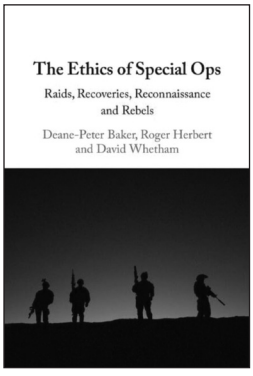

The Ethics of Special Ops: Raids, Recoveries, Reconnaissance, and Rebels

by Deane-Peter Baker, Roger Herbert, and David Whetham

Cambridge University Press, 2023, 233 pp.

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In *The Ethics of Special Ops*, Deane-Peter Baker, Roger Herbert, and David Whetham ask whether there is anything morally exceptional about special operations that does not fit within the traditional just war framework. With a few caveats, they conclude that there is not. Yet to sum up the book this way downplays the achievement of this work and its value to practitioners and ethicists alike. *The Ethics of Special Ops* resolves important lacunae in the undertheorized morality of special operations and is an important contribution to emerging scholarship on the use of force-short-of-war.

Throughout the work, the authors are shadowboxing the view, summed up by a twice-referenced April Oliver quote, that "as for ethics, the world of special operations is predicated on the view that there is no such thing as an unethical action, only deniable ones."[1] The basic question is: do the strategic nature and the exigencies of small-unit special operations fundamentally alter the nature of 'proportionality' judgments, non-combatant immunity, and perfidy? In analyzing this question, the authors make generous use of real-world special operations missions conducted by American, British, Australian, German, Israeli, Rhodesian, and Russian since World War II. Each example clarifies the moral question at issue and keeps tactical circumstances and moral considerations present throughout.

In most cases, the authors apply the "War Convention," or what is sometimes called the "traditional" or "legalist" camp of just war theory, to special operations contexts. For example, whether Osama bin Laden was a legitimate target for killing is a matter of applying the War Convention to Operation Neptune Spear. This approach maintains a consistent moral framework across diverse cases, although it occasionally obscures relevant moral intuitions. For example, the presentation of Operation Neptune Spear sidesteps the tension between modern just war theory's disavowal of punitive war and the intuition, presumably common among Americans, that Osama bin Laden would have been a *morally* valid target even if he were not (counterfactually) directly participating in hostilities in 2011.

The penultimate chapter considers whether special operations fall within traditional just war theory or the recently coined but contentious '*jus ad vim*,' or force-short-of-war, moral framework. The chapter contains an interesting analysis of the trade-offs between *proportionality* and *last resort* in the context of '*jus ad vim*' special operations. Special operations are desirable because they can achieve strategic results at relatively little human cost compared to conventional operations, but they tend to be most effective when the target country does not expect them.[2] Ultimately, the authors

support Helen Frowe's argument that *jus ad vim* is redundant— mostly a question of proportionality in different contexts— and further argue that creating a separate moral category for force-short-of-war only undermines just war tradition's overarching goal of restraining warfare.[3]

The book ends with a detailed analysis of the moral hazards and costs of forever war suffered by those who are increasingly leaned on to fight it. It is a sobering chapter— compassionate yet clear-eyed— and draws from David Whetham's work investigating allegations of war crimes committed by Australian special operations forces in Afghanistan. This chapter provides a terse but impactful overview of the drivers of moral decay within the special operations community and cautions against their overuse by civilian leaders habituated to 'low-risk,' high-reward operations. In short, it is an excellent overview of a cluster of topics surrounding character, organizational culture, and moral injury and serves as an excellent stand-alone reading for professional military education and ethicists entering the field. The concluding chapter is nearly perfect but for a missed opportunity to re-engage with the consequences of the indecisive rejection of 'dirty hands' arguments offered earlier in the work.

It is difficult to imagine this book coming from anyone other than these three authors. Between them is a broad base of research, decades of scholarship, and real-world tactical experience. The combination of their talents is a subtle philosophical reflection on a specific way of war that never loses its footing in the real world. Even though the book's conclusions reinforce traditional just war concepts, its value lay in the nuance of its approach to developing arguments in *jus ad vim*; its emphasis on the people performing these tasks; its judicious use of historical examples and doctrine; and, perhaps most of all, its bridging of military and philosophical perspectives on forever war. ***IAJ***

Notes

1 Deane-Peter Baker, Roger Herbert, and David Whetham, *The Ethics of Special Ops:* Raids, Recoveries, Reconnaissance, and Rebels (Cambridge University Press, 2023): 5.

2 The authors use Russia's special operations ('little green men') surprise capture of Crimea in 2014 to illustrate this point. The operation to seize Crimea would have been less likely to succeed had Russia taken steps to meet the last resort criterion, as such steps would have likely clued Ukraine into Russia's intentions.

3 Helen Frowe, "On the redundancy of jus ad vim: A response to Daniel Brunstetter and Megan Braun," *Ethics and International Affairs* 30, no 1: 117-139. Notably, the authors concede that proportionality judgments involving force-short-of-war should include risk of escalation.