

Lecture to the U.S. Army 58th Judge Advocate Officer Graduate Course:

The Role of the Judge Advocate in Contemporary Operations: Ensuring Moral and Ethical Conduct During War

*Brigadier General H.R. McMaster**

The strength of any Army unit and across our military is, as you know, our junior officers and our noncommissioned officers. A great example of junior officer leadership was Dylan Reeves, the brother of your fellow JAG officer Shane Reeves. Dylan was an incredibly courageous and effective combat platoon leader that I served with while commanding 3rd ACR. General Harmon, one of my personal heroes, while commanding the 2nd Armored Division in World War II, stated that his division would succeed only if the platoon succeeded. Dylan showed me that this statement remains true and the importance of resiliency in combat units. Therefore, one of the things I would like to talk with you about today is the importance of building resiliency among your Soldiers and creating cohesive, tough teams that can stand up to the demands of any mission. As judge advocates you play a big part helping

prepare our units for the extreme demands of combat and understanding how to do that holistically is really important.

I was not sure what I was going to talk about today as there are numerous relevant areas in which judge advocates play a significant role in contemporary operations. Judge advocates, as you know, have taken on a broad range of responsibilities, far beyond what anybody would have anticipated prior to the current wars. I believe that our judge advocates, more than anybody else, have adapted extraordinarily well to these increased demands. I personally know the value of a good legal advisor as I benefited tremendously from Lieutenant Colonel Neoma White's efforts and counsel. Major Mike Martinez, our Deputy, who was killed in action in Tal Afar, was an awesome officer as well. There is so much we have taken on in terms of assistance, training host nation security forces, rule of law missions, detention operations, and working within an indigenous law system that relies upon legal expertise. Who would have thought that our military would be at this nexus of war fighting and the law? I believe our judge advocates have done a brilliant job adapting to this reality and have been a primary reason for the successes we have had in Iraq as well as in Afghanistan.

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General McMaster served in numerous command and staff positions in the United States and overseas. His initial duty assignment was to the Second Armored Division at Fort Hood, Texas, where he served as a support platoon leader, tank platoon leader, tank company executive officer, and scout platoon leader in 1st Battalion, 66th Armor Regiment. In 1989, he was assigned to the Second Armored Cavalry Regiment in Nuremberg, Germany where he served as regimental plans officer. In March 1990, he assumed command of Eagle Troop, Second Squadron which he commanded in Bamberg, Germany and Southwest Asia during operations Desert Shield and Desert Storm. After the squadron returned to Germany, he assumed duties as squadron operations officer. In the summer of 1992, General McMaster began graduate study in history at the University of North Carolina, Chapel Hill. In 1994, he reported to the Department of History at the U.S. Military Academy where he served as an assistant professor. He was assigned to the National Training Center in June of 1997 and joined the 11th Armored Cavalry Regiment where he served as executive officer of 1st Squadron and regimental operations officer. In October 1989, Brigadier General McMaster joined the 1st Squadron, 4th Cavalry in Schweinfurt, Germany and commanded the "Quarterhorse" until June of 2002. From May 2003 to May 2004, he served as Director, Commander's Advisory Group at U.S. Central Command. General McMaster assumed command as the 71st colonel of the Third Armored Cavalry Regiment at Fort Carson, Colorado in June 2004. His command tour included a one-year combat mission in Iraq from 2005 to 2006. From July 2006 until June 2008, he was assigned to U.S. Central Command with duty in London as a Senior Research Associate at the International Institute for Strategic Studies and duty in Iraq as Special Assistant to Commander, Multi-National Force-Iraq. From August 2008 until July 2010 Brigadier General McMaster served as the Director, Concept Development and Learning in the Army Capabilities Integration Center, Training and Doctrine Command at Fort Monroe, Virginia.

Before I go on with our discussion, I want to take a moment and really thank you for your service. Thank you for what you are doing in this time of war. I know it has placed great strains on you and your families. I hope you take time during this course to reflect, to share varying perspectives with fellow officers, and to think broadly about our profession and how we can improve the combat effectiveness of our forces. As you all know, we are engaged with enemies that pose a grave threat to all civilized peoples. Just as previous generations defeated Nazi fascism, Japanese imperialism, communism, and totalitarianism, we will defeat these enemies. We all remember the murder of thousands of our fellow Americans on September 11th. Since those attacks, our nation has been at war and it is you who stand between them and those who they would murder—not just in our country, but also in places like Afghanistan, Iraq, Pakistan, Somalia, and Yemen.

As the attempt to commit mass murder on a flight bound for Detroit reminds us, security and the operations we are conducting overseas are naturally connected to our own security. Our enemies seek to enlist masses of ignorant, disenfranchised young people with a sophisticated campaign of propaganda and disinformation. They work within and across borders, posing a new kind of threat due to their ability to communicate and mobilize resources globally. Moreover, the enemy employs mass murder of innocents as their principal tactic within this war. I think all of us

recognize that if these terrorists were to gain access to weapons of mass destruction, attacks such as those on September 11 and those against innocents elsewhere would pale in comparison.

As President Obama observed in Oslo, to say that force is sometimes necessary is not called cynicism, but a recognition of history, imperfections of man and the limits of reason. He observed that a nonviolent movement could not have stopped Hitler's armies. Negotiations cannot convince Al Qaeda's leaders to lay down their arms. The President also observed that the use of military power—for example our humanitarian mission in the Balkans—can be used to help others to live in freedom and prosperity and this, in turn, secures a better future for our children and grandchildren. So I firmly believe the service women and men who are serving in our armed forces today are both warriors and humanitarians, and it falls on you in large measure as judge advocates to help your commanders communicate that message and to inculcate that belief into our institutional culture. So, again thank you for your service.

What I would like to talk about today is the need for us, as an institution, to build cohesive teams and create resilient Soldiers capable of overcoming the enduring psychological and moral challenges of combat. My idea for this discussion came from a book I was reading about a week ago called *Black Hearts*.¹ It is a book about a platoon that essentially disintegrates under the pressures of operations in South Baghdad. In the platoon, discipline and cohesion breaks down for a number of different reasons resulting in the rape and murder of an Iraqi family. This of course raises the question: How could this happen? Today, I want to address this troubling question by picking out a few themes from the book.

More specifically, I would like to focus my remarks on our connected responsibilities of ensuring moral and ethical conduct in war, while also preparing Soldiers psychologically for the extraordinary demands of combat. It is likely you will be called on to advise commanders on these issues, and I want to share some thoughts on how we can prepare our Soldiers and our units for these challenges.

Prior to the wars in Afghanistan and Iraq, the debate over future armed conflicts focused on the importance of emerging technologies. Many believed that technology would completely transform war, calling this the revolution in military affairs. The consensus was that technologically advanced U.S. Forces would be able to overwhelm inferior enemy forces with superior communication capabilities, precision munitions, and perfect surveillance of the

battlefield. Simply put, we were seduced by technology. You remember some of the language, right? No pure competitor until 2020, we are going to achieve full spectrum dominance and so forth. However, this definition of armed conflict divorced war from its political nature. It tried to simplify war into a targeting exercise where all we had to do was target the enemies' conventional forces which conveniently look just like ours. As we now know, this approach did little to prepare us for the challenges we subsequently faced in Iraq and Afghanistan.

As British Lieutenant General, Sir John Kiskey observed, for many military professionals, warfare, the practice of war, war fighting and combat were synonymous. Thus, these military professionals misled themselves into believing that there was no more to the practice of war than combat. Despite many armed forces finding themselves involved in other types of operations, like we did in Somalia and the Balkans, these missions were largely considered by many in the military establishment to be aberrations. Operations other than war, as they came to be known in British and American doctrine, were viewed as distractions from the real thing; more specifically, large-scale, high-tech intrastate conflict. The lack of intellectual preparation for the wars we are in clearly limited our military effectiveness at the beginning of our operations in Afghanistan and in Iraq.

But our military is a learning institution, and we adapted to the demands of the conflicts by undertaking a broad range of adaptations, including improving our military education and training; refining our tactics; and investigating abuses and other failures. These adaptations derived in part from a better appreciation of the political complexity of the wars we were in and the complexity of war in general. Many of these lessons were formalized in the December 2006 publication of the counterinsurgency manual. The manual is meant to provide a doctrinal foundation for education, training, and operations. Our forces have adapted, our leaders have emphasized ethical conduct, and every day our Soldiers take risks and make sacrifices to protect innocents.

However, as I mentioned, there are at times breakdowns within units. It is our responsibility to steel our Soldiers and our units against these breakdowns. The blind faith in technology that I discussed earlier, essentially dehumanized our understanding of war. It ignored critical continuities in war and exaggerated the effect of technology on the nature of armed conflict. As John Keegan observed in *The Face of Battle*, a 1974 classic study of combat across five centuries, the human dimension of war exhibits a very high degree of continuity. He said, "What battles have in common is human, the behavior of men struggling to reconcile their instinct for self-preservation, their sense of honor, and the achievement of some aim over which other men are ready to kill them. The study of battle is, therefore, always the study of fear and usually of courage; always of leadership, usually of obedience; always of compulsion, sometimes of insubordination; always of anxiety, sometimes of elation or

¹ JIM FREDERICK, *BLACK HEARTS* (Harmony Books 2010).

catharsis; always of uncertainty and doubt misinformation and misapprehension, usually also of faith and sometimes of vision; always of violence, sometimes also of cruelty, self-sacrifice, compassion. Above all, it is always a study of solidarity, and it is usually also the study of disintegration. For it is the disintegration of human groups that battle is directed.”

Keegan was obviously sensitive to the social and psychological dimensions of combat. He argued though against turning the study of war over to sociologists or psychologists. He contended that understanding war and warriors required an interdisciplinary approach and a long perspective. If you take away one thing from our discussion today, I ask you to embrace your duty to study warfare in order to form your own vision of war and to use that vision to help prepare yourself and your fellow Soldiers, Airmen, Marines, and Sailors for the challenges that they are going to face in combat. Additionally, it is imperative that you help your commanders ensure Soldiers are ethical in how they conduct warfare. Commanders must not allow their units to disintegrate. Keegan observes that units disintegrate under the extraordinary physical and psychological demands of combat.

Because our enemies are unscrupulous, some argue for relaxation of ethical and moral standards. I would guess you have talked a lot about this in connection with interrogation techniques or targeting. Some argue that the ends—the ends of defeating this nihilistic, brutal enemy—justify the means employed. But to think this way would be a grave mistake as the war in which we are engaged demands that we retain the moral high ground regardless of the depravity of our enemies. Ensuring ethical conduct goes beyond the law of war and must include a consideration of our values, our ethos.

Prior to the experiences of Iraq and Afghanistan, ethical training in preparation for combat was centered almost exclusively on the law of war. Training covered the Geneva Conventions and the relevant articles of our Uniform Code of Military Justice. However, as Christopher Coker observed in a great book called *The Warrior Ethos*, individual and institutional values are more important than legal constraints on moral behavior. This is because legal contracts are often observed only as long as others honor them or as long as they are enforced. Experience in Iraq and in Afghanistan have inspired our military to emphasize values training as the principle means, along with law of war training, of ensuring moral and ethical conduct in combat. So let’s talk about philosophy for a little bit.

In particular, utilitarianism, associated with the thinking of John Stuart Mill, would have us focus on achieving good consequences from the conflicts we are in. As the counterinsurgency manual points out, the insurgent often tries to provoke excessive or indiscriminate use of force. Therefore, we are fighting these wars really on two battlegrounds: a battleground of intelligence and a

battleground of perception. We have to, both locally in Afghanistan and in Iraq and more broadly in the war on terror, be able to separate insurgents and terrorists from the population. This means treating the local population with respect and building relationships with the people, as trust leads to intelligence. We have to counter what is a very sophisticated enemy propaganda disinformation campaign, and we have to clarify our true intentions, not just with words or messages, but with our deeds and our actions. This is particularly difficult because the enemy seeks to place the onus on us for their indiscriminate type of warfare. They try to deny us positive contact with the population and blame us for their own murderous acts.

Immanuel Kant would say that it is our duty to ensure ethical and moral conduct in this war. Kant would have us treat the people as the ends, not simply the means that we manipulate in order to achieve our own ends. In essence this is the ethics of respect. Where there is a contest for the trust and allegiance of the people, moral and ethical conduct permits us to defeat our enemies, whose primary sources of strength are coercion and intimidation. This might sound a bit theoretical, so I would like to talk to you about specific components of ensuring moral and ethical conduct despite the uncertain and dangerous environments in which our forces are operating. Breakdowns in discipline will result in immoral or unethical conduct in war. These breakdowns can be traced to four factors.

The first factor is ignorance: ignorance concerning the mission, the environment, or failure to understand or internalize the warrior ethos or a professional military ethic. This results in breaking the bond that binds Soldiers to our society, and more importantly, Soldiers to each other. The second factor is uncertainty. Ignorance causes uncertainty, and uncertainty can lead to mistakes—mistakes that can harm civilians unnecessarily. Warfare will always have a component of uncertainty, but leaders must strive to reduce uncertainty for their troopers and for their units.

The third factor is fear. Uncertainty combines with the persistent danger inherent in combat to incite fear in individuals and units. Leaders must strive not only to reduce uncertainty for their troopers, but also must build confident units, because it is confidence that serves as our firewall against fear, and it is fear that has a disintegrating effect on organizations. The final factor is combat trauma. Fear experienced over time, or caused by a traumatic experience, can lead to combat trauma. Combat trauma often manifests itself in actions that compromise the mission and in actions that violate our professional military ethic and our ethos.

The Army and Marine Corps counterinsurgency manual (COIN) recognizes that strong moral conduct during counterinsurgency operations is particularly difficult because in a counterinsurgency, violence, immorality, distrust, and deceit are intentionally used by the insurgent. So the COIN manual directs leaders to work proactively to establish and maintain the proper ethical climate in their organizations and

to ensure violence does not undermine our institutional values. For us to be successful in counterinsurgent operations, servicemembers must remain faithful to the basic American military standards of proper behavior and respect for the sanctity of life. To inculcate Soldiers in units against the four aforementioned causes of moral and ethical breakdowns, leaders should make a concerted effort in four parallel areas.

The first of these areas, and this is an area that I think you will advise commanders on, is applied ethics or values-based instruction. The second area is training: training that replicates as closely as possible the situations that Soldiers, as well as units, are likely to encounter in combat. The third area is education: education about the cultures and the historical experiences of the people for whom these wars are being fought. The fourth area is leadership: leadership that strives to set the example, keep Soldiers informed, and manage combat stress. Let me talk about each of these in more detail.

First, applied ethics and values-based education. Our Army's values aim in part to inform Soldiers about the covenant between them, our institution, and our society. The seven U.S. Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage are consistent with philosophy, and, in particular, the Aristotelian virtue as well as the Asian philosophy of Cicero and modern philosophy of Immanuel Kant. It is easy, for example, to identify the similarity between our Army's definition of respect as beginning "with the fundamental understanding that all people possess worth as human beings" and Cicero's exhortation that "we must exercise a respectfulness towards men, both towards the best of them and also towards the rest."² The U.S. Army's values have obvious implications for moral conduct in counterinsurgency, especially in connection with the treatment of civilians and captured enemies. Applied ethics indoctrination for new Soldiers is perhaps even more important today than in the past because of the need to differentiate between societal and military professional views on the use of violence. Young Soldiers, Airmen, Marines, and Sailors are exposed to video games, action films, and gangster rap music which make violence appear justifiable as a demonstration of prose or as a way to advance personal interest.

We need to make sure that our servicemen and women understand that the law of war, as well as our Code of Military Justice, justifies violence only against combatants. The way to offset these sources of societal pressures can be found in the collective nature of Army ethics training. It is important to do it in basic training; it is important to do it in officer basic courses; and it is important that Soldiers understand that our Army and their fellow Soldiers expect

them to exhibit a higher sense of honor than that to which they are exposed to in popular culture. As again, Coker observes, in a world of honor, the individual who discovers his or her true identity and his or her role, and then turns away from the role, is turning away from themselves. Particularly important is the Soldiers recognition that he or she is expected to take risks and make sacrifices to accomplish the mission, to protect fellow Soldiers, or to safeguard innocents. Use of force that reduces risk to the Soldier, but threatens the mission or puts innocents at risk, must be seen as inconsistent with the military's code of honor and our professional ethic.

However, values education of this kind can seem hollow unless it is pursued in a way that provides context and demonstrates relevance. While we assume the ethical behavior as an end, we also should stress the utilitarian basis for sustaining the highest moral standards. Showing Soldiers enemy propaganda and saying "Okay your behavior can either support their propaganda, or it can counter their propaganda" is a powerful tool. Respectful treatment, addressing grievances, and building trust with the population ought to be viewed as essential to achieving success in counterinsurgency operations. Historical examples and case studies that point out how excesses or abuse in the pursuit of tactical expediency corrupted the moral character of units and undermines strategic objectives are also powerful tools. You might consider using films such as *The Battle of Algiers* to inspire discussions on topics such as torture, insurgent strategy, terrorist tactics, and propaganda. Applied ethics education by itself, however, cannot steel Soldiers and units against the disintegration that can occur under stressful combat. Training Army troopers and integrating them into cohesive, confident teams must also remain a priority for us as leaders.

Tough realistic training builds confidence and cohesion that serves as psychological protection against fear and psychological stress. As Keegan observed, much of the stress Soldiers experience in combat stems from uncertainty and doubt. Training must endeavor to replicate the conditions of combat as closely as possible and thereby reduce Soldiers' uncertainty and fear about the situations they are likely to encounter. Uncertainty and fear can cause inaction, or in a counterinsurgency environment, may lead to an overreaction that harms innocents and undermines the counterinsurgency mission. For example, how many times have we seen warning shots used against approaching vehicles? But how helpful are these shots when those on the receiving end of a warning shot most likely cannot even hear the shot? The warning shot is simply a way for a Soldier feeling fear to address uncertainty while possibly causing innocents to be harmed unnecessarily.

In Nancy Sherman's great book titled *Stoic Warriors*, she quotes Seneca to emphasize the importance of training as a form of bulletproofing Soldiers against the debilitating effects of fear and combat stress. Seneca said, "A large part of the evil consists in its novelty, but if evil has been

² NANCY SHERMAN, *STOIC WARRIORS, THE ANCIENT PHILOSOPHY BEHIND THE MILITARY MIND* 56 (Oxford Univ. Press 2005).

pondered before that, the blow is gentle when it comes.”³ We must base training scenarios directly on recent experiences of the units in Afghanistan and Iraq, and conduct training consistent with Aristotle’s observation that virtues are formed by repetition.

Repetitive training under challenging and realistic conditions prepares units to respond immediately and together to any situation that they encounter by using battle drills or rehearsed responses to a predictable set of circumstances. Demonstrating their ability to fight together as a team will build the confidence and cohesion necessary to suppress fear and help Soldiers and units cope with combat stress while preserving their professionalism and preserving their ethos. Further, Soldiers trained exclusively for conventional combat operations may be predisposed to over respond with disproportionate fire power upon contact with the enemy. Such reaction in a counterinsurgency environment might result in the unnecessary loss of innocent life and thus counter the overall aim of the operation. Now I am not saying that in training we should avoid evaluating units on the ability to overwhelm the enemy because it is to our advantage to not have a fair fight! What I am talking about is overwhelming the enemy in tactical situations while simultaneously applying firepower with discipline and discrimination. To help support this difficult balance, our training should include civilian role players, and it should also replicate as closely as possible ethnic religious tribal landscapes in the areas in which units operate. When role players are not available, we should train our own Soldiers to play those roles. Using Soldiers as role players can have a very positive effect by allowing them the opportunity to view our operations through the perspective of the civilian population.

Cultural and historical training and understanding is also extremely important. Unfamiliar cultures can compound the stress associated with physical danger. Ensuring that Soldiers are familiar with the history and culture of the region in which they are operating is critical for sustaining combat effectiveness and promoting respectful treatment of the population. I recommend using professional reading programs as well as lectures and films to educate your Soldiers on their area of operations. For example, there are excellent documentaries that are available on the history of Islam as well as the history of Iraq and Afghanistan. Understanding the ethnic cultural tribal dynamics will allow Soldiers to evaluate sources of information and also allow them to understand the second and third order effects of their actions. Additionally, leaders who have a basic understanding of the history of the culture will recognize and counter the enemy’s misrepresentation of history for propaganda purposes.

But perhaps most importantly, education and training that includes history of culture promotes moral conduct by

³ *Id.* at 117.

generating empathy for the population. The COIN manual describes genuine compassion and empathy for the populace as an effective weapon against insurgents. If Soldiers understand the population’s experience, feelings of confusion and frustration might be supplanted by concern and compassion. As Roman Emperor and Stoic philosopher Marcus Aurelius observed, respect becomes concrete through empathy. As Cicero reminds us, a Soldier’s respect must extend to the enemy and civilians as “we must exercise respectfulness towards all men.” As I mentioned before, this respect must be universal as we “ought to revere and to guard and to preserve the common affectionate and fellowship of the whole of humankind.”

Let me digress for a minute. There are some people who say that we cannot really connect with “these people.” They ask, “How can you connect to people in Iraq and Afghanistan?” They believe that our cultures are so different that we can never really connect as human beings. I believe there is a tendency among some people to cloak bigotry with the language of cultural sensitivity. If you think about, in late 2006, when we were deciding whether or not to reinforce the security effort in Iraq in order to stop what was at that time a humanitarian crisis of a colossal scale and a violent sectarian civil war, many who were against the idea justified their position by stating that “those Arabs have been killing each other for many years and there is nothing we can do about it.” This is bigotry cloaked in a language of cultural sensitivity. To combat this mentality, you must truly try to understand the culture, and thus I would recommend a good book on this called *Military Orientalism* which discusses Western military perspective on Eastern militaries over the centuries.

It is also important for us as leaders to study history in order to evaluate ourselves and help us understand others. Examining previous counterinsurgency experiences allows our leaders to ask the right questions, avoid some of the mistakes of the past, recognize opportunities, and identify effective techniques. A critical examination of history also allows Soldiers to understand the fundamentals of counterinsurgency theory and thereby equips them to make better decisions in what are highly decentralized operations. We must continually ask, what are we doing to prepare junior leaders to take on those additional responsibilities?

Soldiers need to recognize that the population must be the focus of the counterinsurgency effort and that the population’s perceptions of their government, of counterinsurgent forces, and of the insurgents, are of paramount importance. This highlights the need for Soldiers to treat the population respectfully and to clarify our intentions with our deeds and with our conduct. While it is important that all Soldier possess basic cultural knowledge, it is also important that leaders and units have access to cultural expertise. Soldiers often tend to share what they learn with other members of their team, so if you send just a few Soldiers to language training or to take college courses in the history of the area, you are going to see that

knowledge spread throughout your organization. Everybody should get a base of education and a base of training but I would recommend trying to develop some depth across your organization as well. Greater cultural expertise helps units to distinguish between reconcilable and irreconcilable groups, which ultimately reduces violence and achieves enduring security by mediating between factions that are willing to resolve differences in politics rather than in violence. Cultural expertise also contributes to the ethical conduct of war by helping Soldiers and units understand their environment. This richer understanding can help them determine how to apply force discriminately and to identify opportunities to resolve conflict short of force.

Finally, I would like to talk about combat stress. Education or indoctrination in professional military ethics and tough realistic training are important; however, they are insufficient in preserving moral character when confronted by the intense emotional and psychological pressures of combat. Soldiers in units must be prepared to cope with the stress of continuous operations in a counterinsurgent environment. An example is a unit like Dylan Reeves's platoon. Dylan's platoon took over fifty percent casualties in the city of Tal Afar, but had the resiliency to continue highly successful combat operations. So how do you get a unit to be able to handle such extreme combat stress without disintegrating into unprofessional or immoral conduct?

The answer is that control of stress is a command responsibility. Leaders must be familiar with grief counseling and grief work. Grieving our losses must be valued, not stigmatized. We have to understand how to communalize grief so we can get through difficult times together. We have to watch Soldier behavior carefully and identify warning signs. These include social disconnection, distractibility, suspiciousness of friends, irrationality, and inconsistency. If units experience losses, get them to stress counseling. Watch for Soldiers who become vindictive, as the pursuit of revenge can break down discipline of the unit and do significant damage to the mission. Commitment to fellow troopers and the mission must be the motivating factors in battle, not rage. Additionally, developing and maintaining unit cohesion is critical in preventing disorders associated with combat stress and combat trauma. As Jonathan Shay notes in a great book called *Achilles in Vietnam*, subtitled *Combat Trauma and the Undoing of Character*, what a returning Soldier needs most when leaving war is not a mental health professional, but a living community to whom his experience matters. Military education is thin on the psychological dynamics of combat. This is something as a judge advocate and an advisor to a commander that you can emphasize. Some of the books you might read and discuss include J. Glenn Gray's *The Warriors: Reflections of Men in Battle*, Jonathan Shay's book that I mentioned, *Achilles in Vietnam*, Dave Grossman's and Loren Christensen's book *On Combat, The Psychology and Physiology of Deadly Conflict in War and in Peace*.

But the factor that cuts across all of these areas is leadership. Common to all of these efforts to preserve the moral character of Soldiers in units is leadership. Lack of effective leadership has often caused combat trauma. Sun Tzu had it right 2500 years ago. Leadership is a matter of intelligence, trustworthiness, humaneness, courage, and sternness. Humaneness in the face of the ambiguous, difficult situations that we are facing today, and will face tomorrow, will permit Soldiers to remain psychologically ready and must be an area that our Soldiers and leaders focus on. Sternness involves ensuring that leaders are in positions of leadership—as well as not hesitating to remove those who do not enjoy the trust or confidence or do not deserve the trust and confidence of their troopers. Effective communication as a leader is important, vitally important. Leaders have to explain to troopers the importance of their mission, mistakes that are involved, and to make sure that they understand the higher commander's intent and concept for defeating the enemy and accomplishing the mission.

A key part to ensuring psychological well being, which is so critical to preserving discipline and moral conduct in combat, depends in large measure on preserving the Soldiers' sense of control. It is vital that troopers understand how the risks they are taking and how the sacrifices they and their comrades are making contribute to a mission worthy of those risks and sacrifices. Senior commanders must establish the right climate, and they have to send a simple and clear message to their troopers: every time you treat a civilian disrespectfully, you are working for the enemy. A command must have some basic standards of conduct, something along the enduring lines of *Standing Orders, Rogers Rangers*, given by Major Robert Rogers to his Rangers in 1759, that lets the unit know that they will overwhelm the enemy in every tactical engagement, but only apply firepower with discipline and discrimination. Other clear and simple messages important to impart to the unit include, treat Iraqis with respect; do not tolerate abusive behavior; and treat detainees humanely. Simple messages are important to set out the command's expectations and to establish the right climate. However, we must recognize that junior officers and noncommissioned officers enforce those standards of moral conduct in what are very highly decentralized operations. Preparing those leaders at the squad, platoon, and company levels for that responsibility is vitally important.

In the book I mentioned at the beginning, *Black Hearts*, the Headquarters and Headquarters Company commander within this battalion commented on the cause of the horrible rape and murders of civilians south of Baghdad. He said the following, "Clearly a lot of what happened can be attributed to a leadership failure, and I'm not talking about just at the platoon level. I'm talking about platoon, company, and battalion. Even I feel in some way indirectly responsible for what happened out there. I mean, we were all part of the team. We just let it go, and we let it go and go and go. We

failed those guys by leaving them out there like that without a plan.”⁴

It is a warrior ethos that permits Soldiers to see themselves as part of an ongoing historical community, a community that sustains itself across our armed forces through bonds of sacred trust, and a covenant that binds up to one another and then binds us to the society that we serve. The warrior ethos forms the basis for this covenant. It is comprised of values such as honor, duty, courage, loyalty

and self-sacrifice. The warrior ethos is important because it makes military units effective and because it makes war less inhumane, as our Commander-in-Chief observed in Oslo. Make no mistake: evil does exist in the world, but it is your advice as a judge advocate and it is your leadership as an officer that helps our forces remain true to our values as we fight these brutal and murderous enemies. I am proud to serve along side of you, and thanks very much for the opportunity to visit here with you today.

⁴ FREDERICK, *supra* note 1, at 9.