality.” This study asserts that our use of time directly relates to increasing Soldier Lethality (i.e., training our Soldiers’ lethal capability takes time).
- 3 David Auerback citing Petrarach’s “Triumph of Time,” at <https://www.waggish.org/2013/father-time-chronos-and-kronos>, accessed March 19, 2019.
- 4 ADRP 5-0, para. 2-11.
- 5 National Defense Strategy Commission, Nov. 14, 2018 in “The Army Times,” 20, December 3, 2018.
- 6 FM 3-0, forward.
- 7 An analysis detailing what requirements the Army should overhaul exceeds the scope of this article’s thesis. However, a few the Army might consider eliminating (or scale back) are Master Resiliency Training (MRT), the Applied Suicide Intervention Skills Training (ASIST), and the Comprehensive Soldier and Family Fitness program (CSF2). While these programs have noble ends, little quantitative data exists to measure the effectiveness or performance of these programs (i.e., have they improved Soldier and Family readiness?).
- 8 See “Military Pay Chart 2020, <https://www.navycs.com/charts/2020-military-pay-chart.html>, accessed March 19, 2019: “The releasing of the ECI by the United States Bureau of Labor Statistics is an eagerly awaited quarterly economic indicator for those in the stock market and politics; but what makes this morning’s release important to our military is that it is the first indicator used to determine the actual pay raise amount for 2020. For 2020, unless a separate action is taken by President Trump or Congress, the statutory pay raise would be 3.1 percent based on law indicated in U.S.C. Title 37, Chapter 19, § 1009.”
- 9 SFC (Ret.) Greg Walker in “The Army Times,” March 18, 2019, 17.
- 10 Ibid., 19.
- 11 FM 3-0, para. 1-4.
- 12 Ibid.
- 13 See ADP 6-22, 1.
- 14 See “Lying to Ourselves: Dishonesty in the Army Profession” Stephen J. Gerras and Leonard Wong, *U.S. Army War College Strategic Studies Institute* (February 2015), which discusses the universal acceptance of the Army as an organization lying about how it completes requirements, even in the face of logic that maintains there is literally not enough time to actually complete all that we say we do. And yet, despite the lying and the knowns of the persistent lying, the Army has yet to change its behavioral pattern of lying.
- 15 John Bolton, “Overkill: Army Mission Command Systems Inhibit Mission Command,” in *Small Wars Journal*, August 29, 2017, 5.

Strategic Value of an Ethics-Based Army Public Affairs Program Setting the Stage for Credibility in Large Scale Combat Operations

Chase Spears

*While we are guarding the country, we must accept being the guardian of the finest ethics.
The country needs it and we must do it.*

—General Creighton W. Abrams, *Creating the Credibility Gap*¹

The information domain is one of the most prominent domains that commanders will be forced to acknowledge and engage in 21st century large-scale combat operations. Most military leaders acknowledge this in word. Yet, many relegate the public affairs program as a “soft” or “leaf-eater” skill. When the U.S. next engages in large-scale combat operations, the American public will demand clear answers on what the nation is fighting for. Public opinion among nations that partner with the U.S. in multi-national operations affects U.S. Army operational planning because of the limited tactical mission tasks that some multinational commanders can pursue with their publics’ backing. If the U.S. ever again faces casualty counts along the lines of Vietnam, Korea, or the two world wars, the public will likely express a high level of awareness and concern about the costs of combat. Those doubting the role that credibility with the American public plays in large-scale operations should study the effect that negative public opinion at home had on the military campaign in Vietnam in 1968.² Tactical successes fell victim to a loss of trust in the military to get the job done. This reality might have been altered had military leaders not withheld information that could have made a difference in how the war was perceived.³ It took two decades for the services to begin recovering that trust with the American public.

Military operations can attract negative press attention because of factors that include a cultural tendency to avoid transparency during times of crisis. A crisis is an event or condition that has potential to create a firestorm of negative attention that disrupts operations and damages the reputation and future viability of an organization.⁴ Events that cause crisis situations happen to every kind of organization, whether public or private. To acknowledge the facts of a situation is not only a legal and moral requirement of professionals, but is also smart business. Vocational satisfaction equates to recruiting and readiness, according to communication professor and author Patricia Parsons. “Practitioners who are concerned about ethics have higher levels of job satisfaction than those who don’t.”⁵ A lack of codified communication ethics can result in actions that exacerbate the effects of organizational crisis events. Not every crisis can be prevented. Most can be mitigated. Commitment to a standard of professional ethics is most important when crisis strikes. The moment an organization experiences a crisis is not the time to review what is right and wrong. Those principles must be ingrained into the culture of the organization before a crisis event occurs.⁶

The U.S. Army Public Affairs program is the military equivalent to the public relations program at a multinational corporation. Dustin Manley, who teaches communication at Centennial College, described public relations as an anxious profession, seeking to establish its practitioners as accredited professionals who play roles in leadership, culture and strategy.⁷ A 2016 global review of 31 credentialing programs, educational frameworks and global public relations (PR) trade group associations refined a list of skills,

abilities, knowledge and behaviors that communication leaders should demonstrate mastery, among them applying professionalism, ethics and law.⁸

The Army's reputational value could rival kinetic firepower capabilities in building the force needed to compete against an existential threat in the 21st century. For U.S. Army leaders to prepare the force to dominate against a peer/near-peer rival in large scale combat operations, they must prioritize an ethical communication culture. Stakeholders see through empty rhetoric. Ethical codes only matter when enforced through organizational culture, starting with the chief executive.⁹ Creating, training, and enforcing a professional code of public affairs ethics is one immediate step service officials should take to compete in the information space.

Military leaders are stewards of the organization for a limited span of time. We must protect the institution and work to leave it credible and trusted. Credibility takes years to build, and minutes to destroy. The cost of a bad reputation at a unit, or of a single soldier, reflects on the military as a whole. Members of the public do not differentiate between a lie told at a brigade level versus a lie told at the Pentagon. When the news reports dishonesty related to the military at any level, it risks casting a negative perception over the institution as a whole. Professional ethics in communication is a top issue across corporate industry,¹⁰ in light of an ongoing collapse of public trust in government and corporations.¹¹

Professional military communication ethics are important for three reasons. First, they can help to set a cultural tone for adhering to the Army's accountability requirements to the public. Beyond being communicators, U.S. Army public affairs officers are soldiers. As service members, they have an extra level of accountability to the American public.¹² Second, a public affairs code of ethics can help drive a communication culture that keeps commanders in compliance with public expectations of honest, transparent dialogue.¹³ Meeting these expectations is not simply a way to follow trends.¹⁴ This translates into maintaining public support, thus enhancing freedom of maneuver across the information domain, now a seventh joint function.¹⁵ Third, ethical communication improves organizational reputation. Reputation for ethical conduct correlates to higher levels of employee attractiveness.¹⁶ Many soldiers either have personal stories, or can share stories from people they know, about loved ones or friends who discouraged them from joining the Army. This is a problem reflected in recent news that the Army missed its recruiting goals by 6,500 new soldiers in 2018.¹⁷ Missed recruiting translates into reduced combat readiness, tying credibility to military capability.

Bowe Bergdahl, Jessica Lynch, and Pat Tillman are names that cast the Army in a negative light. Though each story includes elements that were embarrassing to the force, the reason each caused national scandal is because military officials allowed a false narrative to take hold, or reported a false story. The Bowe Bergdahl case is an example of allowing a false narrative to persist. On June 30, 2009 Private First Class. Bowe Bergdahl abandoned his unit in Afghanistan. Soldiers with knowledge of Bergdahl's actions were forced to sign nondisclosure agreements.¹⁸ The investigation into the disappearance was classified. Competing theories about whether Bergdahl deliberately left his unit or simply fell behind on a patrol went unanswered.¹⁹ Many among the public were sympathetic to Bergdahl, as defense officials refused to acknowledge that he deliberately separated from his unit. A lack of clear information left the American public misinformed. In 2011, the Army promoted Bergdahl to the rank of Sergeant in absentia. Upon his return to the U.S. in 2014, U.S. National Security Advisor Susan Rice said on national television that Bergdahl "served the United States with honor and distinction."²⁰ Bergdahl pled guilty to desertion and misbehavior before the enemy in a Fort Bragg courtroom on October 16, 2017 and received a dishonorable discharge.

On April 22, 2004 Corporal Pat Tillman died in a fratricide incident in Afghanistan. Tillman was nationally known, having left behind a football career with the Arizona Cardinals to become an Army Ranger.

Tillman's command withheld the nature of his death in what a congressional report likens to a PR move to create a hero persona: to transforming a soldier's death "into an inspirational message that served instead to support the nation's foreign policy wars in Iraq and Afghanistan."²¹ Army representatives told Tillman's family that he was killed by enemy fire.²² As in the Bergdahl case, orders were given to not discuss the incident.²³ The story of Tillman's death brought national attention, even garnering a comment from then President George W. Bush at the 2004 White House Correspondent's Dinner. Then Major General Stanley McChrystal signed off on a Silver Star recommendation for Tillman, a decoration that is not usually given in cases of where a service member dies from injuries sustained as a result of friendly fire. The citation for the award claimed that Tillman "placed himself into the line of devastating enemy fire," with eye-witness statements altered by someone in the chain of command.²⁴ A 2007 Department of Defense Inspector General report acknowledged that proper procedures for notifying Tillman's family had not been followed, justifying their mistrust of the Army.²⁵

The story of U.S. Army Private First Class Jessica Lynch is one of the earliest media hero stories of Operation Iraqi Freedom. Lynch deployed to Iraq as a member of the 507th Maintenance Company. On March 23, 2003 her convoy was attacked in An Nasiriyah. Lynch survived and was taken to a hospital by Iraqi forces. U.S. forces retrieved her on April 1st. After her return to U.S. custody, military public affairs officials briefed reporters as if her capture and rescue were a story worthy of Hollywood treatment.²⁶ It was claimed that Lynch shot at enemy troops until running out of ammunition, killing several, intent on fighting to the death, not wanting to be taken alive.²⁷ Military officials rushed to tell a larger story of bravery using a broad brush at the expense of important details.²⁸ A U.S. Central Command public affairs officer called it "an awesome story."²⁹ Military public affairs officials attempted to cast Lynch as a hero persona: "the little girl Rambo from the hills of West Virginia."³⁰ In congressional testimony, Lynch described the story told by military officials about her heroism as "not true," adding "I am still confused about why they chose to lie and try to make me a legend."³¹

Each of these cases resulted in years of bad press for the Army, under headlines like "Pat Tillman: the superstar cut down by friendly fire then used to sell war,"³² "What the Army Doesn't Want You to Know About Bowe Bergdahl,"³³ and "5 Years Ago: When the Pentagon and Media Lied about Jessica Lynch."³⁴ It was unnecessary for the death of Pat Tillman, the capture and rescue of Jessica Lynch, or the desertion of Bowe Bergdahl to facilitate years of media friction and public suspicion for the Army. An ethical communication approach would have reduced the appearance that U.S. defense officials potentially withheld or deliberately distorted information. To unnecessarily withhold facts not only violates the Army's values, but causes problems for the institution as a whole. In spite of the Army's status as a values-based organization, public affairs actions sometimes fail to meet transparency expectations. This is a symptom of a larger problem: the Army does not formally recognize public affairs as an ethics-based profession within the service.

Ethics Defined

Acting ethically is not simply following the letter of the law, or figuring out what one can get away with.³⁵ Parsons defines ethics as "the study of moral rightness or wrongness, which is limited by the human ability to reason."³⁶ It fills the gaps between knowledge and experience to guide decision-making.³⁷ Absent a deistic worldview, seeking an ethical approach becomes a humanistic exercise that is susceptible to becoming a ritual in which people look for evidence to support a preferred decision. Gino, Norton, and Weber defined the actors in this scenario as motivated Bayesians, individuals who seek plausible explanation to act egoistically while exuding the appearance of selfless morality.³⁸

Seeking out an ethical approach acknowledges that there is universal right and wrong, regardless of where each individual believes the power of determination resides. Every person and organization holds to some sort of ethical code, whether deliberately or passively. Personal codes of ethics, framed by worldview and

What are Ethics About?

- Relationships
- Struggling to develop a well-informed conscience
- Being true to the idea of who we are and what we stand for
- Having the courage to explore difficult questions
- Accepting the cost of doing what we think is right

Asking one simple question—“*What ought I to do?*”

*Source: The Ethics Centre, What is Ethics*³⁹

Figure 1. What are Ethics About?

experience, drive how we act in daily life. Members of the U.S. Army consider its members to comprise an ethics-based collective that puts service to others ahead of self.

Personal ethics are sometimes challenged in the professional realm, when the aims of a leader do not align with what a follower believes to be right. In the 2016 book *Ethics in Public Relations*, Patricia Parsons writes of five pillars of ethics in public relations.

- Veracity (to tell the truth)
- Non-maleficence (to do no harm)
- Beneficence (to do good)
- Confidentiality (to respect privacy)
- Fairness (to be fair and socially responsible)⁴⁰

Being an ethical professional is a delicate balancing act of competing loyalties.⁴¹ Because professional communicators work on behalf of their organizations and publics, ethical dilemmas are inevitable. The most fundamental role of professional communication ethics is to be able to quickly recognize an ethical dilemma and make a defensible decision.⁴²

Codes of Professional Ethics

The concept of ethics is directly linked to military professionalism. A recognized and practiced code of ethics maintains standards and strengthens the profession.⁴³ It serves as a contract between a profession and the society that it serves.⁴⁴ Professions must be self-policing in order to be afforded such status by society.⁴⁵ Professionals also need the trust of their clients in order to self-regulate.⁴⁶ Public affairs officers and public relations practitioners must be able to successfully navigate through frictions in representing the best interest of the public and the client.

It is Department of Defense policy to make available timely and accurate information so that the public, the Congress, and the news media may assess and understand the facts about national security and defense strategy.

—U.S. Department of Defense, *Principles of Information*⁴⁷

Summary of the Page Principles

1. Tell the Truth.
 2. Prove it with action.
 3. Listen to stakeholders.
 4. Manage for tomorrow.
 5. Conduct public relations as if the whole enterprise depends on it.
 6. Realize an enterprise's true character is expressed by its people.
- Remain calm, patient and good-humored.

Source: Arthur W. Page Society, Page Principles⁴⁸

Figure 2. Summary of the Page Principles.

Military professionals are linked to the will of the citizenry more than civil professionals.⁴⁹ A sense of ethics calls the professional to make decisions for accomplishing the mission, with disregard to career benefit.⁵⁰ Communication leaders have an ultimate duty to the public, the practitioner and the profession.⁵¹ The U.S. Constitution, National Security Strategy, the Principles of Information, as well as Joint and U.S. Army public affairs doctrine rightly put a heavy burden of honesty and transparency on the Army for the good of the nation. Though military doctrine memorializes these requirements, military communication practitioners sometimes encounter resistance to a professional communication ethics. This reality is often rooted in command culture. Ethical codes are meaningless if senior leaders do not support and enforce them.⁵²

The U.S. military has been slow to formally adopt and enforce ethical communication frameworks. The Public Relations Society of America published its first code of ethics in 1950.⁵³ The International Association of Public Relations created a set of governing principles for its members, known as the Code of Athens, in 1965.⁵⁴ The European Confederation of Public Relations adopted the European Code of Professional Conduct in PR, more commonly known as the Code of Lisbon, in 1978.⁵⁵ Codes of professional ethics created by the Public Relations Society of America, International Association of Business Communicators and Arthur W. Page society share the same foundational principles of honesty and accuracy. The Page Principles provide a starting point for military public affairs doctrine writers to consider in writing military codes of communication ethics. The U.S. Department of Defense published the Principles of Information in 1983.⁵⁶ In 2000, Donald Rumsfeld became the only Secretary of Defense to sign the Principles of Information. In 2012, the Department of the Navy's public affairs regulation became the first and only service public affairs regulation that includes a canon of ethics.⁵⁷ The U.S. Army Public Affairs Center completed a draft re-write of the service's public affairs regulation (AR 360-1 *The Army Public Affairs Program*) in early 2018, including a draft code of professional communication ethics.

Ethics as Strategy

When public affairs leaders advocate for values-based communication programs, they advocate for policies that connect their commands to doctrinal and strategy documents up to the U.S. National Security Strategy.⁵⁸ Using an ethics-based public affairs approach builds trust inside and outside the organization, enhancing freedom of maneuver across the information domain and maintaining public support. This translates into

Ethical Checklist

- Would I be happy for this decision to headline the news tomorrow?
- Is there a universal rule that applies here?
- Will the proposed course of action bring about a good result?
- What would happen if everybody did this?
- What will the proposed action do to my character or the character of my organization?

Is the proposed course of action consistent with my values and principles?

Source: The Ethics Centre, What is Ethics⁵⁹

Figure 3. Ethical Checklist.

practical support from the public through the appropriations process and maintains a reasonable level of autonomy for military leaders to achieve military objectives.

The 2017 National Security Strategy calls for “direct communication campaigns to advance American influence and counter challenges from ideological threats... These campaigns will adhere to American values.”⁶⁰ At the Department of Defense, the Principles of Information support the National Security Strategy, directing transparency to maintain the public trust, within the confines of operations security. Army Doctrinal Reference Publication 1-0 *The Army Profession* memorializes the Army Ethic, which directs that soldiers’ actions must be in accordance with the Declaration of Independence and the U.S. Constitution, in adherence with the nation’s values, fully accountable to the people.

American values affect every aspect of how U.S. forces fight and win. The Army Ethic guides us and the profession, always. This is non-negotiable. We demonstrate the Army Value of integrity as we make decisions and take actions that are consistent with the moral principles of the Army Ethic. To violate the Army Ethic is to break our sacred bond of trust with each other and with those whom we serve. Failure to live by and uphold the Army Ethic brings discredit on us all and may have strategic implications for the mission.⁶¹

Army Regulation 360-1 *The Army Public Affairs Program* supports this ethical framework, saying that the Public Affairs Program “fulfills the Army’s obligation to keep the American people and the Army informed and helps to establish the conditions that lead to confidence in America’s Army and its readiness to conduct full-spectrum operations.”⁶²

Trust is the most critical component to successful public affairs work.⁶³ This is what sets the U.S. Army apart from our nation’s competitors, who place little value on truth. What we say must match what we do. U.S. Army doctrine seeks to bridge the “say-do” gap by using information operations practices. Communication ethicists address it through public relations strategy.⁶⁴ U.S. Army Lieutenant Colonel Jeffery Schwander warned in a 1988 U.S. Army War College report that in spite of regulations that demand ethical behavior from its members, U.S. military leaders many times choose to cede the moral high ground, undermining military professionalism.⁶⁵

Communication ethics are not for bullying commanders. There are times that withholding information is necessary to achieve a greater good than can be realized if that information becomes public. The principles and rules for withholding information must be defined ahead of time. In the midst of a crisis is not the time to determine organizational values or rules of information engagement.⁶⁶ No public affairs program can ever live up to full disclosure of all facts of every happening across Department of Defense operations worldwide in real time. The mission is to ensure that relevant information is made available and to respond to questions as openly as operational security allows. The ethical approach includes protecting information that could be used by enemy forces.⁶⁷ In her book *Ethics in Public Relations*, Patricia Parsons writes that “If telling the truth outright is likely to harm one or more publics, then it is reasonable to conclude that it is probably more ethical to avoid full disclosure.”⁶⁸ It is ethical to limit disclosure, as long as it is not done to deliberately mislead the public.⁶⁹ Ethics in crisis situations include withholding comment until the facts are known, or acknowledging that facts are unknown in initial comments.

Ethics in public relations rely on a symbiotic relationship with ethical practices in journalism, a field that is also facing challenges with public trust at the national level according to 2018 Gallup polling.⁷⁰ Ethical organizational communication responsibilities include making wise judgments about how to best work with members of the press to provide the right information to the public, whether according to a requirement of morality or law. Sometimes the interests of reporters and military pursuits do not align.⁷¹ A 1981 case study from Korea provides a case in point. In the aftermath of a U.S. soldier killing four soldiers, and seriously wounding one at Camp Casey’s Ingman range in South Korea, division leadership chose not to reference the 2nd Infantry Division in press releases, and to take a passive public affairs release posture out of concern that sensational news coverage could cause racial problems across the division, interfering with the mission to deter an invasion from North Korea.⁷² This decision did not uphold the Department of Defense Principles of Information, but did support theater strategy. This points to a reason why a code of ethics is important to have before crisis strikes. Following policy that was previously vetted in times of calm can lead to better decisions in the heat of a crisis than decisions made without the benefit of consideration and debate.

Gambling with the Army’s Credibility

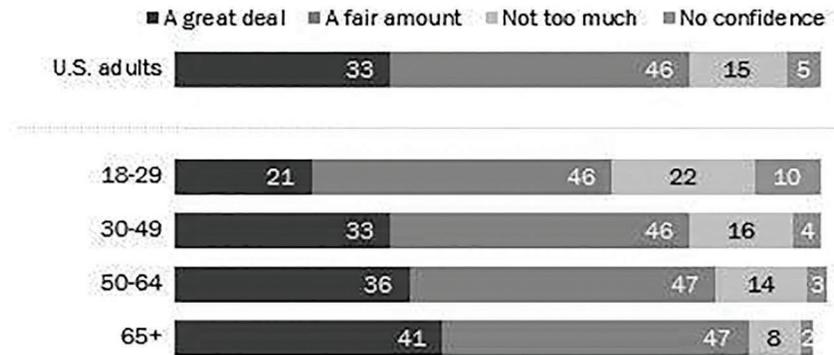
Commanders and public affairs officers are not owners, but stewards of the profession and public trust. Leaders who served over the decades since the end of the Vietnam War put great effort into reviving trust between the military and the public. It is a professional and moral responsibility to preserve that trust. It is not guaranteed, nor predetermined as a right. Trust must be earned through long term through relationship with the public.⁷³ Military public affairs officers are at the center of that mission.

The public relations and public affairs communities have suffered negative perceptions over the years. Some members of the public and military consider PR practitioners and public affairs officers to be less than completely honest. The military apparatus defines ethical lines that must not be crossed into codes of personal conduct and rules of engagement, but often leaves wider, unwritten margins in non-kinetic practices. This sets conditions that allow for a normalization of deviance. In an effort to build a trusted profession, many among the collective PR industry are taking ethical conduct seriously. U.S. Army leaders must codify that same concern into public communication efforts across the force.

The military enjoys the highest levels of public approval of any institution, with 80% of survey respondents saying they have a great deal of trust in the military in 2018.⁷⁴ However, polling also suggests that the U.S. Army has the lowest public approval ratings among the military services and is viewed as the second most important military service, behind the Air Force.⁷⁵ The most critical demographic for the Army is young people. U.S. adults between the ages of 18-29 exhibit the lowest level of confidence in the military, according to a 2016 Pew Research Center survey.⁷⁶ (See Figure 4.)

Older Americans most confident in military to act in public's interest

% of U.S. adults who say they have _____ of confidence in the military to act in the best interests of the public



Note: Respondents who did not give an answer are not shown.
Source: Survey conducted May 10-June 6, 2016.

PEW RESEARCH CENTER

Figure 4. Results of the 2016 Pew Research Study.

Source: Pew Research Center, Older American most confident in military to act in public's interest.

Though most public affairs officers are ethical professionals, there are people in all vocations who take questionable action to prevent embarrassment for the organization or person who signs their paychecks. This has been a fact throughout human history. Some common ethical failings among public communicators

Public affairs efforts are effective when trusted. The command has the greatest freedom of movement when the commander is trusted. The current generation of military professionals has enjoyed very high levels of public support. In contrast, the Vietnam generation of service members was spit on and described derogatory terminology because of a loss of public trust. A culture that works according to a code of professional ethics will resist normalizations of deviance that could lead to future reductions in public trust. The public affairs officer plays a central role in building and maintaining that trust. Trust is fragile. It takes time to build and can be destroyed instantaneously. The key to gaining the critical element of trust is ethical action by the public affairs officer.⁸²

Public Relations: A Troubled History

For the message to be trusted, the one delivering it must be trustworthy. The earliest days of public relations used media influence for the good of companies, often to the public's detriment. Early 20th century PR practices often used social sciences to influence how people think.⁸³ Similarly, during World War II, military communicators worked to influence the American public to support the war effort. This legacy still taints public opinion of professional communicators as spin doctors.⁸⁴ Like its PR cousin, public affairs is regarded with suspicion by some. More than one soldier has told me that public affairs officers are compensated to bend the truth. Unfortunately, that suspicion is not entirely unjust. Public relations practitioners have a reputation for developing skills to manipulate the public for profit.⁸⁵ The 2002 book

Toxic Sludge is Good for You: Lies, Damn Lies and the Public Relations Industry and the 2005 movie *Thank You for Smoking* use real case studies to make the case that devoid of ethics, PR is a dangerous tool of influence for those who can afford to wield it. This negative perception interferes with the trustworthiness of professional communicators.⁸⁶

The best way to change the negative view of public relations or public affairs practitioners is to self-impose a professional code of ethics that is supported, and enforced, by top organizational leaders.⁸⁷ Unfortunately, professional ethics is not routinely prioritized as a topic of discussion beyond the training environment, except when a crisis strikes.⁸⁸ It is a leader responsibility to set the culture in which ethical practitioners will not be forced into having to choose between loyalty to the organization and loyalty to the profession. Without a culture that revolves around specified, enforced professional ethics, the current model of the Army Public Affairs Program will continue to struggle to achieve full professional recognition. If the U.S. government broadcaster Voice of America, which exists to influence foreign publics in favor of American policies, has a published code of ethics,⁸⁹ the information capabilities of the U.S. Army should as well.

Public affairs communication does influence, but is not a battlefield fire. It is what Alexander Frame, association professor of communication at the University of Burgundy, calls a “force of cultural innovation.”⁹⁰ In the wake of the Iraqi insurgency, military leaders across the joint force began to recognize the information domain’s strategic importance. Military culture adapted to weaponize communication as a battlefield effect. The Army briefly realigned public affairs within the Maneuver, Fires and Effects branch structure. The Army also created an Information Operations functional area, as a coordinating function to align information efforts across the battlespace. In 2011, Rolling Stone ran a story accusing Army officials in Afghanistan of using elements of information operations to manipulate a visiting congressional delegation.⁹¹ One can argue that a tactical mission success is the penultimate ethical consideration for managing public engagement efforts, encouraging a return to a fires-based mentality for public affairs leaders. However, using public communication to explicitly influence U.S. and North Atlantic Treaty Organization member country publics could cause greater problems than the existing challenges the messaging command is trying to solve.⁹² In his farewell speech last year, Navy public affairs officer Captain Jeff Davis warned that using public affairs as a weapon system runs counter to the basic values of the profession, and the values that the military seeks to defend.⁹³ An ethics-based professional perspective asks whether victory at the expense of our constitutional values is a true victory at all. To sacrifice credibility now is to sacrifice it for at least a generation.

Role of the Professional Communicator

Public relation leaders are rising to top executive roles as chief communication officers across corporate industry, a role that is gaining greater influence on corporate strategy and culture. Though the role of chief communication officers is gaining prominence, there is debate as to whether communicators can be considered professionals. The prevailing concept of professionalism holds that societies proffer profession status based on communities of self-policing workers who together hone specialized fields of work that provide a benefit to society. The most commonly recognized professionals include medical doctors, attorneys and members of the clergy. In a study of the military profession in Europe, Università Degli Studi di Torino professor Dr. Marina Nuciari summarized a frequent set of attributes typically ascribed to professionals.

- Acting according to professional knowledge to achieve optimum results for the institution
- Adherence to a code of professional ethics
- Leadership based on vocational competence⁹⁴

Key Attributes of the Army Profession	
THE PROFESSION	THE PROFESSIONAL
Expertise	Skill
Trust	Trust
Development	Leadership
Values	Character
Service	Duty

Figure 5. Key Attributes of the Army Profession.
Source: Rebecca Johnson, *Ethical Requirements of the Profession*.

The chief communication officer is an advocate between an organization and the public and has loyalties that require a clearly defined ethos to walk the line between competing interests among stakeholders with different agendas. Communication practitioners who do not ground to a code of ethics will inevitably be drawn into an ethical quagmire because one cannot equally represent opposing sides in an issue.⁹⁵ The school of thought that considers communicators as professionals cite adherence to an industry code of ethics as a major indicator of professionalism. At its core, the role of civilian and military communication officers is as keeper of the organization’s image and advocacy from the organization to the public and from the public to the organization.⁹⁶

Gaining a credible information edge requires a fully professionalized, ethics-based public affairs capability. In the public relations community, this means that practitioners are expected to advocate for causes authentically. In military public affairs, it means that the professional knows that duty is ultimately to the truth, even if the truth is at odds with a leader, unit or even military service. Military professionals are obligated to steward advancement of their professions.⁹⁷ The ultimate mark of a professional is to be willing to take personal and professional risk to make the right call on hard decisions for the benefit of the organization.⁹⁸

Role of Professional Ethics in the Public Affairs Profession

Though professional ethics in public relations is receiving renewed interest in an age of reduced social trust, it is not a new concept. A 1970 U.S. Army War College study concluded that “ethical behavior and technical competence are tightly interlaced.”⁹⁹ In 2005, a study at the University of Alabama found that practitioners who prioritize professional ethics are more likely to become highly-successful communication leaders.¹⁰⁰ Organizational leadership is a key actor in setting a culture that acts as a key factor in affecting how its members perform.¹⁰¹ Ethical culture is not just an organizational virtue. It also promulgates professionalism. Parsons wrote that “Public relations ethics focuses on the ethical implications of the strategies and tactics that are applied to solve the public relations and communications problems of organizations.”¹⁰² It is separate from the corporate ethics program or, in our case, the Army Values. Among the profession of corporate communicators, military public affairs officers have the highest obligation to the public in a system where the military is owned by and accountable to the public. The military officer swears an oath not to a commander, service or even the defense department. The military officer’s oath is to the constitution,

the nation, the people. Where corporate communicators face competing obligations between the client and public, the military public affairs officer's duty is overwhelmingly to the public. U.S. military doctrine understands this. It is often command culture that does not.

The U.S. Army is not the only service with a cultural climate that sometimes resists an ethical implementation of public affairs. In 2018, the U.S. Air Force implemented a temporary ban on proactive public engagement until Air Force public affairs officers completed a recertification process.¹⁰³ The policy letter announcing this guidance itself was originally published as an “for official use only: not for public release” document. Ethics plays a key role in public affairs, especially relating to the role of public affairs officer as mediator.¹⁰⁴ The pursuit of professional ethics cannot be a mechanical process that finds a way to justify actions because of convenience. Military officers who seek those ends are abdicating their moral duty. Writing in *Redefining the Military Profession: The Intersection of Profession and Ethics*, former U.S. Army officer Casey Landru noted that the Army “propagates an Army ethics so that Army professionals understand the spirit of self-regulation, and not just the letter of the law.”¹⁰⁵

Where Loyalties Lay

There is a natural friction in practicing public relations, a latent moral conflict where practitioners must choose between competing loyalties to client and public.¹⁰⁶ The same is true of military public affairs officers. Nuciari wrote of two kinds of loyalty in military organizations: a loyalty to the organization and a loyalty to the profession.¹⁰⁷ Loyalty to the organization is akin to a loyalty to the bureaucracy, in which the professional is an “obedient and faithful defender of the ‘uniqueness’ of the organization to which he belongs.”¹⁰⁸ Unchecked this can lead to adopting the organizational ethical imperative: protecting the organization by not telling the truth.¹⁰⁹ Loyalty to the profession is based on socio-ethical imperatives that honor the ethical commitments that professionals make to the role they play as members of a professional body that provides a specific service to their organizations.¹¹⁰ Ethical codes should guide communicators to make choices that serve to elevate the professional status of the community of organizational communicators.

Writing for *Military Review*, U.S. Army Major Walter E. Richter wrote that the ethical role of public affairs “supersedes any one command or mission.”¹¹¹ Ethical communicators serve their clients, but not when the clients act in bad faith. Every U.S. citizen is constitutionally entitled to a legal defense. Unlike the legal system, there is no Constitutional right to a defense in the court of public opinion.¹¹² Unfortunately, there are times that a unit leader takes a position that necessitates an evaluation of loyalty to the command, or to the principles of the profession or military service. This is a friction addressed in law of warfare training that every U.S. service member receives. Every soldier knows that one cannot mount a legal defense on grounds of simply following orders. Public affairs officials must be savvy enough to know when those times are and courageous enough to make and defend the ethical decision. Public affairs officers have an ethical responsibility to not conduct malpractice, as their stakeholders are the public who sustain the military.

A New Concept of Public Affairs Mission and Professional Ethics

Historical trends suggest that public trust is one of the biggest predictors of who will prevail in a military contest involving U.S. forces. As the U.S. Army adapts to the modern strategic environment, it should put the same energy into a change culture for building trust through ethical communication practices as it is currently using to redefine physical readiness. All U.S. Army public affairs practitioners should follow a code of professional ethics to ensure that the U.S. Army retains the trust and confidence of the American people and the host nation audiences in the lands we operate. This code must include a principle-based vision that speaks to the spirit of public accountability, rooted in common values including service to country, honesty and loyalty to the U.S. Constitution, rather than a litany of overly detailed rules.¹¹³ It is not

enough to create a code of professional public affairs ethics. Leaders must inculcate it into service culture forcefully and frequently.¹¹⁴ The author proposes the following as a recommendation for a future code of professional ethics within U.S. Army public affairs doctrine.

In 1968 President Lyndon B. Johnson had to contend with the reality that losing the battle for public opinion was a bigger strategic blow to the war effort than operational successes in Vietnam could overcome. Social media and the democratization of information will amplify this reality in future large-scale combat operations involving U.S. forces. The nation that is the most trusted by its people is likely to be the nation that wins. The military that is the most honest is the one that will be the most trusted. The military communication program that operates ethically is one most likely to gain and hold trust over the long term. The public relations industry provides over 60 years of examples to draw inspiration from for a modern code of public affairs ethics. The time to create, support, and enforce such a policy in the U.S. Army is now, before the United States meets the next near peer threat in large-scale combat operations.

Public Affairs (PA) enhances the commander's freedom of movement by maintaining the nation's trust, setting favorable conditions among publics in areas of operation, defeating propaganda and enabling ethical, timely, continual communication between primary stakeholders and the command. Above all else, public affairs keeps the U.S. Army accountable to the public it serves and guards the Army's reputation as an ethical institution.

- PA will at all times be truthful. PA soldiers and civilians will hold themselves to be experts in their craft.
- PA will be loyal to the public, the mission, and the command.
- PA will support a free flow of information between the organization and its audiences.
- PA will disclose information in accordance with the Department of Defense Principles of Information: Maximum Disclosure—Minimum Delay.
- PA will serve to enhance the value of communication to the command and the military community.

U.S. Army public affairs activities will operate under the principles of Security, Accuracy, Propriety and Policy.

Security: PA activities will not release classified information, but will not withhold information simply because it could be embarrassing to the organization.

Accuracy: PA will not deliberately release any inaccurate information, nor refrain from correcting inaccurate information released or transmitted by other sources.

Propriety: PA activities will respect the legal and privacy rights of persons, parties and organizations that are represented in PA products because of an affiliation or mission connection with U.S. forces or Department of Defense activities.

Policy: PA activities will adhere to U.S. laws and service regulations.

Figure 6. U.S. Army Public Affairs.

End Notes

- 1 David C. Snow, “Creating the Credibility Gap: Military Advisory Command, Vietnam and the Media,” (master’s thesis. U.S. Army Command and General Staff College, 2006), 93.
- 2 Steve Boylan, “Public Opinion: a Center of Gravity Leaders Forget,” *Military Review* (September-October 2015), 94.
- 3 Damian P. Carr, “U.S. Army Public Affairs during Operation Uphold Democracy,” (master’s thesis. U.S. Army Command and General Staff College, 1996), 53.
- 4 Edward T. Nye, “The Role of Public Affairs in Special Operations and Missions,” (master’s thesis. U.S. Army Command and General Staff College, 2002), 47-48; Bruce E. Harrison and Judith Muhlberg, *Leadership Communication: How Leaders Communicate and How Communicators Lead in Today’s Global Enterprise*, (New York: Business Expert Press, 2014), 183.
- 5 Patricia J. Parsons, *Ethics in Public Relations*, (London: Kogan Page Limited, 2016), 183.
- 6 Barbara White-Sax, “How Ethics Bring Unprecedented Value to your Organization,” *PR Week*, January 8, 2018, accessed January 8, 2018, <https://www.prweek.com/article/1453114/ethics-bring-unprecedented-value-organization>.
- 7 Dustin Paul Manley, “The Anxious Profession: a Study of Competencies, Qualifications, and Education in Canadian Public Relations,” (master’s thesis. Royal Roads University, 2014).
- 8 Dustin Manley and Jean Valin, “Laying the foundation for a global body of knowledge in public relations and communications management,” *Public Relations Review* 43, no. 1, March 2017, 66.
- 9 Jerry Useem, “What was Volkswagen Thinking?: On the origins of corporate evil—and idiocy,” *The Atlantic*, January 2016, accessed December 10, 2018, <https://www.theatlantic.com/magazine/archive/2016/01/what-was-volkswagen-thinking/419127>.
- 10 Shannon A. Bowen, Michael Parkinson, Kenneth Plowman, Robert Pritchard, John Schmeltzer and Mark Swiatek, “Military PAOs and the Media: Conflicting Systems of Ethics,” Paper presented at the International Public Relations Research Conference, Coral Gables, FL, March 2012.
- 11 Tonie E. Ries, David M. Bersoff, Sarah Adkins, Cody Armstrong and Jamis Bruening, “2018 Edelman Trust Barometer Global Report,” Edelman, 2018, accessed January 12, 2019, https://www.edelman.com/sites/g/files/aatuss191/files/2018-10/2018_Edelman_Trust_Barometer_Global_Report_FEB.pdf.
- 12 Rebecca Johnson, “Ethical Requirements of the Profession,” In *Redefining The Modern Military: The Intersection of Profession and Ethics*, eds. N.K. Finney, & Tyrell O. Mayfield (Annapolis: Naval Institute Press, 2018), 91.
- 13 Nielsen Media Research, “Millennials—Breaking The Myths,” Nielsen Media Research, February 2014, <http://www.nielsen.com/content/dam/corporate/us/en/reports-downloads/2014%20Reports/nielsen-millennial-report-feb-2014.pdf>.
- 14 John F. Kirby “Helping Shape Today’s Battlefield: Public Affairs as an Operational Function,” (National Defense University Essay, 2000), 90.
- 15 Alexis G. Grynkewich, “Information as a Joint Function,” *Joint Forces Quarterly*, 89 (2), 6.
- 16 Wim J. L. Elving, Laura Noteboom and Fabian Van AcQuoy, “Does it Pay to Work for an Employer with a Poor Reputation? The of Employee Branding and Reputation to Attractiveness to Employees,” In *Researching the Changing Profession of Public Relations* eds. Aydemir Okay, Valerie Carayol and Ralph

Tench (Brussels: P.I.E. Peter Lang, 2013), 229.

17 Lolita C. Baldor, "APNewsBreak: Army misses 2018 Recruiting Goal," *Associated Press*. September 21, 2018, accessed November 14, 2018, <https://www.apnews.com/4e920aeff0ee41caa152a12df6d89600>.

18 Michael Ames, "What the Army Doesn't Want You to Know About Bowe Bergdahl," *NewsWeek*. January 27, 2016, accessed February 16, 2019, <https://www.newsweek.com/2016/02/05/serial-bowe-bergdahl-mystery-pow-419962.html>.

19 Matt Millham, "Bergdahl was Released after 5 Years; Military Fate Uncertain," *Stars & Stripes*, December 24, 2014, <https://www.stripes.com/news/bergdahl-was-released-after-5-years-military-fate-uncertain-1.321038>.

20 ABC News, "This Week' Transcript: Ambassador Susan Rice and Sen. Ted Cruz," ABC News, April 13, 2014, accessed February 24, 2019, <https://abcnews.go.com/ThisWeek/week-transcript-ambassador-susan-rice-sen-ted-cruz/story?id=23942676>.

21 Justin Lowe, "Tillman Story" sad tale of a military cover-up," Reuters, February 3, 2010, accessed February 24, 2019, <https://www.reuters.com/article/us-film-tillman/tillman-story-sad-tale-of-a-military-cover-up-idUSTRE61305320100204>; House Committee on Oversight and Government Reform, *Misleading Information from the Battlefield: The Tillman and Lynch Episodes*, 110th Cong., 2nd sess., 2008, <https://www.congress.gov/110/crpt/hrpt858/CRPT-110hrpt858.pdf> (accessed February 12, 2018), 9.

22 CBS News, "What Really Happened To Pat Tillman?," CBS News, May 1, 2008, accessed February 24, 2019, <https://www.cbsnews.com/news/what-really-happened-to-pat-tillman>.

23 CNN, "Soldier: Army ordered me not to tell truth about Tillman," CNN, April 25, 2007, accessed February 24, 2019, <http://www.cnn.com/2007/POLITICS/04/24/tillman.hearing>.

24 House Committee on Oversight and Government Reform, 7.

25 Inspector General of the U.S. Department of Defense, "Review of Matters Related to the Death of Corporal Patrick Tillman, U.S. Army," Department of Defense, March 26, 2007, accessed February 8, 2019, https://archive.defense.gov/home/pdf/Tillman_Redacted_Web_0307.pdf, 38.

26 John Kampfner, "The Truth about Jessica," *The Guardian*, May 15, 2009, accessed February 26, 2019, <https://www.theguardian.com/world/2003/may/15/iraq.usa2>.

27 House Committee on Oversight and Government Reform, 43.

28 Kampfner.

29 House Committee on Oversight and Government Reform, 43.

30 Ibid., 2.

31 "Jessica Lynch interviewed by the U.S. House of Representatives House Oversight Committee," YouTube video, 7:45, posted by "West Virginia Public Television," April 24, 2007, <https://www.youtube.com/watch?v=ZyJI-WOWuRg>.

32 Mark Hodgkinson, "Pat Tillman: The Superstar cut down by Friendly Fire then used to Sell War," *The Telegraph*, October 19, 2019, <https://www.telegraph.co.uk/sport/othersports/americanfootball/8073235/Pat-Tillman-the-superstar-cut-down-by-friendly-fire-then-used-to-sell-a-war.html>.

33 Michael Ames, "What the Army doesn't want you to know about Bowe Bergdahl," *Newsweek*, January 27, 2016, <https://www.newsweek.com/2016/02/05/serial-bowe-bergdahl-mystery-pow-419962.html>.

- 34 Greg Mitchell, "When the Pentagon and Media Lied about Jessica Lynch," *Huffington Post*, April 4, 2008, https://www.huffpost.com/entry/5-years-ago-when-the-pent_b_95057.
- 35 Parsons, 8.
- 36 Ibid.
- 37 Jo Brick, "The Military Profession: Law, Ethics, and the Profession of Arms." In *Redefining The Modern Military: The Intersection of Profession and Ethics*, eds. N.K. Finney, & Tyrell O. Mayfield (Annapolis: Naval Institute Press, 2018), 31.
- 38 Francesca Gino, Michael I. Norton and Roberto A. Weber, "Motivated Bayesians: Feeling Moral While Acting Egoistically," *Journal of Economic Perspectives* 30, no. 3, Summer 2016, 190.
- 39 The Ethics Centre, "What is Ethics?," The Ethics Centre, 2019, accessed January 3, 2019, <http://www.ethics.org.au/about/what-is-ethics>.
- 40 Parsons, 18.
- 41 Ibid., 26.
- 42 Ibid., 129.
- 43 Johnson, 88.
- 44 Parsons, 62.
- 45 Marina Nuciari, "Rethinking the Military Profession: Models of Change Compared," *Current Sociology* 42, no. 3, December 1994, 17.
- 46 Johnson, 95.
- 47 Department of Defense, "Principles of Information," Department of Defense, September 27, 2000, accessed February 8, 2019, <https://dod.defense.gov/Resources/Principles-of-Information>.
- 48 Arthur W. Page Society, "The Page Principles," 2018, <http://www.awpagesociety.com/site/the-page-principles>.
- 49 Tony Ingesson, "When the Military Profession Isn't." In *Redefining The Modern Military: The Intersection of Profession and Ethics*, eds. N.K. Finney, & Tyrell O. Mayfield (Annapolis: Naval Institute Press, 2018), 83.
- 50 H.M. Denny, "Professionals Know When to Break the Rules." In *Redefining The Modern Military: The Intersection of Profession and Ethics*, eds. N.K. Finney, & Tyrell O. Mayfield (Annapolis: Naval Institute Press, 2018), 55.
- 51 Parsons, 25.
- 52 Jeffery L. Schwander, "A Functional Army Officer Code of Ethics" (strategic studies project. U.S. Army War College, 1988), 2.
- 53 The Arthur W. Page Center, "History of the PRSA Code of Ethics," The Arthur W. Page Center, accessed February 16, 2019, <https://pagecentertraining.psu.edu/public-relations-ethics/professional-codes-of-ethics/lesson-2-tbd-waiting-on-edits/history-of-the-prsa-code-of-ethics>.
- 54 International Public Relations Association, "Code of Athens," IPRA, accessed February 17, 2019, https://www.ipra.org/static/media/uploads/pdfs/ipra_code_of_athens.pdf.

55 Polisphere, “European Code of Professional Conduct (Code of Lisbon),” Polisphere, Accessed February 17, 2019, <http://www.polisphere.eu/database/verhaltenskodizes/european-code-of-professional-conduct-in-pr-code-of-lisbon>.

56 Carr, 67.

57 Department of the Navy, SECNAV Instruction 5720.44C: Department of the Navy Public Affairs Policy and Regulations, (Washington, D.C.: U.S. Government, 2012), 1-4 to 1-5.

58 Chase Spears, “Strategic Alignment: Employing Public Affairs to Deliver a Coherent Narrative for Subordinate Commands,” *Strategy Bridge*, February 25, 2019, <https://thestrategybridge.org/the-bridge/tag/Public+Affairs>.

59 The Ethics Centre.

60 National Security Strategy of the United States of America, December 2017, <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>, 35.

61 Department of the Army, Army Doctrine References Publication 1: The Army Profession, Washington, D.C.: U.S. Government, 2015, 2-7.

62 Department of the Army, Army Regulation 360-1: The Army Public Affairs Program, Washington, D.C.: U.S. Government, 2011, 1.

63 Bowen et al., 21.

64 Parsons, 149.

65 Schwander, 3.

66 White-Sax.

67 Lloyd Eldon Bedford, “Social Media: Enhancing the U.S. Military’s Communication with its Target Audience,” (master’s thesis), Syracuse University, 2016), 55; Bowen et al, 1.

68 Parsons, 15.

69 Ibid., 18.

70 Jeffrey M. Jones, “Americans: Much Misinformation, Bias, Inaccuracy in News,” *Gallup*, June 20, 2018, <https://news.gallup.com/opinion/gallup/235796/americans-misinformation-bias-inaccuracy-news.aspx>.

71 Kenneth Payne, “The Media as an Instrument of War,” *Parameters*, Spring 2005, 84.

72 Richard F. Machamer Jr., “An Incident in Korea: A Case Study of U.S. Army Public Affairs Activities in Response to the Ingman Range Murders in 1981,” (master’s thesis. Kansas State University, 1991), 103-104.

73 Chad G. Carroll, “U.S. Army Public Diplomacy Officer: Military public affairs officers’ roles in the global information environment,” (master’s thesis. University of North Carolina, 2007), 20.

74 Pew Research Center, “Democracy and government, the U.S. political system, elected officials and governmental institutions,” Pew Research Center, April 26, 2018, accessed February 19, 2019, <http://www.people-press.org/2018/04/26/1-democracy-and-government-the-u-s-political-system-elected-officials-and-governmental-institutions>.

75 Jim Norman, “Americans Give Military Branches Similar High Marks,” *Gallup*, May 26, 2017, accessed February 19, 2019, <https://news.gallup.com/poll/211112/americans-give-military-branches-similar-high-marks.aspx>.

- 76 Pew Research Center, “Older Americans most confident in military to act in public’s interest,” Pew Research Center, October 17, 2016, accessed February 19, 2019, http://www.pewresearch.org/fact-tank/2016/10/18/most-americans-trust-the-military-and-scientists-to-act-in-the-publics-interest/ft_16-10-18_trustinstitutions_age.
- 77 Schwander, 9.
- 78 Thomas Ricks, “The Same Old Public Affairs Crap,” *Foreign Policy*, June 22, 2009, accessed January 12, 2019, <https://foreignpolicy.com/2009/06/22/the-same-old-military-public-affairs-crap>.
- 79 Payne, 85.
- 80 Paul D. Eaton, “Professional Disagreement and Policy,” *Joint Forces Quarterly*, July 2011, 23.
- 81 Nye, 86.
- 82 Bowen et al., 21.
- 83 Parsons, 5-6.
- 84 Timothy W. Coombs and Sherry J. Holladay, *It’s Not Just PR: Public Relations in Society*, (Malden: Blackwell, 2007), 5.
- 85 Parsons, 24.
- 86 Ronald A. Grubb, “The Public Affairs Officer in Regional Conflicts” (individual study project, U.S. Army War College, 1991), 24.
- 87 Parsons, 7.
- 88 Schwander, 4.
- 89 Voice of America, “VOA Journalistic Code,” <https://www.voanews.com/archive/voa-journalistic-code>.
- 90 Alex Frame, “PR and Global Interculturation: Methodological Challenges for Cross-Cultural PR Research,” In *Researching the Changing Profession of Public Relations*, eds. Aydemir Okay, Valerie Carayol and Ralph Tench (Brussels: P.I.E. Peter Lang, 2013), 147.
- 91 Michael Hastings, “Another Runaway General: Army Deploys Psy-Ops on U.S. Senators,” *Rolling Stone*, February 24, 2011, accessed February 15, 2019, <https://www.rollingstone.com/politics/politics-news/another-runaway-general-army-deploys-psy-ops-on-u-s-senators-178088>.
- 92 J.D. Scanlon, “Strategic Communication: A Caution to Military Commanders,” *Military Review-Online Exclusive*, November 2017, accessed January 8, 2018, <https://www.armyupress.army.mil/Portals/7/Army-Press-Online-Journal/documents/Scanlon.pdf>, 3.
- 93 Jeff A. Davis, “Lessons from the Information Battlefield,” LinkedIn, September 2, 2018, accessed November 22, 2018, <https://www.linkedin.com/pulse/lessons-from-information-battlefield-jeff-a-davis>.
- 94 Nuciari, 17.
- 95 Parsons, 156.
- 96 Ibid., 152-156.
- 97 Casey Landru, “Evolution of Defining the Army Profession.” In *Redefining The Modern Military: The Intersection of Profession and Ethics*, eds. N.K. Finney, & Tyrell O. Mayfield (Annapolis: Naval Institute Press, 2018), 49.

98 Denny, 64.

99 U.S. Army War College. Study of Military Professionalism. U.S. Army War College, June 30, 1970, 19.

100 William C. Heyman, "Mix of Personal, Professional Patterns Signal Likely Success in PR Profession," *Public Relations Quarterly* 50, no. 3, (Fall 2005), 47.

101 Gunter Bentele and Rene Seidenglanz, "Professional Moral and Ethics as a Crucial Aspect in Professionalism: Main Developments and Trends in the Professional Field in Germany During the Last Decade." In *Researching the Changing Profession of Public Relations*, eds. Aydemir Okay, Valerie Carayol and Ralph Tench (Brussels: P.I.E. Peter Lang, 2013), 35.

102 Parsons, 148.

103 Department of the Air Force, "Public Affairs Guidance: OPSEC and Public Engagement Reset," USNI News, March 13, 2018, accessed January 3, 2019, <https://news.usni.org/2018/03/13/document-new-air-force-public-engagement-guidance>.

104 Bowen et al., 18.

105 Landru, 42.

106 Bentele and Seidenglanz, 43; Bowen et al., 6.

107 Nuciari, 16.

108 Ibid.

109 Bentele and Seidenglanz, 35.

110 Ibid., 35; Nuciari, 16.

111 Walter E. Richter, "The Future of Information Operations," *Military Review*, January-February 2009, 105.

112 Parsons, 107.

113 Schwander, 15.

114 Ibid., 26.

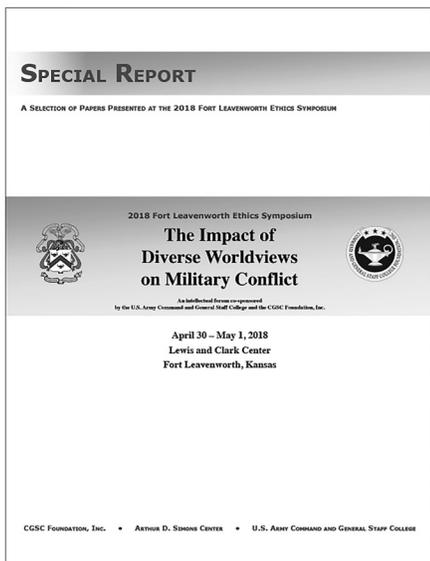
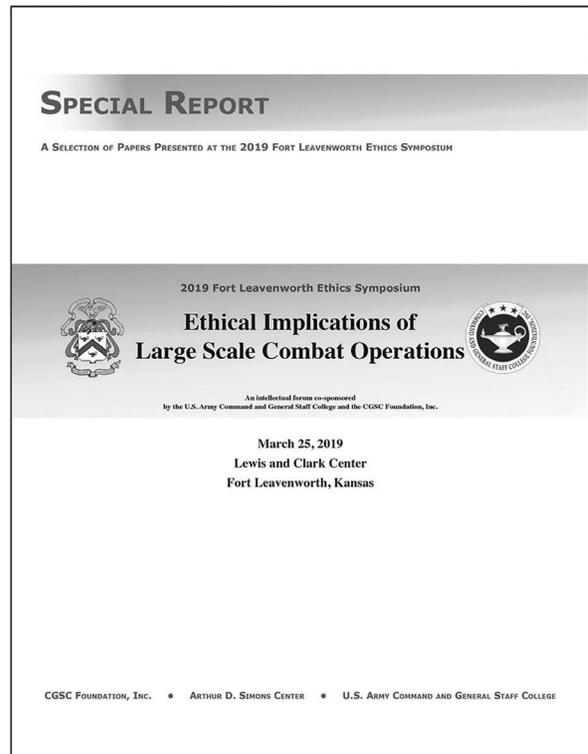
Available in Print!

The Command and General Staff College Foundation has partnered with the U.S. Army Command and General Staff College since 2009 to host an annual ethics symposium at Fort Leavenworth.

These annual symposia provide an opportunity for academics and practitioners to come together to discuss ethics as they relate to the profession of arms, the practice of state-controlled violence, and national security.

A selection of the papers presented at the annual Fort Leavenworth Ethics Symposia are now being published as collections in the Simons Center's *Special Reports* series.

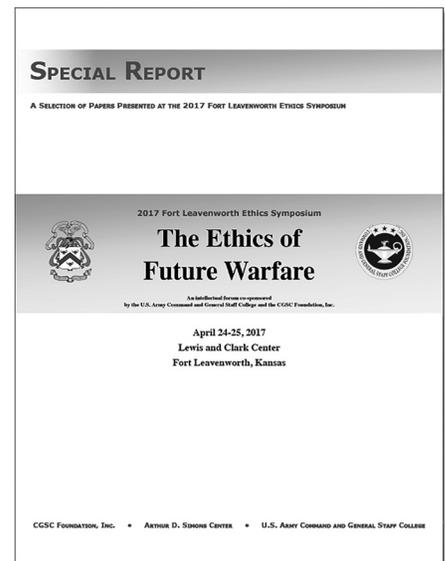
**Contact the Simons Center
for information about ordering print copies
of the *Special Reports* series.**



Special Report: Ethical Implications of Large Scale Combat Operations, featuring papers presented at the 2019 Ethics Symposium, is currently available on the Simons Center's website—TheSimonsCenter.org/special-report-ethical-implications-of-LSCO.

Special Report: The Impact of Diverse Worldviews on Military Conflict, featuring papers presented at the 2018 Ethics Symposium is currently available on the Simons Center's website—TheSimonsCenter.org/special-report-the-impact-of-diverse-worldviews.

Special Report: The Ethics of Future Warfare, featuring papers presented at the 2017 Ethics Symposium, is currently available on the Simons Center's website—TheSimonsCenter.org/special-report-the-ethics-of-future-warfare.



For more information about the Fort Leavenworth Ethics Symposium, visit the CGSC Foundation and Simons Center's websites.

CGSC Foundation, Inc.
www.cgscfoundation.org

Arthur D. Simons Center
for Interagency Cooperation
www.TheSimonsCenter.org

**FOR MORE INFORMATION VISIT THE CGSC FOUNDATION OR SIMONS CENTER WEBSITES –
WWW.CGSCFOUNDATION.ORG OR WWW.THESIMONSCENTER.ORG**



The Simons Center
Fort Leavenworth, Kansas 66027
ph: 913-682-7244
www.TheSimonsCenter.org
facebook.com/TheSimonsCenter



CGSC Foundation, Inc.
100 Stimson Avenue, Suite 1149
Fort Leavenworth, Kansas 66027
ph: 913-651-0624
www.cgscfoundation.org
facebook.com/CGSCFoundation
twitter.com/CGSCFoundation
[LinkedIn.com >>CGSC Foundation, Inc.](https://LinkedIn.com/CGSCFoundation)

