



(AP Photo by Anja Niedringhaus)

A U.S. soldier arrives at the site where a suicide car bomber attacked a NATO convoy 16 May 2013 in Kabul, Afghanistan. Hizb-e-Islami, a Muslim militant group, claimed responsibility for the early morning attack that killed many in the explosion and wounded several others.

# Ethics, Combat, and a Soldier's Decision to Kill

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**O**n a lonely forward operating base in Iraq, an 18-year-old private, who five months before worried only about whom he might take to the prom, listens carefully to his commanding officer as if his life depends on it. It does. The soldier's mission

is to deliver critical supplies to units spread across his region. The commander orders him not to stop on the road for anything—even for children blocking the road. The enemy uses them to obstruct the road, hoping soldiers' moral sense will cause them to stop their vehicles,

they may struggle with the memory of killing for many years afterward.

When soldiers make decisions about killing, they make moral choices. When soldiers have time to consider a moral problem and make a decision, their thought process usually integrates an ethical foundation of personal concepts of virtue that influence intent, rules that guide actions, and the consequences likely to follow the decision. Even if all these things are understood theoretically, applying these moral concepts is not a habit in the average soldier. Therefore, when a decision must be made and action taken in the moment, the conscience is morally disengaged. The enormity of the decision is only considered in the aftermath.

In the dense fog of war, soldiers need more than these sometimes-competing frameworks ranked by the dominant value and only contemplated when given the opportunity after the fact. Soldiers need a way to understand and apply moral guidance and internalize moral standards as second nature to all their actions. This essay proposes that the principles of *just war theory* can help soldiers develop a clear moral vision when they have to measure out whether to kill.

Ideally, soldiers take life in the belief they will make the world a better place—or at least prevent it from getting worse. They believe their actions in war, while unpleasant, are necessary. They feel morally responsible for protecting and defending others from malicious attack and unlawful assault. Of course, this is an idealized understanding of a soldier's duty, which is intrinsically tied to trust and faith in the government of the United States.

The Nation's decisions must be perceived as just and implemented to protect the American people or its allies rather than for selfish gain. This means that to maintain faith in the government, soldiers must believe that the war they fight is just. The standard for determining if war is just is known as just war theory, or justified war.<sup>6</sup>

Just war theory consists of criteria addressing justice in going to war (*jus ad bellum*), justice in waging war (*jus in bello*), and justice after the war (*jus post bellum*). The theory comprises a systematic application of moral reasoning for the decision to undertake armed conflict against another state. It includes conduct during war and after its completion. Just war theory claims

that sometimes war may be justified and preferable to an immoral peace.<sup>7</sup> But if war is to occur, it must be guided by morality, and the most evil aspects of warfare must be muted, limited, or eliminated.

Both *jus ad bellum* and *jus post bellum* are of great importance when a nation's leaders are considering war. Their implications are strategic because they apply to the state giving guidelines for actions during and after war. Moreover, the strategic implications of decisions made by political and senior military officials have immediate tactical and operational effects on the military forces that prosecute the war.

Soldiers asked to give their lives or to take lives in defense of their country deserve a well-reasoned justification for their sacrifice and labor. To tell soldiers only that they will do their duty in unquestioning obedience is an abuse in a professional military. Soldiers will bear the aftereffects of such actions for a lifetime. They deserve to understand the meaning and purpose of their actions so they can manage and give order to the consequences.

In the same way, civilians in a democracy demand justification to provide both blood and treasure to any such endeavor. Sun Tzu, in the oldest known manuscript on war, postulates in his "First Constant" that before going to war, a state should consider "The Moral Law, which causes the people to be in complete accord with their ruler so that they will follow him regardless of their lives, undismayed by any danger."<sup>8</sup> This means that to maintain a fighting force willing to give their lives for a national goal, both the soldiers and the civilian population must believe their cause is right. Just war principles, when considered, can provide the moral high ground.

Just war principles provide moral, psychological, practical, and strategic reasons for conducting warfare, juxtaposed with enemies' motives and actions that would lead to unacceptable devastation if not stopped by violent means. To help forces handle the moral dilemmas they stumble into in the fog of war, the military equips its personnel with principles of *jus in bello*—justice in waging war. Most military personnel know the applied form as the rules of engagement or the law of armed conflict. This is the codification of just war by treaty and international commitments as they apply to different situations and battlefields.

Unfortunately, a group's norms can lead to individuals conducting extreme violations of ethical standards derived from *jus in bello*. The group and the leaders can also emphasize immoral behavior that leads to disengagement of a soldier's moral sense.<sup>13</sup>

If the leadership of a unit begins to fail in addressing even minor infractions of discipline, especially those related to human dignity, soldiers can easily lose their core moral beliefs. The type of conduct that should proceed from moral beliefs can become lost as well. This process can quickly change the moral atmosphere of even the best units, making them susceptible to moral disengagement and the war crimes that follow.

Justin Watt, who served in the Black Hearts platoon, Company B, 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, describes how his leaders, after nine months in one of the most hostile areas of Iraq, stopped caring about discipline in regard to the little things:

They stopped correcting soldiers when they used terms like "rag head" in reference to the Iraqis. It was in their attitude. They just did not care anymore. It sent an immediate signal to the soldiers that certain attitudes and even actions were now permissible. It all started from there and quickly got worse.<sup>14</sup>

Some members of Watt's platoon would go on to commit one of the worst atrocities of the Iraq War, involving rape and murder. Similarly, a soldier who participated in the infamous massacre of My Lai during the Vietnam War describes his actions after his leadership abandoned all moral guidance:

You didn't have to look for people to kill, they were just there. I cut their throats, cut off their hands, cut out their tongues, and scalped them. I did it. A lot of people were doing it, and I just followed. I just lost all sense of direction.<sup>15</sup>

Base and cruel natures hidden in the depths of the human soul can surface during the stress of combat, surprising those who believe such natures do not exist in themselves. Some acts of cruelty proceed naturally from character flaws, while others are a side effect of the state's mechanized brutality that is intrinsic to war. Without an outside authority reemphasizing and holding to standards, even those

who enter combat with a sense of moral principles can lose their way.

Leaders, officially sanctioned or chosen by consensus of the group, are key to the moral conduct of a unit. Moral leadership of those in command, exemplified by virtue and strengthened by the moral principles established in *jus in bello*, can steady those around them assaulted by the horrors of war.

However, that does not mean that soldiers hold special immunity to perpetrating atrocity in units with virtuous leadership. Even with the support of moral codes and good leadership, soldiers must confront the dissonance within them and master it. At times, some choose to value priorities such as victory or survival over convictions about what is right. Others simply fail their own sense of honor when confronted by the extremes of combat and when overcome by strong emotion. These soldiers disengage their moral belief system in favor of other priorities they value more highly in the moment.

## Victory Over Honor

Practical concerns for victory drive some soldiers to put their consciences and rules of war aside. In offensive maneuvers, the speed and superiority of firepower can mean the difference between victory and defeat, and the management of prisoners can hinder a unit's effectiveness. Sending soldiers to secure prisoners' transfers to the rear leaves combat units weaker and more vulnerable to counterattack. Diverting vital offensive personnel to secure prisoners who had killed or maimed members of the unit moments before is a risk that some are unwilling to take. After all, if defeated, they could never be sure their own lives would be spared by the enemy to which they surrendered.<sup>16</sup>

Sometimes the calculus of victory wins out over honor or other concerns, even the condition of the soul. If soldiers believe their only choice is victory or death, then for some nothing is sacred or off-limits to achieve victory. The motive becomes completely utilitarian, where victory can supersede all wrongs. The laws of war, along with the values of a nation or a religious faith, are set aside for victory. Such a vision is morally repugnant to adherents of Christian religions, as illustrated in the Gospel of Matthew: "What good will it be for someone to gain the whole world, yet forfeit their soul?"<sup>17</sup> A more worldly view, however, holds victory in

One study shows that most people favor self-interest over principled reasoning.<sup>20</sup> This supports Abraham Maslow's famous psychological theory of a hierarchy of needs, whereby a deficiency in physical safety turns the need to survive into the prime impulse.<sup>21</sup> Some soldiers will do whatever is necessary to survive, even if it means violating their conscience. Moreover, human beings may feel that as long as they are alive, they can seek forgiveness. When a person dies, all is finished. Biblical scripture conveys the idea that where there is life, there is hope: "Even a live dog is better off than a dead lion."<sup>22</sup> Basic instincts of survival and victory are material expressions of human existence. Their vision tends to be limited to the here and now, and it precludes a transcendental existence after death. These drives, however, can be overridden by powerful emotions appealing to an even more primal response.

## Revenge Over Honor

Emotions such as revenge can trigger an overpowering rage in combatants who see life violently ripped away in front of their eyes. Morality and concepts of rules in war slip to the back of the mind—disengaged—and become reluctant witnesses to atrocity. Once the passion of vengeance dissipates, the conscience will fight its way back and begin a separate battle for peace within the individual. Often, dominating vengeful emotions focus on the enemy, but in later psychoses, they may push an individual to attack innocents.

In his book *Achilles in Vietnam*, Jonathan Shay postulates that revenge in war is often linked to the deep psychological and cultural need to resurrect fallen comrades. Shay quotes a veteran who recalls revenge killings: "Every [expletive] one that died, I say, '\_\_\_\_\_, here's one for you, baby. I'll take this mother [expletive] out and I'm going to cut his [expletive] heart out for you.'"<sup>23</sup> The soldier was talking to his comrade as if he were alive and present. This illustrates that not only are the dead brought back to life through this sacrificial act of bloodletting but also feelings of helplessness and fear are banished. Keeping faith with friends' ghosts who haunt the battlefield in the survivor's mind affirms a sense of justice in the insanity of war, even if it is vengeance.

Americans should not fall into the delusion that their soldiers have any special immunity from the moral stressors and temptations of war. Like anyone,

soldiers may suffer from lapses in character when tested by the extremes of combat. Even soldiers from the so-called "Greatest Generation" committed war crimes. During the liberation of St. Lo in France, after the horrors of fighting in the hedgerows, U.S. forces fanned out in bands of soldiers, gathering up surrendering German troops, summarily shooting them as they were taken into custody. Several chaplains witnessed these brutal actions and were appalled. One of the American soldiers went through the pockets of his German victim and found a picture of the soldier's wife and baby. Out of guilt, he sought the chaplain and tried to justify his action by reasoning that "it was either him or me." The chaplain angrily pointed out that this was hardly the case since the German bore no weapons and had his hands up in surrender when the soldier murdered him.<sup>24</sup>

Many soldiers die spiritually in combat because they feel forced to betray what they believe to be right. They are haunted for the rest of their lives. One only needs to look through the ranks of American veterans to find high suicide rates.<sup>25</sup> Moreover, drug abuse is higher among veterans than the rest of the population.<sup>26</sup> In addition, homelessness and alcoholism are rampant among combat veterans.<sup>27</sup> The soul can die before the body; it only takes longer for physical collapse. Such soldiers become like the living dead, the joy of life vanishing on the day of battle. They return home as shadows of their former selves, casualties of conscience. Therefore, to avoid this tragedy, it is imperative that each commander form an ethical command climate, as described in ADRP 6-22.<sup>28</sup> This climate must be built on the foundation of *jus in bello*, as described in Field Manual (FM) 27-10, *The Law of Land Warfare*.<sup>29</sup>

## Human Desecration and Moral Injury

War, by its nature, causes innocents to suffer and die. Nations at war make mistakes, and the cost is paid in lives. At times, the orders established to protect the whole bring about the unintended deaths of civilians, a circumstance euphemistically referred to as collateral damage. However, these deaths may be excused by the law of armed conflict as a case of double effect, meaning that the deaths as a measured risk were not intentional nor an instrument of gain in the conflict.

America and Grenada, after killing a number of people, lost much of his ability to cope when he came to the conclusion that his actions had betrayed his Christian upbringing, which had taught him to respect life.<sup>35</sup> His moral disengagement and later realization of a loss of moral identity may have been prevented if combat training and command had emphasized the principles of *jus in bello*.

There would have been a doctrine to reinforce his beliefs and help him come to a moral conclusion on what he believed about his role and his actions as a soldier. Albert Bandura defined this process from a sociological framework, where individuals adopt standards of conduct that provide deterrents to bad behavior through self-respect and self-demands of ethical conduct.<sup>36</sup>

Soldiers should not contemplate their role and its implications only after an event. If leaders can help soldiers think about their values in advance, the shock of combat will be somewhat inoculated against many of these unforeseen stressors because soldiers will have a greater sense of their moral self.

### **Collapse of Character and Insanity**

Shay describes one type of acute reaction to combat stress as the “berserker state.”<sup>37</sup> According to Shay, the word comes from the ancient Norse warriors who fought in mad, uncontrolled states during combat. The berserker feels both beneath humanity as an animal and above it as a God.<sup>38</sup>

Shay relates how one soldier from Vietnam could not remember a single person he served with in two years of a berserker state. When this condition advances to an all-consuming force, soldiers are known to have killed friend and foe alike.<sup>39</sup>

According to his lawyer, Staff Sgt. Robert Bales, convicted of killing 16 Afghan civilians in Kandahar Province in March 2012, claims a similar disconnect from reality. He retains almost no memory of the atrocity. Bales claims symptoms consistent with post-traumatic stress disorder before committing the atrocities.<sup>40</sup> Bales was on his fourth deployment and had been taking Valium, steroids, and alcohol before the incident.<sup>41</sup>

It is safe to assume that relatively few people commit atrocities in war, considering how many have served in militaries across the world. It may

also be assumed that even fewer experience such a horrific disconnect from reality that they fall into insanity. However, no one who has seen war is unaffected.

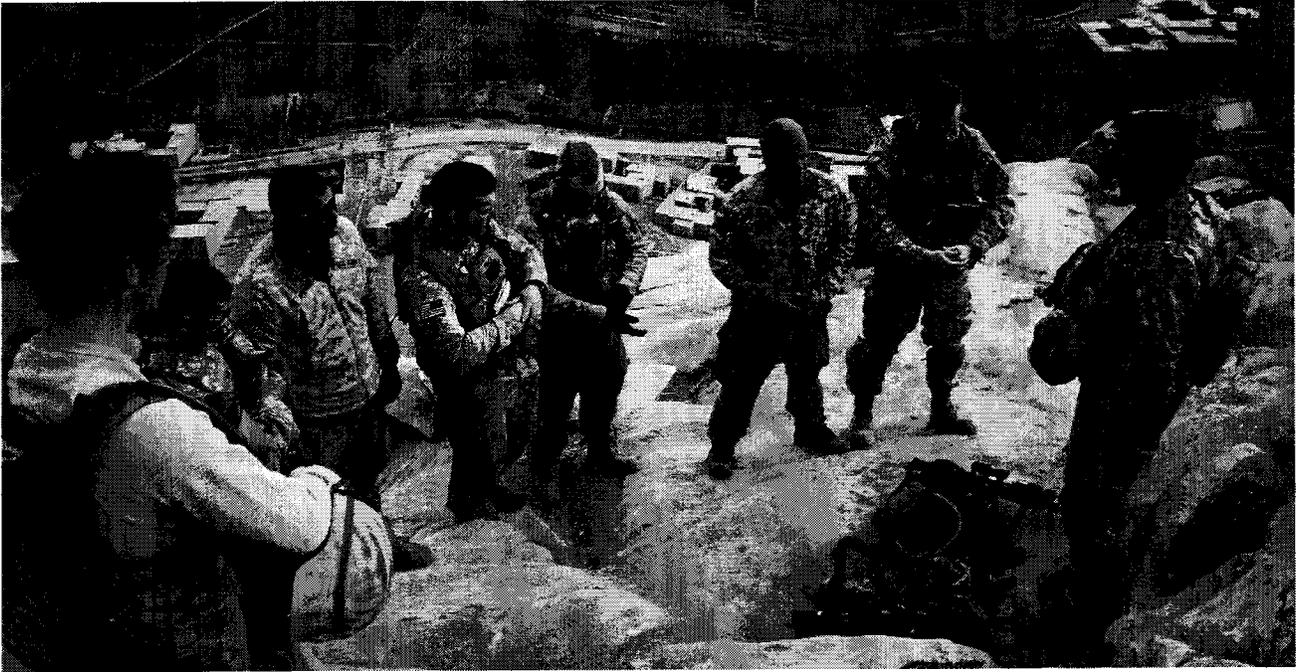
In considering what is valued above honor and the effects discussed, only one course of action is prudent for a soldier to follow. That course of action is an idealistic approach that values what is believed to be right or good over self-interested urgencies that, ironically, lead to a loss of identity. This is the iconic prototype of virtue depicted in movies as the hero. It is the ideal that our society favors. Therefore, how does the military equip soldiers for moral survival in the dim fog of war? How does the military make them heroes? The answer is foundational to that same profession—it is found in *jus in bello*.<sup>42</sup>

### **Survivability Through Honor**

For the individual, the long-standing idea that a strong ethical framework is an asset in combat remains true. *Jus in bello* is, and always has been, a buttress to the moral foundation that most soldiers bring with them into the military. A morally formed and disciplined soldier is an imperative to an effective fighting force. These attributes are described collectively as character and are espoused in Army Doctrine Publication (ADP) 6-22, *Army Leadership*.<sup>43</sup>

In World War I, considered by many to be the first modern war, the soldier and his morality were weighed as one component of endurance in battle. The key to survival for the British soldier in the trenches was believed to be a morality born out of Christian belief, which was and is the state religion of the United Kingdom. At the Universities of Oxford and Cambridge, students and faculty were obliged to subscribe to the Church of England’s Articles of Religion.<sup>44</sup> The products of these institutions became the officer corps of the British forces. These officers instilled virtues such as temperance, loyalty, and candor in their soldiers. Most British officers believed this model of Christian virtues to be resilient in the stress of combat, providing a better chance of survival.<sup>45</sup> Again, it was the society of the group that emphasized a moral code of conduct. Similar examples appear throughout history. A strong ethical framework guided individual soldiers in World War II as well.

During the invasion of Normandy, German and American soldiers sometimes found themselves being



(Photo by Capt. Arnaldo Zelayacastro, 173rd Airborne Brigade Combat Team PAO)

Chaplain Mike Swartz, 1st Battalion, 503rd Parachute Infantry Regiment, 173rd Airborne Brigade Combat Team, performs a communion service 20 February 2010 at an outpost overlooking the Tangi Valley in Afghanistan. Soldiers in remote outposts would miss the opportunity to worship without the field services that chaplains provide.

will be overturned, and they will be discredited forever. The prize in this sort of warfare is the hearts and minds of the people. It is the center of gravity of battle.

In Iraq, according to retired Iraqi Maj. Gen. Najim Abed Al-Jabouri, much of U.S. operational success was a by-product of al-Qaida's brutality against the Iraqi people.<sup>56</sup> Al-Qaida in Iraq and other insurgent groups used kidnapping, murder, and intimidation to gain support. This approach had the opposite effect, turning civilians against them and their cause.<sup>57</sup>

In contrast, and for the most part, U.S. soldiers proved themselves partners with the Iraqi people. Local politicians, some who had been insurgents, became allies. This meant extending trust, which in war can lead to becoming exposed to an enemy. In turn, many Iraqis met coalition troops halfway. The beginning of this turnaround was known as the "Anbar Awakening." It extended into a program spanning the entire country. Former Iraqi insurgents changed sides to work for Iraq and maintained checkpoints that provided security against foreign fighters.

Nevertheless, such a stance is tenuous. If undone, the military could have quickly lost those gains. Soldiers and other supporting agencies must adhere to *jus in bello* and act with discipline and moral restraint, or they will risk extending a war indefinitely.

## Conclusion

The effects of ethical decisions made in combat are far-reaching and echo in consequences later in life; they may become the most significant force in a soldier's life and in the lives of others on the battlefield. Ethical decisions can cause a war within the spirit of the warrior even as battle wages around him or her. Strong emotions batter the warrior, combining with extreme stress and unspeakable desecrations, to push soldiers to their spiritual and psychological limits. It is imperative that the Army prepare soldiers for making difficult moral decisions during combat. One way to equip them is through study of the application of *jus in bello*, which is worked out in the law of land warfare.

In addition, a solid faith, moral grounding, and a developed character seem to anchor an individual to peace of mind and spirit despite the turbulence of the battlefield.<sup>58</sup> *Jus in bello* can be a vital tool in synthesizing these characteristics and reminding soldiers of their moral selves. Albert Bandura's social cognitive theory refers to a similar process, in which individuals adopt standards of ethical conduct that deter immoral behavior.<sup>59</sup>

Unfortunately, soldiers usually understand the rules but they sometimes do not adhere to them.

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