

# Fort Leavenworth Ethics Symposium

*Applying the Professional Military Ethic  
Across the Spectrum of Operations*

## Symposium Report

Fort Leavenworth, Kansas  
November 7-10, 2011

*Edited by  
Mark H. Wiggins and Chaplain (Maj.) Larry Dabeck*



*Sponsored by the*

**Command and General Staff College Foundation, Inc.**



**CGSC Foundation Press**



# Fort Leavenworth Ethics Symposium

*Applying the Professional Military Ethic  
Across the Spectrum of Operations*

## Symposium Report

Fort Leavenworth, Kansas  
November 7-10, 2011

*Edited by  
Mark H. Wiggins and Chaplain (Maj.) Larry Dabeck*



*Sponsored by the*

**Command and General Staff College Foundation, Inc.**



**Special thanks to our key corporate sponsor**



**Other supporting sponsors include:**



Published by the CGSC Foundation Press  
100 Stimson Ave., Suite 1149  
Fort Leavenworth, Kansas 66027

Copyright © 2012 by CGSC Foundation, Inc.

All rights reserved.

[www.cgscfoundation.org](http://www.cgscfoundation.org)

Papers included in this symposium proceedings book were originally submitted by military officers and other subject matter experts to the U.S. Army Command and General Staff College at Fort Leavenworth, Kansas. The CGSC Foundation/CGSC Foundation Press makes no claim to the authors' copyrights for their individual work.

Layout and design by  
Mark H. Wiggins  
MHW Public Relations and Communications

# Contents

<i>Joint Ethics Development Initiative: Enhancing Ethical Performance</i> .....	1
Dr. Deane-Peter Baker	
<i>The Moral Crisis of the Just War Tradition</i> .....	9
Dr. Daniel Bell	
<i>Resolving the Professional Identity Crisis</i> .....	25
Maj. Danny Cazier	
<i>Post-Cold War Geopolitics and the Relevance of the Just-War Tradition</i> .....	35
Dr. Daryl Charles	
<i>War is a Moral Force: Designing a More Viable Strategy for the Information Age</i> .....	49
MAJ Kevin Cutright, Mr. Peter D. Fromm & MAJ Douglas A. Pryer	
<i>Leaders and Ethical Development: Lessons Learned</i> .....	63
Dr. Joe Doty & SGM Jeff Fenlason	
<i>Silent Voices: The New York Times and the Washington Post coverage of the Rwandan Genocide and the American Response</i> .....	75
Maj. Vic Herbin	
<i>The Strategic Communications Imperative, the Warrior Ethos, and the End of the U.S. Army's Professional Military Ethic</i> .....	93
Dr. Prisco Hernandez	
<i>The Military Profession and Counter-Genocide Leadership: Establishing Professional Obligations and Standards</i> .....	99
Mr. Michael Hoffman	
<i>Far From Nuremberg</i> .....	107
Dr. Mark Hull	
<i>The Combatant's Life and Human Dignity</i> .....	115
Dr. Asa Kasher	
<i>Weapons of Mass Destruction: Communicating Ethical Solutions</i> .....	129
Lt. Col. Andrew Kim, MD	
<i>Risk, Liability and Fiduciary Relationships in the Profession of Arms</i> .....	145
Dr. Patrick Mileham	
<i>The Dilemma of Competing Loyalties in the Profession of Arms</i> .....	159
Capt. Walter Sowden & SGM David Stewart	
<i>Douglas MacArthur, Japanese Surrender, and the Efficacy of the Just War Tradition in the 21st Century</i> .....	187
Lt. Col. Jeff Wilson, Ed.D.	
<i>STRATCOM and Consequentialism in Darfur</i> .....	193
Maj. Stephen Wisniew	



# **Enter the J.E.D.I.**

## ***Enhancing Ethical Performance in the U.S. Military through Embedded Excellence***

**by Deane-Peter Baker, Ph.D.**  
**United States Naval Academy**

### **ABSTRACT**

In this paper I propose the creation of what I will here call the Joint Ethics Development Initiative (J.E.D.I.). The title is, of course, offered partially in jest, but the image of the Jedi warrior of the *Star Wars* saga is intentional. At the heart of the proposed initiative is the development of a new, rigorous and highly demanding qualification and associated training program. Graduates (J.E.D.I. warriors) will have demonstrated excellence in a range of capabilities necessary for success in today's complex operational environments, but most centrally they will have demonstrated excellence of character and the capability to make clear, sound and well-reasoned ethical judgments under highly challenging conditions. The proposed qualification should be viewed as playing a similar role to that played by the U.S. Army's Ranger qualification. It would indicate a special degree of competence and mark the bearer as someone to whom peers, superiors and subordinates can reliably turn to for guidance in that area of competence. Just as the Army's Ranger program allows for the embedding of excellence in small unit leadership and tactics in units across the Army, the J.E.D.I. program would allow for the embedding of excellence in ethical awareness and judgment across the Joint Force.

### **INTRODUCTION**

*Wars not make one great.* So says Jedi Grand Master Yoda to the impetuous young Luke Skywalker in Episode V of the *Star Wars* movie phenomenon, *The Empire Strikes Back*. It is perhaps the most important lesson that must be learned by those seeking to join the ranks of the Jedi, that class of warrior-monk which, though small in number, is so central to the military efforts, and perhaps more importantly to the self-identity, of the forces of the Galactic Republic and the Rebel Alliance.

The idea of a distinct elite class of warrior fighting alongside, and embedded among, more traditional troops is of course not one that is unique to the intergalactic mythology of George Lucas' creation. In the United States that role is perhaps uniquely played by the U.S. Army Rangers. While the armed forces of the United States can rightfully boast of being home to many of the most elite military units in the world, it is only those who proudly bear the Ranger tab who can be found scattered throughout the fighting units of the U.S. Army, bringing with them what I will here call 'embedded excellence' in military skills.

In this paper I will argue for the creation of a new initiative that, if adopted, will bring a different, but complementary, kind of embedded excellence into the units of the armed forces of the United States. Given the context of this conference, it will come as no surprise that the kind of excellence I have in mind is excellence in ethics. I will refer to the initiative I am here proposing as the Joint Ethics Development Initiative, or J.E.D.I. The title is offered partially in jest, but the image of the Jedi warrior of the *Star Wars* saga is intentional and heuristically useful.

Before beginning to articulate the J.E.D.I. concept it is, of course, necessary to give some justification for its necessity. Seeing this begins with a recognition that the environments in which our warfighters today find themselves engaged are arguably unique in their complexity and degree of moral difficulty. Furthermore ethical challenges abound even beyond the theater of operations.

This is no great news – it is the reason that ethics is now a required subject in the service academies of the Army, Navy and Air Force, and in many equivalent institutions around the world. It is also the reason why we have seen a growing focus on military ethics at all levels of military education in the United States, including here at the U.S. Army’s Command and General Staff College. But while these developments are valuable and important, I think few here would argue that there is no more that could be done to help our forces to succeed ethically in the demanding environments in which they operate. The J.E.D.I. concept seeks to articulate a way of bringing ethical excellence out of the schoolhouse and embedding it into the very fabric of the units that together make up the Armed Forces of the United States of America.

## **THE J.E.D.I. CONCEPT**

At the heart of the proposed initiative is the development of a new, rigorous and highly demanding qualification and associated training program. Graduates (J.E.D.I. warriors) will have demonstrated excellence in a range of capabilities necessary for success in today’s complex operational environments, but most centrally they will have demonstrated excellence of character and the capability to make clear, sound and well-reasoned ethical judgments under highly challenging conditions. The proposed qualification should be viewed as playing a similar role, but with a different focus, to that played by the U.S. Army’s Ranger qualification. It would indicate a special degree of competence and mark the bearer as someone to whom peers, superiors and subordinates can reliably turn to for guidance in that area of competence. Just as the Army’s Ranger program allows for the embedding of excellence in small unit leadership and tactics in units across the Army, the J.E.D.I. program would allow for the embedding of excellence in ethical awareness and judgment across the Joint Force. J.E.D.I. warriors would not only provide ethics-specific expertise, but would also serve as role-models and mentors for other members of their communities, contributing to a broadly Aristotelian model of moral development across the force. It is envisaged that the rigorous, specialized and demanding nature of the J.E.D.I. training and qualification regime will lead to those who earn the ‘J.E.D.I. warrior’ moniker taking that to be a central feature of their identities, in the same way that being a Ranger is almost always central to the identity of those who have earned the right to that title. Just as being a Ranger is a strong incentive to work hard to maintain a high level of physical fitness and competence in martial skills, it is hoped that J.E.D.I. warriors will be similarly motivated to maintain the distinctives of their field of excellence. As William Frey points out:

*Moral exemplars excel because they have integrated moral concerns into their self-systems. Acting morally, for them, is acting in accordance with identity and, thus, they are highly motivated .... Falling short of their internalized conceptions of moral excellence leads to dissatisfaction and the motivation to do better. Because moral values have been made constitutive of a moral exemplar’s identity, they serve to motivate these individuals toward excellence, not just in moral reasoning, but also regarding ... dispositions, emotions, choices, values, desires, perceptions, attitudes, interests, expectations, and sensibilities.<sup>1</sup>*

## **SELECTING THE J.E.D.I. WARRIOR**

In the *Star Wars* saga we learn that not just anybody can become a Jedi trainee, or Padawan. Only those who seem to display the appropriate character traits are considered. Indeed, the Jedi Council at first forbid the training of Anakin Skywalker as a Jedi, due to concerns that his future is cloudy due to the fear he displays. They later relent – a decision they most certainly regretted when Anakin turned to the Dark Side of the Force and became Darth Vader. Setting aside the mystical aspects of the fictional *Star Wars* story, it remains true that something similar must be the case for those who would earn the J.E.D.I. warrior qualification. For good character is an essential

prerequisite for becoming an ethical exemplar, and no amount of training can produce the desired effect if the essentials of good character are not already there. Here the emerging science of moral psychology is of potentially great value. As Frey explains:

*Traditionally the notion of character (interpreted as the seat of virtues) has fluctuated between two extreme views. One portrays it as an underlying, unchangeable substrate. Individuals are born with or develop good or bad characters. Fixed by adulthood, they become manifest over time; consistently good conduct expresses goodness in character while consistently bad conduct reveals a corrupt character. On the other extreme, there is no character at all. Instead, analysis breaks it down into separately existing parts. On this view, character is nothing but a bundle of loosely associated dispositions, emotions, choices, values, desires, perceptions, attitude, interests, expectations and sensibilities. ... Recent discussions in ethics and moral psychology provide evidence that place character somewhere between these two extremes ...Outstanding conduct reveals a high degree of integration of personality traits around internalized moral commitments; these, in turn, are supported by well honed practical skills. Character does not exist apart from its parts. But neither can it be reduced to their mere conjunction or association. Integrating these components into a well-functioning character becomes a central part of moral education.*<sup>2</sup>

As Rebecca Johnson has pointed out (following James Rest), the four key prerequisites for ethical behavior are i) moral sensitivity/awareness; ii) moral judgment; iii) moral motivation; and iv) “the moral character or “psychological toughness and strong character” needed to actually do the right thing.”<sup>3</sup> Research in moral psychology can help to identify those who already possess these traits, while a well designed education and training program can complement and enhance them.

Entrance screening for the J.E.D.I. program should not, however, focus only on the candidate’s psychological and cognitive characteristics. A critical goal for the J.E.D.I. program is for its graduates to achieve a level of respect among their peers, subordinates and superiors that will allow their influence on the ethical culture of the U.S. Armed Forces to be far broader than the combined records of their individual careers. For that to work J.E.D.I. warriors will need to be perceived as more than just ‘ethics geeks’, they will need to be widely respected first and foremost as capable warfighters. For that reason the training and assessment program would need to be physically and mentally demanding, and combine the development of high level expertise in the warrior arts with high level expertise in ethics. Screening of potential J.E.D.I. candidates must, therefore, include screening for the physical and mental toughness necessary as precursor to learned excellence in the central martial disciplines.

## **TRAINING THE J.E.D.I. WARRIOR**

Academic philosophers like myself are most commonly those given the task of teaching ethics courses. Our qualifications to do so center primarily on our grasp of ethical theory and the (hopefully) sharper-than-average critical reasoning skills that an education in philosophy is thought to develop. There is, however, no requirement that a moral philosopher be a moral philosopher, in the sense of being a moral exemplar. The same cannot be the case for the J.E.D.I. warrior, and for that reason while having skills and knowledge akin to those of a moral philosopher should be an indispensable part of the J.E.D.I. warrior’s toolkit, the central focus must be on the warrior’s virtue. As Frey, drawing on the work of Rosalind Hursthouse, helpfully explains:

*Virtues, generally, are dispositions that consistently issue in or express themselves through exemplary conduct. They begin with skills of moral reasoning to accomplish the discernment between right and wrong or good and bad. But they also go beyond this to terminate in morally outstanding action. This requires reinforcing moral reasoning with strong commitment to moral value, supportive attitudes, finely tuned moral sensitivities, and select emotions calibrated to*

*motivate moral action. On top of all this, moral exemplars possess practical and technical skills that translate moral intention into virtuous actions and good results. Thus, virtues, once acquired, are well entrenched ...They require extensive practice as Aristotle recognized when he pointed out that one becomes good by performing good actions. But once they are acquired they become second nature precisely because they “go deep” to infuse with excellence an agent’s “dispositions, emotions, choices, values, desires, perceptions, attitudes, interests, expectations, and sensibilities” ...*<sup>4</sup>

Frey further argues that, contrary to much common practice in ethics training (Frey himself writes in the context of ethics within the field of computer science), moral virtues can be enhanced through appropriate pedagogical techniques employing practice and different forms of feedback. As he puts it:

*Moral expertise displays skill sets such as moral imagination, moral creativity, reasonableness, and perseverance. Together these represent capacities for instantiating virtue and integrating moral content with technical knowledge and practice. Moral skill sets can be taught successfully but require extensive practice accompanied by expert feedback. Moral imagination lies in the ability to project into the standpoint of others; viewing situations from different participant standpoints opens new dimensions relevant to action .... Moral creativity collects skills in designing non-obvious solutions to moral problems such as the ability to frame situations in different ways to uncover novel solutions .... Agents manifest reasonableness when they provide arguments for their positions, are open to the views of others, change stances when argument and evidence warrant, but short of this remain firm in their convictions ... Finally, perseverance “is the ability to plan moral action and continue on that course by responding to circumstances and obstacles while keeping ethical goals intact” .... These skills, best learned in groups (highlighting the importance of cooperative or team-based learning activities), are honed through practice accompanied by a variety of types of feedback including peer feedback.*<sup>5</sup>

The kind of group practice needed to improve virtue-enhancing skills and abilities could productively be combined with the training and practice of techniques and capabilities characteristic of highly proficient warriors. Because it is envisaged that J.E.D.I. warrior candidates will be drawn from across all four services, and will perhaps also include non-military candidates whose agencies and departments fall under the Department of Homeland Security, it will not be possible to develop the training to fit the specific specializations of each candidate. It is therefore proposed that the J.E.D.I. training be focused around those skills and capabilities traditionally considered to be at the core of the warfighter’s art, such as small-arms skills, combatives, land navigation and the like. While some of the martial training will be directly relevant to the job-specific requirements of some of the candidates, its main purpose is twofold: firstly, to provide a challenging and testing context in which to develop and assess candidates’ moral character, ethical judgment and critical reasoning skills; and secondly, to earn graduates of the program the respect of their peers, superiors and subordinates (thereby enhancing their potential to positively influence those peers, superiors and subordinates).

The program should not only focus on military and ethical skills and capabilities, but also on the ability to effectively communicate to others on the areas of J.E.D.I. warrior expertise. As Bernward Gesang points out, ethicists are best characterized as ‘semi-experts’, and as such must approach their subject in a particular manner:

*Because they are semi-experts, ethicists should not only promote their own normative judgments, but should also show the other participants of the discourse what consequences their own views have. Ethicists should provide others with a kind of land map. With this map they can determine their own positions and the alternative ways to their aims. Here, ethicists can use all those capabilities that Birnbacher and Singer describe, as mentioned above. They become mediators. So they must*

*fight for their own standpoints – that is their duty as experts. But this activity has its limits and they must show some restraint, because they do not have sole access to the truth – that is the duty of a semi-expert.*<sup>6</sup>

Another essential feature of the J.E.D.I. warrior’s training must be a focus on enhanced critical reasoning skills.<sup>7</sup> There is a broad presumption that critical reasoning skills are a kind of by-product, something we accumulate along the way while doing other things, like studying math or history or Latin. Unfortunately, current evidence suggests that this approach is far less successful than has generally been presumed. In one of the most comprehensive studies of academic learning on U.S. college campuses Richard Arum and Josipa Roksa concluded that “many students are only minimally improving their skills in critical thinking, complex reasoning, and writing during their years through higher education. From their freshman entrance to the end of their sophomore year, students in our sample on average have improved these skills, as measured by the CLA College Learning Assessment, by only 0.18 standard deviations. ... we observe no statistically significant gains in critical thinking, complex reasoning and writing skills for at least 45 per cent of the students in our study.”<sup>8</sup>

One of the only pedagogical methods currently available for which there is evidence that its employment results in significant improvements in critical reasoning capabilities is Computer-Assisted Argument Mapping (CAAM). As Tim van Gelder explains, “Argument mapping is diagramming the structure of argument, construed broadly to include any kind of argumentative activity such as reasoning, inferences, debates, and cases. ... Typically an argument map is a “box and arrow” diagram with boxes corresponding to propositions and arrows corresponding to relationships such as evidential support. Argument mapping is similar to other mapping activities such as mind mapping and concept mapping, but focuses on the logical, evidential or inferential relationships among propositions. Argument mapping is concerned with informal reasoning and “real world” argumentation and thus contrasts with the use of diagrammatic techniques in formal logic such as Venn diagrams.”<sup>9</sup> Because of the complexity of all but the most basic arguments, traditional ‘pen and paper’ argument mapping is limited in its utility. Recently, however, we have seen the maturation of computer-based argument mapping platforms such as Austhink’s Rationale<sup>TM</sup>, which enable the true benefits of argument mapping to come to the fore. Early indications are that CAAM-based critical reasoning courses are significantly more successful at inculcating critical reasoning skills than more traditional approaches.<sup>10</sup>

Whether or not the J.E.D.I. warrior training regime should incorporate a fully-fledged classroom CAAM-based critical reasoning course is something that will need to be decided. Research and experimentation may show that incorporating CAAM into the training program in other, creative ways, would reap useful benefits. One possibility, for example, would be the employment of CAAM as an assessment and communication tool in After-Action Reviews of some or all of the exercises conducted during the training program. The point here is not to dictate any particulars about the specifics of the J.E.D.I. training program, only to emphasize the importance role that critical thinking training must play in it. The specifics of the course itself will need to be developed on the basis of ongoing research and experience on how to best equip the graduate to most efficiently and successfully complete the ‘ethical OODA loop’.<sup>11</sup>

## **J.E.D.I. RESEARCH AND LESSONS LEARNED**

That brings me to the final part of this proposal. To be truly effective the Joint Ethics Development Initiative will need to be constantly refining its training regime in the light of new research and lessons learned. A dedicated research and lessons learned unit would be the ideal means to ensure that this happens. While there will be much to be learned from ongoing research in the broader scholarly community, the very specific nature of the J.E.D.I. program will necessitate an in-house research capability, focused on moral psychology, moral philosophy and related issues. This research should be informed by an in-house ‘lessons learned’ capability focused on feedback

from and about the performance of J.E.D.I. warriors, as well as ethics-relevant lessons from the broader military community.

In this paper I have argued for the creation of a Joint Ethics Development Initiative, aimed at securing ‘embedded excellence’ in ethics across the United States Armed Forces. It is hoped that the thoughts outlined in this brief paper will, if nothing else, stimulate further thought and discussion on how best to enhance the ethical climate within the U.S. military. All that remains is to propose who should be the first director of J.E.D.I., should the initiative move from concept to reality. There really is only one possible candidate for the position, the current Distinguished Chair in Ethics in the Vice Admiral James B. Stockdale Center for Ethical Leadership at the United States Naval Academy (Annapolis), and Professor of Ethics and Public Policy at the Graduate School of Public Policy at the Naval Postgraduate School. That person is, of course, Professor George Lucas!

---

### Biography

Deane-Peter Baker is an Assistant Professor of Ethics in the Department of Leadership, Ethics and Law at the United States Naval Academy. Before taking up his current position in January 2010, Dr Baker was Associate Professor of Ethics at the University of KwaZulu-Natal in South Africa, where he taught for eleven years. Dr Baker is a member of the U.S. Naval Academy’s Africa Forum and the Academy’s Forum for Emerging and Irregular Warfare Studies (FEIWS), and was formerly Director of the University of KwaZulu-Natal Strategic Studies Group. Dr Baker resigned from the South African Army Reserve in 2009 with the rank of Major. He served as Convenor of the South African Army Future Vision Research Group and as part of the leader group of the Umvoti Mounted Rifles, a reserve armored cavalry regiment. A specialist in both epistemology and the ethics of armed conflict, Dr Baker’s research straddles philosophy, ethics and security studies. From 2006 to 2008 Dr Baker was Chairman of the Ethics Society of South Africa. He has held visiting fellowships at the Triangle Institute for Security Studies in North Carolina and the Strategic Studies Institute of the US Army War College, and was a 2010/11 Academic Fellow of the Foundation for the Defense of Democracies. Among his numerous publications is *Just Warriors, Inc: The Ethics of Privatized Force* (Continuum, 2011).

---

### Endnotes

1. William J. Frey, 2010. ‘Teaching Virtue: Pedagogical Implications of Moral Psychology’ *Science and Engineering Ethics* 16, p. 616.
2. Ibid, 613 – 614.
3. Rebecca J. Johnson ‘Moral Formation of the Strategic Corporal’ in Paulo Tripodi and Jessica Wolfendale eds. (2011) *New Wars and New Soldiers: Military Ethics in the Contemporary World*, Ashgate Press, p 247, quoting James Rest (1994) “Background: Theory and Research,” in James Rest and Darcia Narváez, *Moral Development in the Professions: Psychology and Applied Ethics*, Erlbaum Associates, Hillsdale, p 23 & 24.
4. Frey 2010, 613.
5. Ibid, 618.

6. Bernward Gesang, 2010. 'Are Moral Philosophers Moral Experts?', *Bioethics* 24 (4), p. 159.
7. This section on critical reasoning draws on my forthcoming paper 'Making Good Better: A Proposal for Teaching Ethics at the U.S. Service Academies'
8. Richard Arum and Josipa Roksa (2011) *Academically Adrift: Limited Learning on College Campuses* (Chicago: University of Chicago Press), pp 35 – 36.
9. Tim van Gelder 'Effectiveness of Argument Mapping' in H. Pashler (Ed.), *Encyclopedia of the Mind*. Thousand Oaks, CA: Sage (Forthcoming 2011).
10. In an important meta-analysis of the impact of critical thinking courses Claudia Alvarez found that standardly-taught critical thinking courses produce an average increase of 0.34 Standard Deviations in critical thinking ability over that produced by undergraduate courses in general, and CAAM based critical thinking courses produced about twice as much improvement as standardly-taught critical thinking courses. Claudia María Álvarez Ortiz (2007) *Does Philosophy Improve Reasoning Skills?* MA Thesis, University of Melbourne.
11. The OODA Loop is a concept that was developed by fighter pilot John Boyd in response to his experiences as a fighter pilot in Vietnam. The concept has become widely known and influential. The 'loop' describes the agent's decision cycle, with 'OODA' standing for 'observe, orient, decide, act'. Boyd argued that in any direct competition between agents, the agent that moved most quickly and effectively through the OODA Loop would be the victor. The ethical agent, of course, will not usually be acting in the context of a direct competition, but the OODA Loop is nonetheless a useful description of the ethical agent's decision cycle.



# **The Moral Crisis of Just War: Beyond Deontology Toward a Professional Military Ethic**

**by Daniel M. Bell, Jr.**  
**Professor of Theological Ethics**  
**Lutheran Theological Southern Seminary**

## **ABSTRACT**

In the wake of the terrorist attacks of 11 September 2001 and the recognition of asymmetrical or 4th generation warfare, the just war tradition has faced a crisis of legitimacy. It is argued that the just war tradition was suited for kind of warfare that has been eclipsed, that global counter-terrorism necessarily entails a style or mode of warfare that is not compatible with the tradition criteria of the just war tradition. This paper argues that the bellicose conditions at the outset of the 21st century have indeed pushed the just war tradition into a crisis from which it may not recover but that this is no loss. Indeed, that form of the just war tradition that is in crisis ought to pass and in its passing a space may open for a more robust and relevant vision of just war, one that is in keeping with the best that the U.S. military says about itself and with the professional military ethic that its moral leaders seek to foster.

## **INTRODUCTION**

For several years now the U.S. Army has been in the process of evaluating its professional military ethic. This evaluation has been prompted by repetitive deployments in an era of persistent conflict that have left the Army, in the words of General Casey, “stressed and stretched.”<sup>1</sup> Matthew Moten succinctly identifies four factors that have contributed to this stressed condition:<sup>2</sup> The first is the type of warfare that the Army is being asked to conduct. Whether one describes the post 9/11 combat environment as “4th generation warfare,” asymmetrical war, a global war on terrorism, or the latest incarnation of the age-old effort at counterinsurgency, Moten observes that it is “one of the most ethically complex forms of war.”<sup>3</sup> The second factor he identifies is that of policy decisions that have blurred the moral, ethical, and legal lines soldiers have been trained to observe and uphold.<sup>4</sup> Don Snider, Paul Oh, and Kevin Toner elaborate upon this, noting that evolving views of international laws and treaties (specifically, those related to the laws of war), public policy and court rulings related to the classification of enemy combatants, the use of military tribunals, and the employment of harsh interrogation techniques are “evolutions from the norms followed throughout the pre-9/11 era.”<sup>5</sup> The third factor involves the increasing reliance upon commercial contractors, in effect “outsourcing” significant portions of the Army’s professional jurisdiction – including its sustenance, its thinking, and its core expertise, fighting.<sup>6</sup> The fourth factor he names stems from what has popularly been called “the revolt of the generals,” which Moten describes as “the professionally improper dissent on the part of retired generals,” but which could be broadened to encompass a host of issues related to civil-military relations, from the tension Martin Cook identifies between subordination and expertise in the officer’s role<sup>7</sup>, to officers’ connections to media and defense industries.<sup>8</sup>

In this situation, where some observers think the Army is near the breaking point, and, I might add, where the results of the Military Health Advisory Team survey pertaining to “battlefield ethics” are less than comforting,<sup>9</sup> Moten concludes that the essence of the professional ethic needs no radical change.<sup>10</sup> Instead, he suggests that what is needed is codification of the existing ethic, perhaps in the form of an “Officers’ Code.”<sup>11</sup> In contrast, Don Snider, Paul Oh, and Kevin Toner

suggest that a codified professional ethic as well as continued reliance upon a “values clarification” approach to instilling that ethic are insufficient.<sup>12</sup> Instead, they call for a move “from values to virtues,”<sup>13</sup> which amounts to a fundamental (but not entirely discontinuous) shift in the moral formation of soldiers, and which, I would suggest, is arguably more in keeping with what the term “professional” in the professional military ethic means.

In what follows I enter into this debate by way of the just war tradition and the first stressor that Moten identifies. Not unlike the Army, in the wake of the terrorist attacks of 11 September 2001 and the new prominence of asymmetrical or 4th generation warfare, the just war tradition faces a moral crisis. Increasingly, its legitimacy as a moral guide for contemporary warfare is called into question. It is argued that the just war tradition was suited for a kind of warfare that has been eclipsed, that global counter-terrorism necessarily entails a style or mode of warfare that is not compatible with the traditional criteria of the just war tradition. For example, traditional notions of just cause give way to preventative war, last resort is thought a luxury one cannot afford in the face of nihilists armed with WMD, reasonable chance of success is reduced to a probabilistic hope and the traditional distinction drawn between combatants and non-combatants is blurred in the face of the reality of full spectrum operations.

I argue that the bellicose conditions in the first decade of the 21st century have indeed pushed the just war tradition into a crisis from which it may not recover but that this is no loss. Indeed, the form of the just war tradition that is in crisis ought to pass and in its passing a space may open for a more robust and relevant vision of just war, one that is in keeping with the best that the Army says about itself and with the professional military ethic that its moral leaders seek to foster.

Specifically, the form of just war that faces a crisis of relevance is just war conceived as a moralistic or legalistic checklist that is part and parcel of a deontological, duty or law-based ethic. Such an ethic is *always* in crisis because the moral challenges of justice in war *always* exceed the capacity of such an ethic. As a consequence the warrior ethos cannot help but degenerate, in the provocative words of Timothy Challans, into a kind of utilitarian work ethic at odds with the moral vision that animates both just war and Army values.<sup>14</sup>

The passing of this deontological vision of just war is a good thing insofar as it may open a space for the emergence of a more fruitful vision of just war that dovetails with a professional military ethic oriented toward character and virtue. This is to say, at its best the professional military ethic is an ethic of virtue or character and that when the just war tradition is understood in terms of virtue and character, the challenges of asymmetrical war remain but they are not insurmountable, as I will show by considering a few of the criteria and the challenges put to them by the current context.

Finally, I conclude by suggesting that even as revisioning just war as an ethic of character addresses the first stressor – the changing face of war – it simultaneously elevates the significance of the other three stressors Moten identifies, which each in their own way are a refraction of civil-military relations, insofar as each reflects tensions created at the interface of a professional military with civilian institutions, values and policies. The shift from values to virtues potentially can heighten the tension of civil - military relations just the extent that civilian institutions and culture neither share nor respect the virtues that constitute the professional military ethic. The conclusion to be drawn from this is that a professional military ethic is not unrelated to civic virtue and so the work of fostering a professional military ethic, and sustaining the character needed to wage war justly, cannot be the sole domain of the military but must also involve civil society and the parallel work of fostering civic virtues.

## **THE CRISIS OF JUST WAR**

It is widely recognized that we have entered a new era of warfare. With horrible poignancy, on September 11, 2001 terrorism announced that it had come of age. No longer are wars waged between symmetrical powers - state versus state; now we are immersed in asymmetrical warfare, where states face non-state enemies who are palpably post-modern: trans-national, decentralized, more closely resembling a fog or that mythic beast with multiple and multiplying heads, the hydra,

than the traditional more or less well-defined and (at least potentially) containable national enemy. Moreover, this hydra is one given particularly to living amongst and preying upon civilians. In other words, this is an enemy who does not respect the traditional western moral parameters of warfare.

The response to this new kind of enemy – originally a global war on terrorism, now global counterinsurgency - has been no less remarkable for the novel directions it has taken warfare.<sup>15</sup> Consider, for example, the strategy of “shock and awe,”<sup>16</sup> with its stated aim of inflicting the psychological equivalent of the bombing of Hiroshima and Nagasaki on the enemy population, of the policy of preventative war as outlined in the US National Security Strategy of 2002,<sup>17</sup> the illegitimacy of neutrality as implied in President Bush’s address to a joint session of Congress on September 20th, 2001, “Either you are with us, or you are with the terrorists,” the collapse of the international principle of national sovereignty and self-determination as the enemy is pursued across national boundaries around the globe (with cruise missiles, stealth missions, or the use of unmanned drones), or the softening of international conventions on war as enemy combatants (and in many cases, civilians) are stripped of the protections of the Geneva Conventions etc. and imprisoned under harsh conditions, often after being “disappeared” to clandestine locations inaccessible to the likes of the Red Cross. And these are only some of the characteristics of this new way of war. No doubt, much is happening about which we know nothing, given that this war involves not only more conventional, visible campaigns like those in Afghanistan and Iraq but also “ghost wars,” fought covertly in ways such that, as President Bush said, we will not know that they have begun or ended.

Accompanying this recognition is the suspicion that these developments have finally rendered the just war tradition obsolete, irrelevant, impossible.<sup>18</sup> In these changed circumstances, the traditional criteria just do not seem to fit. Global counterinsurgency and the demands of waging it successfully defy such antiquated notions like legitimate authority, last resort, and the necessity of distinguishing between combatant and non-combatant.

Put more starkly, are we not now in a perpetual (color-coded) “supreme emergency,” to use Michael Walzer’s well-known concept,<sup>19</sup> one that does not permit us the luxury of the moral purity or “clean hands” that the just war tradition, in more amenable times, afforded? Or, to echo the logic some have used in defense of suspending key protections of the Bill of Rights, surely the just war tradition is not a “suicide pact,”<sup>20</sup> rigidly binding us to a code of conduct in the face of a vicious enemy that does not share our moral vision of war? Or as the US administration’s briefs suggest, does not the “military necessity” of crushing the evil of terrorism overrule the binding character of just war criteria?

The challenges presented to the just war tradition by the current situation are real. For example, as warfare shifts from the nation-state model to conflict with and between non-state actors, the criterion of legitimate authority, which has traditionally lodged the authority to wage war with heads of state, is called into question. Likewise, the current situation appears to many to render the criterion of “last resort” vacuous. After all, it is argued, when facing a purely evil, irrational, nihilistic enemy like a terrorist movement, war becomes the only possible means of response.<sup>21</sup> In a similar manner, many proponents of the war against terror note the difficulty both with identifying what the successful end of such a war would look like and how to measure the probability of attaining that end. Consequently they have effectively replaced this criterion with what might be called a “sincere hope for success.”<sup>22</sup> Lastly, the difficulties the current situation presents to the criterion of non-combatant immunity are obvious. The predominantly civilian context of this war has led some to suggest that the distinction between civilian and military may disappear altogether<sup>23</sup> and that prohibitions on practices like torture are anachronistic. Unsurprisingly, perhaps, in this setting, even the long-standing principle of the “moral equality of soldiers,” whereby ordinary combatants are not considered criminal merely for prosecuting war, as well as the general immunity from criminal guilt afforded civilian populations, is being called into question.<sup>24</sup>

Although the challenges are real, the shadow of suspicion cast over the just war tradition by the current situation is itself not an entirely novel development. Indeed, it could be argued that the

just war tradition has never been entirely at home in the modern world. The tradition was largely eclipsed with the rise of modern modes of war, and although the creation of international law as well as military manuals, like Leiber's General Orders No. 100, attempted to reassert some moral restraint on war that was quickly becoming total, it was not until the latter half of the twentieth-century that the just war tradition was seriously re-engaged on a wide scale.<sup>25</sup> Yet even as it was being re-engaged, its viability was questioned, particularly in light of nuclear realities.<sup>26</sup>

Furthermore, public perception and the heralds of "4th generation warfare" notwithstanding, the current asymmetrical context is not unprecedented.<sup>27</sup> The just war tradition arose and came into its own before the advent of nation-states. Indeed, it was precisely the variegated threats posed by decentralized bodies of fighting men in the high middle ages - brigands, mercenaries, pirates, and even feudal lords themselves - that prompted the just war tradition to further limit the scope of justified violence by narrowing legitimate authority and enhancing non-combatant immunity.<sup>28</sup>

So, if the neither the question put to the tradition, nor the circumstances that currently prompt such a question are new, then why the generalized sense that the just war tradition is perilously close to eclipse? Certainly there is some truth in the claims of those who suggest that the crisis is brought on by certain crypto-pacifist distortions of the tradition that effectively make it impossible to satisfy the criteria. There are, for example, those who assert that any non-combatant casualties render a war unjust or that there can *always* be one more intervention before last resort. Likewise, there is certainly some truth in the claims of those who suggest that the mere invocation of the tradition's language is not a sign of the tradition's health but conversely a sign of its brokenness. After all, realists and their PR apparatus are not above cynically and pragmatically using (parts of) the tradition on behalf of agendas that do not in fact cohere with the tradition.

Yet, the distortions and manipulations of the just war tradition are not the root of the tradition's current crisis of moral legitimacy. However these and similar misuses of the tradition contribute to the sense of crisis, they do not get to the heart of the matter. For the tradition's difficulties run deeper than its mere manipulation and abuse. Rather, the challenge currently confronting the just war tradition arises from the moral vision that underwrites the dominant contemporary approach to just war.

## **CRISIS OF THE DEONTOLOGICAL VISION OF JUST WAR**

What is in crisis amidst the changing face of war at the outset of the twenty-first century is a deontological vision of just war that construes the tradition as a kind of legalistic checklist disconnected from considerations of character and so reducible to duty and obedience. To make sense of this claim, it is necessary to make a brief detour through the work of Alasdair MacIntyre, one of the great philosophical minds of our age and one of the leaders in the contemporary revival of a character and virtue based approach to ethics. In his justly celebrated work, *After Virtue*, MacIntyre traces the public impasse in moral discourse – why public moral discourse so often degenerates into fruitless name-calling, dismissals, and "talking past" one another – to a shift in moral vision that occurred in the West as the medieval era gave way to the modern.<sup>29</sup> In a nutshell, his argument is that the moral incoherence of modernity is precipitated by the loss of a sense of a thick *telos* or purpose attributable to humanity and embedded in the character and virtues of particular communities. The loss of this ontological teleology and concomitant character and virtue-based vision of morality were accompanied by the rise of utilitarian and deontological modes of moral thought.

Put in terms of military history, the shift MacIntyre describes corresponds in general terms to the eclipse of the era of chivalry, when warfare was deeply embedded in a way of life marked by character and virtues that were internalized (and visible externally in things like the artistry of armor and weaponry), and the advent of the modern era, when warfare was increasingly industrialized and the internalized virtues associated with warfare gave way to external rules imposed by discipline and authority.

Put more directly in terms of just war, this shift in moral vision and military practice was

accompanied by a change in how the discipline of just war itself was understood and practiced. Prior to modernity, just war (at its best) was understood not as a deontological checklist of criteria or set of rules that anyone, be they saint or scoundrel, could pick up on the eve of battle and then understand and employ. Rather, the just war tradition was the name given to a discipline, a set of habits, practices, and dispositions, that were but the expression of the constant character and virtues of a people. It was, in particular, the extension of the virtue of justice that characterized a people in their everyday life, to the realm and practice of war.<sup>30</sup> As an expression of the character of a community, the just war tradition was not a list of rules to be committed to memory so much as a set of markers for a way of life, a way of life characterized by virtues such as justice, prudence, temperance and fortitude that took form in the disciplines and practices summarized by the criteria.

In other words, just war was not simply a matter of sheer obedience and duty, of learning the rules in a few hours of ethics instruction by the chaplain and then summoning the will-power to obey them, perhaps with the encouragement of a friendly drill sergeant or forward leaning commander. It was not a matter of a checklist of criteria that anyone could use, without regard for character and regardless of whether one cared at all about justice and one's neighbor yesterday or would continue to do so tomorrow. Rather it was a matter of practices deeply engrained in habit arising from commitments internalized over the span of one's life in a community of like-minded and habituated persons. It was the kind of moral vision that might give rise to the well-known observation of General Sir John Winthrop Hackett, "What the bad man cannot be is a good sailor, or soldier, or airman."<sup>31</sup>

With the advent of modernity, this character-based vision of just war collapsed and what (eventually) replaced it was just war as a deontological checklist and it is this deontological vision of just war that is in crisis today. That the moral model charged with upholding the just war discipline is deficient is suggested by two very different contemporary voices engaged with matters of military ethics. On one hand, Timothy Challans, a harsh critic of contemporary paradigms of military moral training (and no friend of a virtue ethic approach), notes that the celebrated "warrior ethos" does not foster reflection on and deep commitment to the ethics of killing. He writes, "the warrior ethos is really about a special kind of work ethic, one that centers on mission accomplishment and potential self-sacrifice, not on moral restraints and law-abidingness."<sup>32</sup> On the other hand, writing from a perspective much more congenial to a virtue and character ethic, Snider, Oh, and Toner observe that "Thus far 'Warrior' has not worked effectively for individual moral development. This is a . . . void in the Army's vital effort to 'move' Soldiers from mere intellectual acceptance of a set of values to a personal lifestyle, a heart and soul embodiment of those values in everyday decisions and actions, which authentically 'walks the talk'."<sup>33</sup> This deficiency, moreover, is not a matter of individual or isolated failures but part and parcel of a moral tension inherent in a military that, while aspiring to function as a profession characterized by particular virtues and internalized norms of excellence, is organized in many respects like a bureaucratic hierarchy, which, MacIntyre notes, is antithetical to the character of a profession insofar as bureaucracies are the domain of instrumental reason and "experts" highly skilled in the efficient manipulation of means for the sake of any end.<sup>34</sup> Sort of like experts in sharpening and wielding the spear for any use or as Brian Imiola and Danny Cazier put it, "Any code whose underlying function is merely effectiveness will work equally well for the unjust warrior as for the just warrior."<sup>35</sup>

The contemporary challenge to various criteria has already been noted. Once the crisis has been identified with the underlying moral vision, one can see more clearly that the current challenge to the just war tradition's legitimacy is *not* circumstantial, that is, it is not inaugurated with the horrific evils of 9/11. Rather the stresses associated with asymmetric warfare are but the latest symptoms of abiding deficiencies with the deontological construal of just war.

While rules and commands are an important part of moral formation – and a character / virtue ethic recognizes the importance of commands and rules – the reduction of the moral life to a deontological vision suffers from several significant weaknesses that become particularly clear in the context of war fighting. First, there is the problem that the rules of war are always written for the last war. Said differently, it is simply impossible to anticipate and articulate a rule for every

possible scenario that can arise on the battlefield, especially when the nature of war is constantly changing and combatants continuously adapting. This is implicitly acknowledged by those who argued in the wake of Vietnam (and who argue today in the midst of the Iraq and Afghan campaigns) that the war in question was a novel kind of war, and so we should not be surprised nor can we blame those who commit terrible acts precisely because it is not yet clear how the rules apply in this new situation. In other words, a rule-based approach is doomed to always play catch-up.

Second, and not entirely unrelated to the first problem, there is the problem of knowing which rules apply in which situation. For instance, one might well know and be committed to the principle of discrimination but when one is engulfed in the fog of war it is not always clear who is and is not considered a combatant and hence a legitimate target. Consider, for instance, the situation of a firefight in an urban setting where women are being coerced to collect weapons from the bodies of fallen insurgents or children are sent to collect scrap electronics that may be of use in constructing IED's. One can know the rules but not be clear on which rules apply when.

Third, and perhaps most damningly, the deontological approach faces serious questions regarding its effectiveness. In the midst of the extraordinary stresses of combat and war, in the face of what Jonathan Shay, drawing on his work with Vietnam veterans, has called "atrocious producing situations," knowledge and will-power are not particularly reliable.<sup>36</sup> Along the same line, Philip Caputo, in his classic memoir of the Vietnam War, has noted that what distinguished the soldiers who participated in My Lai from those who refused was not a matter of who knew the rules and had been trained to follow them, since all knew and had been so trained. Rather, as he learned who did and did not participate, the difference that emerged was one of character.<sup>37</sup> Likewise, Mark Osiel has argued that the "manifest illegality" standard for discerning unlawful orders fails on the same grounds: the deontological moral vision simply does not form soldiers in a fashion that would enable them to make the judgments necessary to discern what was in fact unlawful in the theatre of combat, with its attendant stresses and ambiguities.<sup>38</sup>

### **BEYOND VALUES AND RULES: CHARACTER, VIRTUE AND A PROFESSIONAL MILITARY ETHIC**

It is abundantly clear that those charged with the moral leadership of the military recognize that the contemporary crisis of the ethics of war is not simply a matter of a just war tradition suddenly rendered obsolete by novel circumstances. The push for reconsideration of the military as a profession instead of an occupation<sup>39</sup> and for the development of a professional military ethic is proof of this. It is clear that among those charged with moral leadership the crisis is understood to be one of moral vision. Although it is just as clear that there is as yet no consensus on what the "fix" is. The suggestions, for example, that what is needed is simply a clearer articulation of the norms of behavior in a new code<sup>40</sup> or more reflective rational autonomy<sup>41</sup> suggests that the deontological vision remains intact. Nevertheless, as the work of Snider, Oh, and Toner, among others, suggests, there is growing recognition that what is needed is a move "from values to virtues." What is needed is a shift from ethics education by means of values clarification in the form of memorized codes and fostering obedience to commands to a renewed emphasis on the character and virtues that are acquired by immersion in a community of professionals, whose commitment to the excellences of their vocation is internalized and not merely instrumental. Thus there is more talk not of leadership but of ethical or moral leadership and not merely of command but of the command climate – both crucial to the mentoring/formation/habituation of professionals in the excellences internal to their craft.

This renewed emphasis on character, virtue, and the excellences intrinsic to the profession of arms is appropriate insofar as a profession rightly understood is not merely the abode of certain skills and degrees of skillfulness that qualify one as an "expert." Rather, a professional "professes" a commitment to certain standards of conduct. A profession is a matter of "role-differentiated behavior" in the words of Anthony Hartle,<sup>42</sup> which means that it is subject to internal norms of behavior that are reducible neither to rules nor to a calculus of efficiency. In this regard it might

even be associated with a calling.<sup>43</sup> As such, a profession and a professional are distinguished from an occupation and an expert because the skills they encompass are inextricably tied to certain excellences that preclude such (expert) skills from being employed in certain ways and for any ends whatsoever.<sup>44</sup> (This is why one might argue that mercenaries, no matter how proficient in arms, are not professionals. They are at best experts for hire.) Thus, for example, professional soldiers in the US military do not properly attack civilians or mistreat prisoners of war not merely because they were ordered not to (which implies that if they were ordered to kill or abuse civilians or POWs that they would with a clear conscience), but because such practices are contrary to the respect, service, honor, integrity, and perhaps courage that properly characterize a US soldier.

How might this shift from deontology to character, from values to virtues, aid in addressing the contemporary moral crisis of the military ethic? Let us begin an answer by reconsidering the three problems mentioned previously that plague a deontological approach to the ethics of war. To begin with, there is the sense that the rules are chronically out-of-date as the nature and conditions of war continue to evolve in response to social, political and technological changes. Closely related is the issue of knowing which rules are applicable in a given situation and knowing how to apply those that are. While the constantly changing character of war presents a challenge to every ethic, a virtue or character ethic is particularly well-suited to address this situation. In fact, there is a virtue whose object or concern is precisely situations where the letter of existing law proves to be either inadequate or inappropriate. This virtue is frequently given the name “equity,” although that hardly captures all that this virtue is about. We might describe one who displays this virtue as possessing insight or wisdom into how to act in a novel situation that is “beyond the rules” yet in a manner that is nevertheless consistent with the spirit of the rules and laws. Mundane examples of this kind of virtue abound. As an engineer once explained to me, those who know only the rules that make up the building code make lousy engineers and, if permitted, would build unsafe structures precisely because they lack the virtues, such as what is classically called “equity,” that are truly essential to the craft of engineering. Likewise, skilled assembly line workers who manage to retain a sense of their work as a craft know the difference between “working to rule” and producing good products. More to the point of just war, the virtue described here, although rarely named as such, is frequently associated with good leadership. There is a significant difference between inexperienced or “by-the-book” officers and officers who have so internalized the spirit of the rules – the character at which the rule properly aims -- that they know when and how to move forward in situations where the letter of the law provides little help.

Closely related to the way a virtue or character ethic addresses the gap in a rule centered approach between the rule and the constant novelty of war, is the way a virtue or character ethic deals with the matter of knowing when which rules apply and how they apply. Here again there is a virtue associated with this skill. It is the virtue of prudence and it is a kind of judgment that is able to assess a situation, identifying what is at stake and how various rules and virtues come into play in this particular situation. In the popular imagination, prudence is often equated with a certain cautious deliberation in acting, a kind of careful application of the rules. What this commonplace understanding of the virtue lacks is a sense of how prudence is more than mere deliberation but involves seeing as well. It is a matter of seeing in the sense that prudence involves recognizing the morally salient features of a situation so as to be able to determine what acts are appropriate and what rules are applicable. Thus, it is a prudent soldier who, upon seeing a small child pushed out into a street in the middle of a fire fight to recover a weapon, is able to discern whether and how the decision to shoot that child involves questions of proportionality or discrimination.

Finally, there is the problem of effectiveness. War is, as Michael Walzer observed, the hardest place.<sup>45</sup> And in such a moral pressure cooker, knowledge and will-power are not particularly reliable. Rather, in the midst of battle, which can frequently feel like an ethical wilderness, what checks a person’s descent into brutality and preserves her moral center is character. Character, which concerns a person’s fundamental identity, who one is, and encompasses not only intellectual convictions but also the passions and dispositions that constitute the spirit and emotions,<sup>46</sup> is the foundation or well-spring of behavior and action. Thus a soldier who lacks character, who has

not *internalized* the virtues of duty, honor, and courage, who does not inhabit the moral ethos of the *professional* soldier as that ethos is on display in the command climate as well as exemplary soldiers called officers, cannot finally be counted on to hold the moral line when the going gets tough.

## JUST WAR, CHARACTER AND VIRTUE

Character matters. At its best, the renewed interest in articulating a professional military ethic recognizes this. It is nothing less than a call to move beyond a deontological vision of rules, laws, codes and values and focus on inculcating the virtues that should animate soldiering as well as fostering the moral dimension of leadership that is absolutely crucial to the flourishing of those virtues in times of peace and conflict.

To return specifically to the matter of just war, at this point we might ask what difference might a virtue or character based account of just war make in the face of the crisis that confronts the just war tradition today? Let us consider by way of example three of the criteria that are frequently called into question today.

First, there is the criterion of legitimate authority. Asymmetrical warfare and the proliferation of non-state actors, such as global terrorist and insurgent networks, are thought to highlight the irrelevance of the just war tradition's criterion of legitimate authority. But this holds true only for just war construed as a set of rules or laws for guiding nation-states. As a checklist of rules or laws, just war is not suited to warfare that does not correspond to Westphalian notions of statecraft and sovereignty.<sup>47</sup> Restrictions on what the tradition calls "offensive" wars, the limitations imposed by notions of national self-determination and sovereignty (which nation states are understandably reluctant to subvert), effectively tie the hands of nation states who are committed to waging just wars when those nation states are confronted by decentralized and transnational threats like a global terrorist network or even when they are confronted with what is today called a humanitarian crisis like ethnic cleansing or genocide within a sovereign country's borders.

A virtue or character based account of just war, rooted in the virtues associated with the professional military ethic, need not be so hindered. After all, the emphasis on "selfless service" that is so prominent in that ethic, it can be argued, is analogous to the virtue traditionally named "justice," which is outward-focused and other-directed. One is selfless in one's service to others. This is to say, unlike the modern deontological account of just war, which is self-centered in its emphasis on defensive war, the selfless character of the professional military ethic has no *intrinsic* difficulty with acting on behalf of one's unjustly attacked neighbors. This is the case, not because it simply ignores national boundaries or self-determination but because it understands that states and statecraft are rightly affirmed only as an aid to justice and selfless service of one's near and distant neighbors, and never as an obstacle to such service. (That many soldiers do not appreciate the appropriateness of their deployment in humanitarian interventions suggests that selfless service as a "value" that they memorize is not synonymous with the internalized virtue associated with the professional military ethic.) In this way, war against a terrorist organization as an interventionist and perhaps offensive war (as understood in the older tradition, not as an excuse for preemptive or preventative war) presents no intrinsic difficulties.

A second criterion that is currently under severe distress is that of last resort. Again, I wish to suggest that the crisis is linked to the criterion's construal as a rule disconnected from character. The criticism of this criterion is typically couched in terms of assertions about the enemy. We are told that such and such a foe is immune to reason, cannot be negotiated with, and so forth. There are two problems with such claims. First, such assertions claim to know ahead of time what the criterion is meant to test. This is to say, the criterion is in place precisely as a marker for the effort to determine *if* one's foe is intransigent. The critics of the criterion imply they know what the outcome of that effort will be without making the effort. As such, the critique is an act of faith. Specifically, it is an act of *bad* faith. As an act of bad faith, it reflects a second problem with the dismissal of last resort. This second problem is the failure to connect the criterion with the character not of the enemy but

of the would-be just warrior or professional soldier as articulated by the professional military ethic. This is to say, while last resort certainly entails an exploration of the enemy's behavior, it is *also* an expression of the just/professional warrior's character. Specifically, one might refer to what is called "respect," acting with the conviction that all people possess inherent dignity and worth.<sup>48</sup> The professional soldier respects others even when those others show by their actions that they do not respect themselves or their victims. In this way, the bad faith of those who presume ahead of time that killing is the only appropriate response to an enemy is exposed. Such persons lack the respect that is intrinsic to a just people and professional soldiers. I might also suggest that they lack the appropriate patience and hope that is part and parcel of such respect as well as the wisdom to explore alternatives other than destruction.

This is not to suggest that a just people or professional soldiers will be naïve or prone to appeasement. Not at all; virtues like justice, prudence, and courage are not compatible with either stupidity or apathy. Rather, this is to say that for the just war people and professional soldiers, the resort to arms is always a last resort in the sense that it comes on the heels of the respect and the hope that the injustice can be addressed by means other than war. Moreover, respect for the inherent dignity of one's enemies – again, even when they do not reflect that same respect for dignity – means that for the just war people and professional soldiers the last resort to arms, where it is deemed a necessity, is deemed a sad necessity.

The final criterion to be considered by way of example is that of discrimination. The difficulty of discriminating between combatants and non-combatants in the midst of asymmetrical warfare, particularly in urban settings and against terrorist networks, has prompted some to argue that the criterion is no longer viable, that this new kind of warfare is necessarily "full spectrum" and that as a consequence responsibility for noncombatant deaths should be shifted entirely to the asymmetrical adversary. Still others reinterpret and so loosen the criterion such that the distinction is no longer drawn between combatants and non-combatants but between those who are deemed a threat and those who are not. In a manner not unlike the criterion of last resort, such challenges to discrimination reflect an approach to the criterion that is disconnected from character and virtue. The criterion is treated as a bureaucratic rule with no intrinsic or internal connection to the character of those who would be just warriors. As such, it is deemed an unnecessary restraint on the military experts' manipulation of lethal means for the sake of winning the nation's wars.

As a matter of character, however, the value and viability of the criterion of discrimination is not reducible to a calculation of its impact on a military force's efficacy in attaining its goals. (Although one certainly could argue that discrimination is an important and efficient component of accomplishing the mission when the mission encompasses winning not just turf but "hearts and minds" as well.) Beyond the expert's efficiency, discrimination is one expression of the character of the professional soldier as that character is traced in the professional military ethic. No less than last resort, the criterion of discrimination arises from identity, from the kind of people professional soldiers are: they are a people who serve others and respect the inherent dignity of human beings. They are the kind of people who would forego accomplishing the mission if accomplishing the mission required them to act in vicious ways – ways that conflicted not merely with the rules currently in effect but also with the excellences intrinsic to being a professional soldier, that is, with their self-understanding as warriors characterized by respect, integrity and courage, for example.

The reference to courage is deliberate and important, for the lengths to which professional soldiers will go to exercise discrimination is directly associated with their formation in the virtue of courage. After all, the responsibility to discriminate often correlates with increased risk of harm to soldiers. Thus discrimination calls for individual soldiers courageously to bear the burden of increased risk themselves for the sake of avoiding noncombatant casualties. Likewise it calls for commanders to resist the lure of the force protection imperative, and exercise the moral courage to send their soldiers into harm's way for the sake of reducing noncombatant casualties.<sup>49</sup>

In the face of an enemy who does not share the professional soldier's character or virtues, in the midst of a war waged in close proximity to noncombatants, the challenges to the criterion of discrimination are real but not crippling. Rather, they are a call for moral courage and temperance,

for a willingness to bear the burden of increased risk and respond to such an adversary in a careful, measured manner consistent with who professional soldiers are and what they are fighting for.

## **CHARACTER AMIDST THE RUINS: VIRTUE ACROSS THE CIVILIAN – MILITARY DIVIDE**

It is no accident that my consideration of challenges to just war in the current situation end with the issue of discrimination and the virtue of courage. For it is perhaps here more than anywhere else that what has been called North American society's penchant for "immaculate war,"<sup>50</sup> an inclination that may have been tempered but not eradicated over the last decade, comes to the fore and so raises the issue of how a professional military relates to the wider civilian moral culture.

The issue is that of how a professional military, committed both to internal goods and excellences called virtues and to the principle of subordination to civilian control, relates to the wider civilian culture, which may neither share nor appreciate those internal goods and excellences.<sup>51</sup> That the wider civilian moral culture may differ in significant ways from the moral vision of the professional military ethic is suggested by three stressors Moten identified – political and judicial decisions, increasing use of contractors, and the moral tensions evident in such incidents as the "revolt of the generals."

I have no desire to rehash or reignite debates over the existence, extent, and effect of the "military – civilian divide." Rather by way of conclusion I wish only to gesture toward the challenge that the professional military ethic, understood as an ethic of character or virtue, and by inference the just war discipline similarly construed, faces *off* the battlefield and outside the ranks. Specifically I want to suggest that the successful promulgation of a professional military ethic, with its attendant virtues, requires attention from both sides of the civilian – military threshold.

Alasdair MacIntyre's account of the moral condition of the modern West suggests that we are morally fragmented. We live amidst the ruins of the character / virtue ethic of an earlier age, now populated by deontologists and utilitarians. In such a moral setting, professions face constant pressure to become occupations (instrumental roles with no internal commitment or inherent excellences) and professionals are subject to expectations that they will be mere experts in the efficient manipulation of means for any requested end. In this regard, the threat to the professionalism of the profession of arms is *not* the use of contractors, which may actually preserve a (shrinking) space for professionals as such, but the risk that the military itself will be conceived of merely as contracted experts, a possibility enhanced by the all-volunteer nature of the armed forces. We already see this happening just to the extent that much, if not most, of the pressure to disregard the criterion of discrimination comes from the *civilian* side of this divide. The specialist who exposed the abuses at Abu Ghraib faced the most push back when he returned home; the decisions regarding the use of torture were made by politicians in the face of resistance by JAG officers, the greatest resistance to US casualties comes from the general public, not the military, and so forth.

In this situation, because the military is, in the language of Hartle, partially and not fully differentiated from civilian society, it will not suffice for the moral leadership of the military to foster the professional military ethic within the ranks. Rather the challenge of strengthening the professional military ethic as well as the just war discipline exceeds the military to encompass civil society as well. A professional military ethic, no less than the just war discipline, requires that the moral leadership of civil society, encompassing both individuals and institutions, nurture the same excellences that are rightly lifted up in the professional military ethic as central to who North Americans claim to be. For while civilians may not need to know how to field-strip an M-4 or be trained to move toward the enemy in a firefight, if we (civilians) are who we say we are, then virtues like respect, honor, selfless service, integrity, and courage should mark our lives in our homes, our neighborhoods and communities, in our vocations and the wider world.

This is important because, to play on Hackett's words, one thing a bad people cannot do is make and support good soldiers. Granted a professional military may be quite good at forming morally fragmented civilians into professional soldiers, but if and as long as civilian society does not inhabit

those same virtues, as long as the professional military remains partially morally differentiated, the excellences internal to the profession of arms are vulnerable, at risk of being subordinated to ends at odds with those excellences, thereby reducing the profession of arms to a mere occupation.<sup>52</sup>

Therefore, for the professional military ethic to flourish, and along with it the virtue based vision of just war, parallel to the push for a professional military ethic, civilian moral leadership needs to be about the promotion of the civic virtues of loyalty, duty, respect, selfless service and so forth. Then we can confidently assert the converse of Hackett's insight: a good people make and support good soldiers.

---

## References

Andrew Bacevich, *The New American Militarism: How Americans are Seduced by War*. (Oxford: Oxford University Press, 2005).

Daniel M. Bell, Jr. *Just War as Christian Discipleship* (Grand Rapids, MI: Brazos, 2009)

Philip Caputo, *A Rumor of War* (NY: Henry Holt, 1996).

Stephen Carter, *The Violence of Peace* (NY: Basic Book, 2011).

Timothy Challans, *Awakening Warrior* (Albany, NY: SUNY, 2007)

Martin Cook, *The Moral Warrior* (Albany, NY: SUNY, 2004).

Jean Bethke Elshtain, *Just War Against Terror* (NY: Basic Books, 2003)

Michael Gross, *Moral Dilemmas of Modern War* (Cambridge: Cambridge University, 2010).

Anthony Hartle, *Moral Issues in Military Decision Making* (Lawrence, KS: University Press of Kansas, 2004).

Brian Imiola and Danny Cazier, "On the Road to Articulating Our Professional Ethic," *Military Review* (2010): 9-14.

John Winthrop Hackett, "The Military in the Service of the State," USAF Harmon Memorial Lecture #13 (1970). Available at: <http://www.usafa.edu/df/dfh/harmonmemorial.cfm>. Accessed September 9, 2011.

James Turner Johnson, "Paul Ramsey and the Recovery of the Just War Idea," *Journal of Military Ethics* 1.2 (2002): 136-44

James Turner Johnson, *Can Modern War Be Just?* (New Haven: Yale, 1984).

James Turner Johnson, *The Quest for Peace* (Princeton, NJ: Princeton, 1987).

William Lind, et al., "The Changing Face of War: Into the Fourth Generation," *Marine Corps Gazette* (October 1989): 22-6.

Alasdair MacIntyre, *After Virtue* 2d (Notre Dame, IN: University of Notre Dame, 1984).

Mental Health Advisory Team (MHAT) IV. Operation Iraqi Freedom 05-07 Final Report. Available at: [http://www.armymedicine.army.mil/reports/mhat/mhat\\_iv/mhat-iv.cfm](http://www.armymedicine.army.mil/reports/mhat/mhat_iv/mhat-iv.cfm). Accessed August 19, 2011.

Matthew Moten, "The Army Officer's Professional Ethic – Past, Present, Future," (February 2010), Strategic Studies Institute. Available at: <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=966> Accessed May 10, 2010.

*The National Security Strategy of the United States of America* (New York: William Drenttel, 2003).

Mark J. Osiel, *Obedying Orders* (New Brunswick NJ: Transaction Publishers, 2002).

"The Profession of Arms," (December 2010) Available at: <http://usarmy.vo.llnwd.net/e1/info/references/docs/ProfessionWhite%20Paper%208%20Dec%2010.pdf> Accessed February 16, 2011.

Michael C. Sevcik, "Moral Intuition and the Professional Military Ethic," *Small Wars Journal* (March 14, 2011): 1-10.

Jonathan Shay, *Achilles in Vietnam: Combat Trauma and the Undoing of Character* (NY: Touchstone, 1994)

Don Snider, Paul Oh, Kevin Toner, "The Army's Professional Military Ethic in an Era of Persistent Conflict." (October 2009) Strategic Studies Institute. Available at: <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=895> Accessed May 10, 2010.

Terry Terrif, Aaron Karp and Regina Karp, eds. *Global Insurgency and the Future of Armed Conflict: Debating Fourth-Generation Warfare*. NY: Routledge, 2008.

Harlan K. Ullman and James P. Wade, *Shock and Awe: Achieving Rapid Dominance* (National Defense University Press, 1996).

U.S. Department of Defense, *The Armed Forces Officer* (Washington DC: National Defense University Press, 2007).

Michael Walzer, *Arguing About War* (New Haven: Yale, 2004)

Michael Walzer, *Just and Unjust Wars* 2d ed. (NY: Basic Books, 1977).

George Weigel, "Moral Clarity in a Time of War," *First Things* 129 (January 2003):

---

## Endnotes

1. Matthew Moten, "The Army Officer's Professional Ethic – Past, Present, Future," vii.
2. See Moten, vii.
3. Moten, vii.

4. Moten, vii.
5. Don Snider, Paul Oh, and Kevin Toner, "The Army's Professional Military Ethic in an Era of Persistent Conflict," 8-9.
6. Moten, vii, 16.
7. Martin Cook, *The Moral Warrior*, 55.
8. Moten, 17.
9. MHAT-IV. Approximately 10 percent of surveyed soldiers and Marines report mistreating noncombatants and damaging property unnecessarily. Less than half agreed noncombatants were due respect (47% soldiers and 38% Marines), More than a third said torture should be permissible for the sake of saving a fellow soldier or Marine. And less than half would report a team member for unethical behavior.
10. Moten, viii, 19.
11. Moten, 22.
12. Snider et al, 21.
13. Snider et al, 23.
14. Timothy Challans, *Awakening Warrior*, 11.
15. It is important to note that this novelty is the result of a trend dating back at least 30 years. See Andrew Bacevich, *The New American Militarism: How Americans are Seduced by War*.
16. Harlan K. Ullman and James P. Wade, *Shock and Awe: Achieving Rapid Dominance*
17. *The National Security Strategy of the United States of America* (2003).
18. See, for example, Timothy Challans, *Awakening Warrior*, 147, 151-2.
19. Michael Walzer, *Just and Unjust Wars*, 251ff. See also his important discussion of this concept in relation to the war on terrorism in his *Arguing About War*, 251.
20. This was first uttered with regard to the Bill of Rights by Justice Robert Jackson in 1949. For an invocation of the sentiment in the context of the war on terror, see Jean Bethke Elshtain, *Just War Against Terror*, 97.
21. See George Weigel, "Moral Clarity in a Time of War," 26. See also Stephen Carter, *The Violence of Peace*, 8.
22. Elshtain is an example that immediately comes to mind. See her *Just War Against Terror*, p. 62f.
23. See, for example, William Lind, et al., "The Changing Face of War: Into the Fourth Generation," 22-6.

24. See Stephen Carter, *The Violence of Peace*, 62ff.; Gross, *Moral Dilemmas of Modern War*, 26-53.
25. James Turner Johnson, "Paul Ramsey and the Recovery of the Just War Idea"; Walzer *Arguing About War*, 3-22.
26. See, for example, James Turner Johnson, *Can Modern War Be Just?*
27. See Terry Terrif, Aaron Karp and Regina Karp, eds. *Global Insurgency and the Future of Armed Conflict: Debating Fourth-Generation Warfare*. NY: Routledge, 2008.
28. James Turner Johnson, *The Quest for Peace*, 75-90.
29. Alasdair MacIntyre, *After Virtue*
30. See Daniel M. Bell, Jr. *Just War as Christian Discipleship*
31. Hackett, "The Military in the Service of the State."
32. Challans, 11.
33. Snider, 24.
34. Snider, 3; MacIntyre *After Virtue*, 25-6, 86.
35. Brian Imiola and Danny Cazier, "On the Road to Articulating Our Professional Ethic," 9-14.
36. Jonathan Shay, *Achilles in Vietnam: Combat Trauma and the Undoing of Character*
37. Philip Caputo, *A Rumor of War*
38. Mark J. Osiel, *Obeying Orders*.
39. "The Profession of Arms," 3
40. Moten, as noted previously.
41. Challans, *Awakening Warrior*.
42. Anthony Hartle, *Moral Issues in Military Decision Making*, 7.
43. Hartle, 23.
44. I do not mean to suggest that professional soldiers are something less than experts. Rather, they are more than experts.
45. Walzer, *Just and Unjust Wars*, xxxi.
46. For more on the importance of emotional formation of soldiers, see Michael C. Sevcik, "Moral Intuition and the Professional Military Ethic," 1-10.

47. Martin Cook emphasizes that the current crisis is a crisis of the post-1648 Peace of Westphalia model of international relations. See *The Moral Warrior*
48. Hartle, 67.
49. Walzer notes that it is precisely the willingness to bear this risk that indicates a people's commitment to just war. *Arguing About War*, 137. Martin Cook discusses the force protection imperative in *The Moral Warrior*, 121-7.
50. Cook, *The Moral Warrior*, 117.
51. Hartle refers to this as the military's being "partially differentiated." See *Moral Issues*, 149-180.
52. US DOD, *The Armed Forces Officer*, 16-7 recognizes this clash of values as a potential problem.



# **Resolving the Professional Identity Crisis: Understanding Professions, Professionals, and Professionalism**

**by Maj. Danny Cazier**  
U.S. Army

## **ABSTRACT**

There has been considerable discussion in recent years as to whether the Army properly constitutes a profession. Similarly, there has been considerable reflection on just who within the profession – if we are in fact a profession – merits the title of professional. Such academic inquiries are largely trivial and irrelevant. They also reveal a misunderstanding about the conceptual relationship between professions, professionals, and professionalism. The standard view suggests that professions are the primary conceptual unit and that only after you have a profession can you have professionals and professional conduct (i.e., professionalism). This is backwards. Instead, professions are a product of professionals and professionals are a product of professional behavior (i.e., professionalism). The essence of all three is to be found in an ethos of public service. Consequently, the degree of professionalism an organization achieves is a product of how highly it values service. Similarly, the designation of professional is best seen as a product of whether the individual has personally adopted an ethos of service. Consequently, “professional” is not properly viewed as a status we achieve and retain so much as it is an ideal to which we continuously aspire, each achieving varying degrees of success in our quest.

The paper proceeds in six sections. Section I presents the standard account of professions, professionals, and professionalism. Section II examines the conceptual relationship between these concepts. Section III promotes a revised understanding of professions, emphasizing that service – not the requirement for specialized knowledge – is the defining characteristic of professions. Section IV suggests that professionals are defined by their conduct, rather than their status within an established profession. Section V promotes a view of professionalism as a spectrum of behavior approaching a Platonic ideal. Finally, section VI concludes by examining implications of the argument.

## **INTRODUCTION**

The Army has witnessed considerable discussion in recent years of whether it qualifies as a profession. If the Army does qualify as a profession, then who within the Army count as professionals? Mere membership in the profession of arms doesn't seem sufficient, given that 70% of the Army has less than 5 years time in service and will not pursue a career in the Army. If the Army does not qualify as a profession, then it is assumed that one certainly cannot be a professional. It is probably lack of clarity on these two questions that best explains why there hasn't been more discussion in Army circles of what constitutes professionalism in the Army. If we cannot confidently answer the question of who are candidates for being professionals, let alone the question of whether we are a profession, then how can we possibly define professionalism in a meaningful way? Behind all the Army's discussion of professions and professionals lies a clear yearning for us to qualify as a profession and for some number of us to proudly bear the title of professional. We seem to feel that there is something important at stake here.

I believe this perspective is off-target. Specifically, I believe it hinges on a confused view of the relationship between professions, professionals, and professionalism. Furthermore, I fear that maintaining this perspective hampers our progress in promoting professionalism within the Army. My goal in this paper is to explore the questions of 1) What determines whether an occupation is a profession, 2) What determines who within a profession is a professional, and 3) What kind

of conduct counts as professionalism. My thesis is that the conceptual relationship between these terms begins with professionalism and ends with professions. The standard view suggests that one cannot be a professional if one does not belong to a profession. I believe this view is backwards – that professions arise only after the advent of professionals. Professionals, then, are products of their persistent display of professionalism. I further suggest that the defining element of professionalism is an ethos of public service. Thus, it is also the primary defining characteristic of both professionals and professions.

## THE STANDARD VIEW

The terms *profession*, *professional*, and *professionalism* are generally used quite loosely. It is common for many terms in English to have either loose definitions or multiple definitions. It is even more common when the essence of the term is not well understood. This may explain the looseness of our usage of these terms. Given their loose usage, I will attempt to sketch out the standard understanding of these terms within the sociology of professions.

**Professions.** The occupations commonly recognized as professions share a number of common attributes. These attributes are frequently referenced as the standard by which to measure the progress of other occupations on their road to professionalization. If the candidate occupation possesses enough of these attributes, then it is assumed to be a profession. If it doesn't, then it may be moving toward professionalization, but it is not yet established as a profession. While there is no single uniformly accepted list of these attributes, the commonly accepted major attributes include:

- **Specialized knowledge** – Professions are characterized first and foremost by their possession of and application of specialized theoretical knowledge or expertise. This expertise is such that it takes extensive education to master. The profession cultivates this knowledge internally.
- **Self-educating** – Professions train, develop, and certify their own practitioners, not only in preparation for admission into the profession, but also over the course of their professional careers.
- **Self-regulating** – Professions control entrance into the profession and advancement within the profession. They establish acceptable standards of practice and regulate the conduct of their practitioners. They censure (including via dismissal) practitioners who don't adhere to the professions standards.
- **Organization** – Professions organize themselves, developing professional associations and governing bodies to accomplish the work of the profession.
- **Ethical commitment** – Professions are committed to the ethical application of their unique specialty. They generally possess a written code of ethics which is used to help guide and regulate the conduct of practitioners.
- **Public service** – Professions provide a vital public service. They value that contribution above the monetary compensation they receive.
- **Public trust & autonomy** – Professions enjoy a trust relationship with the public which affords them considerable autonomy (collectively) from public control/regulation and latitude to make decisions on behalf of their clients.

In addition to these primary attributes, there are also a number of minor attributes that typically accompany professions, including their being afforded high social status, their employing a hierarchy of ranks or positions within the profession, and their developing a distinctive professional culture.

The only occupations which seem to enjoy universal recognition as professions are the clergy, law, and medicine. Other candidate vocations of which there is less agreement on their status (both within and without the organization) include the military, law enforcement, teaching, engineering, journalism, accounting, and others. Of importance, the reason there are more occupations with uncertain status than certain is that professional status isn't controlled by the profession. Professional status is bestowed by the public, at its own discretion.

**Professionals.** The term *professional* (as a noun) is commonly used quite loosely to refer to

specialists within organizations that aren't even candidates for being designated professions. For example, we regularly use the term "professional" to refer to people who are compensated for their efforts, rather than hobbyists or amateurs who pursue similar efforts for personal fulfillment. Thus, we frequently refer to paid athletes, entertainers, etc., as being professionals. By contrast, we sometimes employ the term to designate those who are experts, rather than novices, within their field. The title of the 1994 movie "The Professional" was presumably selected to highlight the protagonist's expertise as a hired killer, not merely the fact that he was compensated for each job. Additionally, we periodically employ the term "professional" to designate those whose work is primarily mental, rather than physical. Thus white collar workers are professionals while blue collar workers are tradesmen. Finally – and most relevant to our discussion – the term "professional" is used to identify individuals of a particular status within the occupations designated as professions. Not all who work within a profession merit this label. It is typically reserved for those who possess and practice the particular expertise that defines the profession. Thus, doctors are professionals, but medical records clerks are not; lawyers are professionals but their receptionists are not. Of less certain status are nurses and paralegals, who fall somewhere between the status of those who are clearly professionals and those who clearly are not. From this perspective, those whose occupations have not yet professionalized are not candidates for being professionals.

**Professionalism.** *Professionalism* refers to conduct characteristic of the professional. Unfortunately, since we have yet to determine clearly who the professionals are or what the requirements are for being a professional, we lack a clear sense of what conduct is characteristic of this group. This might explain why within the Army we have drifted toward viewing "professionalism" as a matter of "conduct characteristic of the Army culture" or "conduct idolized within the Army culture." This tendency has promoted a focus on military bearing, mannerisms, or polish. Hence, a pressed uniform and precise demeanor have garnered many NCOs the label of professional. In fact, these are precisely the kind of things NCO promotion boards are designed to assess.

## CONCEPTUAL PRIORITY

This account of professions, professionals, and professionalism implies that professions are conceptually primary. In other words, only if you first have a profession can you then have professionals and *professionalism*. Linguistically, this sounds right. The term *professional* surely derives from the term profession. Its structure suggests that it means something like "representative of a profession." Similarly, the term *professionalism* surely derives from the term *professional*. Its structure suggests it means something like "characteristics of professionals." But linguistic priority doesn't imply conceptual priority; and conceptual priority doesn't require linguistic priority.

Determining which is conceptually prior – professions or professionals – is essential to our inquiry. If professions are conceptually prior, then determining whether we are a profession still won't settle the question of who is a professional. On the other hand, if professionals are conceptually prior, then whether one is a professional can be determined independent of whether one's occupation is a profession. Moreover, an occupation could presumably influence whether it was a profession by increasing the prevalence of professionals. I suppose it is also possible that neither professions nor professionals are conceptually prior to the other – that instead, each enables the other in "chicken or the egg" fashion. Collectively, this seems possible. An occupation isn't a profession until it has a certain density of professionals; and these individuals don't count as professionals until their occupation is recognized as a profession. But to whatever extent this is true, it is only linguistically true. Little changes about the profession or the professionals when those labels are assigned them. This is perhaps most clear when examining the nature and behavior of the individual practitioner.

The conduct which characterizes professionals (or which should anyway) is most appropriately termed *professionalism*. It seems obvious that one's conduct is independent of one's professional status. Hence the conduct we term professionalism is possible independent of whether one is a professional and independent of whether one even belongs to a profession. This suggests

that conceptual priority begins with professionalism (i.e., professional conduct) and runs next to professionals (i.e., those who consistently manifest that conduct) and then on to professions (organizations dominated by professionals).

One might object that prior to the establishment of a profession, those members of the occupation who behave professionally are still not professionals; only the bestowal of professional status by the client makes them a profession. But “professional” would then be largely just a trivial designation, telling you little about the conduct of the individual. Titles generally tell us something about the nature or conduct of he who bears the title. Consider whether one can consider himself an athlete if he doesn’t play any sports. Perhaps he is a huge sports fan and watches sports whenever he can. Perhaps he understands sports as thoroughly as the players, coaches, and referees on the field. Nevertheless, if he does not personally compete in athletic events, he is not entitled to the title of athlete. Consider likewise whether one can consider himself a runner if he doesn’t run *regularly*. Even if he was naturally gifted with phenomenal running ability, unless he runs regularly, it seems he simply cannot claim status as a runner. On the other hand, even if he was endowed with no particular aptitude, all it takes for him to claim this title is a consistent commitment to running. This pattern seems to hold true of titles in general. The value of titles is found in the fact that they typically tell us something about the commitments, activities, and conduct of he who bears the title.

Should this be any different for the title of *professional*? Can one be a professional if he doesn’t consistently display *professionalism*? To tie the label of *professional* to something other than his conduct is to sever the tie between the title and its expected meaning. The title then becomes trivial and meaningless. In practice, we do in fact take the title of professional to be informative. We infer from it something about the conduct and commitments of he who bears the title. The description of a professional found in the guidebook titled “Armed Forces Officer” bears this out.

*The individual professional identifies with his or her work and necessarily treats it as a high moral calling. This notion of willing self-identification with the officer’s role may not be coincident with commissioning, but it marks the point at which the officer truly commits to the notion of being a professional. Until then, he or she remains an apprentice. In this sense, working as a professional involves responding to diverse and highly contextual problems requiring continued delivery of a quality service of a discretionary character.*

## **SERVICE ETHOS AS THE ESSENCE OF PROFESSIONS**

**Professions.** The list of common attributes of professions reviewed above are what people typically reference when trying to determine whether an occupation constitutes a profession. Thus, it is frequently assumed that these are what qualify an occupation as a profession. But to assess an occupation based primarily on how many common attributes of professions it possesses is to misunderstand the nature of professions. While these attributes may roughly reflect an occupation’s progress toward professionalization, they are not what qualify it as one. These attributes are merely the outward manifestations of a profession, rather than the basis of professionalization. To discover the fundamental nature of professions, we need to look beyond these characteristics to the essence of professionalization.

The defining characteristic of professions is the trust relationship they enjoy with the public. Professions stand in contrast to businesses, trades, bureaucracies, etc. as one form of organized labor. Professions differ from the other forms of organized labor in that they have secured the public trust. This trust is essential to the free exercise of the unique expertise of the profession. Given this trust, society grants professions exclusive control over the exercise of their particular specialties. With this trust, professions and practitioners are empowered to make decisions on behalf of their clientele, the public. This is why it is frequently said that the application of discretionary judgment is the particular hallmark of the professional.

Our difficulty determining whether the military properly constitutes a profession stems from the fact that professional status isn’t ours to declare. Since being a profession is a product of having

achieved a trust relationship with the public, professional status is ultimately determined by the public. No occupation can simply declare itself a profession, no matter how thoroughly it achieves the various characteristics typical of a profession. Occupations desiring to professionalize may progress toward professionalization but do not formally achieve professional status until granted it by society. The public bestows professional status only after the occupation has demonstrated itself worthy of this trust. Since this status is never officially and formally declared, it is difficult to assess whether an organization enjoys sufficient public trust to constitute a profession. This explains why sociologists frequently reference the list of common attributes introduced above. It is easier to determine the presence of these attributes than it is to determine whether sufficient public trust has been achieved, especially when that point of sufficiency remains undefined.

This truth gives further support to my claim that professionalism – not professions or professionals – is the conceptually primary element. Consider the following argument:

1. An occupation becomes a profession as a consequence of (i.e., after) securing the public trust.
2. An occupation secures the public trust as a consequence of (i.e., after) demonstrating sufficient commitment to the public good.
3. An occupation's commitment to the public good is manifest through its collective behavior.
4. Collective behavior is a product of individual behavior.
5. For a profession to collectively manifest a commitment to the public good requires that it be populated with individuals who manifest commitment to the public good.
6. This commitment to the public good (aka *professionalism*) is the essence of being a professional.
7. Professionals, even if not yet designated with that label, precede (conceptually) professions.
8. Professionalism, even if not yet designated with that label, precedes (conceptually) professionals.

Although occupations become professions at the discretion of the client, not the practitioner, it is ultimately the conduct of practitioners that determines whether an occupation will attain the status of profession. Thus, occupations desiring professional status wield enormous influence over their professionalization. They ultimately determine whether they are worthy of the public trust. Since society bestows professional status only after recognition of an occupation's constant commitment to public good, the chief focus of an occupation desiring professional status should be to cultivate both individually and collectively a persistent commitment to public good over personal gain.

*Service is the nature of professions.* This commitment to the public good is what distinguishes professions from other forms of organized labor. In other occupations, self-interest is understood to be the primary motivating force for the occupation and its employees. But professions are (for-profit?) service organizations. They exist to provide a valued service society cannot provide for itself. The very label of "profession" reflects this fact. Professions "professes" a commitment to the public good over their own self-interest. To profess is to make a claim about what the organization stands for and what it will do beyond compensation. That which people do voluntarily for others beyond the requirements of law, obligation, compensation, etc. is service.

Professions differ from businesses in that they are motivated not principally by profit, but by moral values which they presume to esteem above profit. While some professions are compensated handsomely (and perhaps rightly so, given the degree of specialized skill and knowledge required by them), they still rate the service they provide their clientele as a greater value than the financial remuneration they receive. To invert this value hierarchy is simply to renounce one's status as a profession. This is perhaps nowhere more clear than in the military profession, where practitioners accept the prospect of losing their very lives in exchange for the public good they seek to promote. This would be incomprehensible – except perhaps as an extremely foolhardy gamble (i.e., risking paycheck for life) – unless the profession(al) regards public security and liberty as greater goods than financial gain.

A commitment to greater moral goods lies at the very heart of a profession. It is what fundamentally qualifies an organization for professional status. All other characteristics of a profession follow from the profession's adherence to its ethic. If the ethic is inculcated in the

minds and behavior of the practitioners, then it will become a profession. If not, then it will not. It will never secure the public trust and autonomy necessary to establish itself as a profession. Trust is absolutely key to a profession. It is obtained through a demonstrated commitment to serving the clientele over serving one's own interests.

*Service is how occupations qualify for public trust.* This commitment to serving the public good is how professions qualify for the public trust. It is how they qualify to be professions. The unique expertise embodied by each profession represents a tremendous amount of power – financial, medical, physical, etc., depending on the profession. Power is morally neutral. Anyone possessing power is positioned to be capable of great good or great harm. The presence of great power always constitutes a threat to the stability of society. This power leaves the public vulnerable, especially when the expertise underlying this power concerns matters the public doesn't understand well. The public then has to decide whether to trust the possessor of this knowledge or take steps to control it (through regulation).

This is perhaps most obviously true of the power borne by the military. The consequences of employing this power for personal gain rather than public good are not only easy to imagine, but are also on tragic display around the world. The Mexican drug cartel called "The Zetas," known for extreme violence and viciousness, was started by former Mexican special forces soldiers and is heavily populated with former police and soldiers. Similarly, after the dissolution of the Iraqi army, many of the former Baathist officers and soldiers banded together to form the insurgent-terrorist group JRTN. This potential for social disarray underscores the profession's moral responsibility to society – to use its power for the good of society rather than for their own good (which would be harmful to society). As Samuel Huntington notes in *The Soldier and the State*, "The expertise of the officer imposes upon him a special social responsibility. The employment of his expertise promiscuously for his own advantage would wreck the fabric of society. As with the practice of medicine, society insists that the management of violence be utilized only for socially approved purposes." Using one's power for society's good, rather than one's own, is public service. Huntington continues, "This social responsibility distinguishes the professional man from other experts with only intellectual skills. The research chemist, for instance, is still a research chemist if he uses his skills in a manner harmful to society. But the professional man can no longer practice if he refuses to accept his social responsibility: a physician ceases to be a physician if he uses his skills for antisocial purposes. The responsibility to serve and devotion to his skill furnish the professional motive."

*Service ethos begets the other common attributes of professions.* The attributes common to the professions surely all stem from a common source. If it were otherwise, why would all the professions share these in common? And that source must lie at the heart of what it is to be a profession. Again, why else would the professions share these attributes in common? If service truly is the essence of professions, as I allege, then it surely is a primary part of the causal story behind the emergence of all these common attributes. As one examines the list of common attributes, it seems quite plausible that this is the case.

- **Public service** – Self-explanatory.
- **Public trust & autonomy** – Securing the public trust leads to the public granting autonomy. The public trust is earned through demonstrated commitment to placing public good over personal interest (i.e., service).
- **Ethical commitment** – Ethics is largely a matter of considering the implications of one's actions on others. Service is the epitome of considering the effect on others more than the effect on oneself.
- **Organization** – Organization is a product of simply wanting to do a better job at any particular undertaking. A group that is collectively committed to improvement will naturally organize.
- **Self-regulating** – A group that is committed to ethical conduct and preservation of the public trust will self-regulate. So while this may not follow immediately from service, it follows derivatively, as a natural consequence of other products of a service ethos.

- **Specialized knowledge** – Professions are characterized by both their service ethos and their specialized knowledge. What distinguishes professional knowledge from non-professional knowledge isn't so much the degree of specialization involved, but the fact that professional knowledge concerns helping others in ways they cannot help themselves. When an organization is determined to provide the best assistance it can, it will seek to develop the knowledge upon which that assistance is based.

- **Self-educating** – That professions self-educate is likely a product of several of the other attributes above, including the specialized nature of the knowledge and a desire to self-regulate.

This brief review offers no assurance that these attributes common to professions always do emerge out of a service ethos. Individual attributes could arise for other reasons as well. It is not likely possible to trace the development of each of these in the various professions. But the plausible connection between a service ethos and each of these attributes is surely more than mere coincidence. In fact, there doesn't seem to be any other single source that can explain the existence of these attributes the way service can. These attributes are most plausible seen as visible manifestations of a profession's commitment to the public good. A group that forms based on its collective commitment to advancing the public good in a common way (i.e., all in the same way) will surely gradually develop each of the above characteristics, as these enable it to more effectively provide that service.

A profession's collective commitment to the public good is a product of the individual commitment of its members. Just as it is possible for people who are individually largely moral to still produce an immoral society (consider Reinhold Niebuhr's famous book title), it is surely also possible for self-interested people to produce a public-interested organization. But it is unlikely that the tone of an organization can long remain at odds with the attitudes of the individuals that make up the organization. Thus it seems certain that professions (i.e., organizations committed to public service) must be dominated by professionals (i.e., individuals committed to public service).

## **SERVICE ETHOS AS THE DISTINGUISHING CHARACTERISTIC OF PROFESSIONALS**

The sociology of professions offers no strict, clear account of who within the professions count as professionals. Since professions are characterized by their expert knowledge and their trust relationship with the public, the general idea seems to be that professionals are those within the professions who possess this expertise and who employ it on behalf of the client. Thus, the application of *discretionary judgment* is commonly cited as being the hallmark of the professional. While this may be true, it is insufficient as a guide to determining whether one is a professional. It fails to define a significant difference between those we presently acknowledge as professionals and those we do not.

First, defining professionals in terms of *discretionary judgment* implies that discretionary judgment is a unique kind of judgment. In fact, it isn't clear that the term means anything more than plain old judgment. *Discretion* and *judgment* are synonymous; coupling them doesn't add anything to their meaning. I suspect that what is really being referred to when we invoke this term is simply *the employment of informed judgment in the application of expert knowledge on behalf of the public in a manner befitting the public trust*. Second, the requirement for the professional to embody the expert knowledge which characterizes the profession is clearly a loose requirement. Professions encompass far more specialized knowledge than any one practitioner could approach mastery of. In fact, the more knowledge the profession develops, the more unlikely it is that any one professional has mastered a significant percentage of it. Instead, professionals generally specialize in particular niches within the profession. I think the most we can safely say here is that the professional must have achieved a certain (undefined) degree of mastery of the expertise that characterizes his profession. Third, the requirement for expertise may not even be as strict as we suppose. It seems plausible that the primary purpose of this requirement is simply to distinguish the client's reasons for soliciting the professional's services. I see a couple of obvious reasons why

a client would enlist another to act on his behalf: 1) he might do this simply because the task to be performed is one the client is fully capable of but disinclined to do (e.g., house cleaning), or 2) he might do this because he is incapable of performing the task adequately on his own (e.g., appliance repair) – so he turns to another with greater expertise and entrusts the task to his care. Professional service clearly falls into the latter category. But so do many non-professional services. If the only expertise requirement for being designated a professional were that one possessed greater expertise than the immediate client, then professional status might come and go depending on the intellect of that client. But it still seems plausible that the requirement for expertise is intended primarily to discriminate between the reasons for which another’s service is being solicited. Professional service is solicited specifically because the professional possesses greater expertise than the client. Consequently, I suspect that the only firm requirement for expertise we can attribute to our account of professionalism is the requirement that the professional possess a degree that significantly exceeds the public’s.

As with other titles, the title of *professional* should tell us something about the behavior and commitments of he who bears it. If one doesn’t live up to the expectations (or “professions,” as in “professed commitments”) associated with the title, then one probably doesn’t truly merit the title. For professions to exist, they must be dominated by individuals who share the same commitment to public service that characterizes the profession. These individuals are the *professionals*. They are distinguished by their consistent display of *professionalism*, or commitment to public service. This commitment is more than a casual interest in the public good. It is generally equated to a calling, an endeavor that characterizes one’s life. COL (Ret.) Anthony Hartle explains: “We have long associated one additional characteristic with professional activity – the idea that professionals are committed to their work in a special way. ‘The term career is, as a rule, employed only in reference to a professional occupation. . . . A career is essentially a calling. . . . Professional work is never viewed as a means to an end; it is the end in itself’” (Moral Issues in Military Decision Making”, quoting Greenwood, “Attributes of a Profession”). This is perhaps nowhere more clear than in the military and law enforcement, where practitioners agree to accept risk to their very lives on behalf of society.

## **SERVICE ETHOS AS THE BASIS OF PROFESSIONALISM**

Linguistically, the term *professionalism* denotes conduct characteristic of the professional. It constitutes that behavior that enables professions to secure the public trust. This is why professionalism must be much more than a matter of mannerisms characteristic of the professional culture. Mannerisms are generally just a matter of polish (i.e., how one does what he does) rather than conduct (i.e., what one does). They don’t go far toward securing the public trust. Whatever trust they might garner initially is likely to degrade into public cynicism and distrust once the public discovers the mannerisms were mere façades.

By now it would be rhetorical only to inquire whether service could really be the basis of professionalism. Having established that professionalism forms the conceptual foundation for professionals and professions, and knowing that professionals and professions are characterized by their commitment to service, it is clear that professionalism is a matter of service-oriented conduct. An abiding commitment to service in the application of specialized knowledge is what qualifies one as a professional. The collective commitment of an organization in this same manner is what qualifies an organization for the public trust that constitutes professional status.

Professional organizations are often fairly complex. Instead of a single practitioner directly serving a single client, there may be multiple people cooperating together in various ways to satisfy client interests. Thus it may not be immediately clear who is directly providing the service to the client. To restrict our concept of professionals and professionalism to only those who interface directly with the clientele would be to omit significant components of our professional organizations – individuals whose contribution is essential to the quality service ultimately provided the clientele. So instead of seeing professionalism in terms of final service rendered, it is more appropriate to

view it as that conduct which contributes to public service. Professional conduct can then be gauged by how well it enhances the profession's ability to fulfill its public service function.

*Spectrum of Professionalism.* Although I have emphasized repeatedly that the essence of professions, professionals, and professionalism is found in an abiding commitment to public service, I now need to caveat that claim. Professions probably cannot retain the public trust without a consistent commitment to public service. But on the individual human level, we are seldom uniform in our motivations and consistent in our conduct over time. Does this mean that none of us qualify as professionals, since our display of professionalism is intermittent? Hartle's account of professionalism suggests that it is "*an ideal* defining a standard of good conduct, virtuous character, and a commitment to excellence going beyond the norms of morality ordinarily governing relations among persons" (18, emphasis added). I think this view of professionalism as being an ideal is right on track. Our actual conduct will sometimes closely resemble and sometimes deviate far from this Platonic ideal.

Although professions are characterized by both their possession of specialized knowledge and their provision of public service based on that knowledge, I have focused here primarily on the service element. I believe it is the more essential element and is often overlooked in favor of the knowledge requirement. But to the extent both are elements of our concept of professions, they surely both then contribute to our concept of professionals and professionalism. Just as expertise is a relative concept, which can be had in greater or lesser degrees, so is a service ethos best seen as a quality that can wax and wane. Thus we would do well to consider professionalism as constituting a spectrum along which professionals progress (and periodically regress) throughout their careers.

Neither the NCO Creed's declaration of "No one is more professional than I" nor the Soldier's Creed's declaration of "I am an expert and I am a professional" is sufficient to bestow professional status upon the speaker. Instead, these statements are best interpreted as professions – i.e., declarations – of commitment and aspiration. This is consistent with the idea that professionalism is seen as an ideal to which individuals aspire, rather than a status or behavior they attain and then retain.

Although undefined, there is surely some threshold along the spectrum of professionalism above which conduct may be labeled professional and below which it remains unprofessional (or perhaps non-professional). We may declare individuals professionals and conduct professionalism without either having attained the achieved perfection, so long as the majority of their conduct remains on the appropriate end of this spectrum.

Hartle also describes professionalism as being a spectrum and cites (?) in support of this claim: "There is no absolute difference between professional and other kinds of occupational behavior, but only relative differences with respect to certain attributes common to all occupational behavior. . . . On this view the medical profession is more professional than the nursing profession, and the medical doctor who does university research is more professional than the medical doctor who provides minor medical services in a steel plant. Professionalism is a matter of degree" (provide reference).

## IMPLICATIONS

1. We can safely proclaim in the Soldier's Creed "I am an expert and I am a professional" as long as we recognize this as an ideal to aspire to, rather than a status already achieved.

2. Soldiers can be professionals even if the military isn't officially acknowledged as a profession. In fact, there probably is no such thing as official acknowledgement as a profession. Whether one is a professional is ultimately up to him. He can attain this status by acquiring the specialized knowledge of our profession and by committing himself to using it to advance the public good.

3. The Army ultimately determines whether it qualifies for the public trust that bestows

professional status. The only way we can become – or remain – a profession is to ensure that our ranks are dominated by professionals. As a military, we do well to stop worrying about whether we are a profession. This is largely a red herring issue that distracts us from focusing on professionalism. If we are a profession, we need to maintain a focus on professionalism in order to retain our status. If we are not a profession, we need to cultivate a service ethos in order to qualify for professional status. Thus, whether society has already bestowed this status upon us makes little difference to the immediate conduct we should pursue. We can (and should) behave professionally regardless.

4. We should be wary of unintentionally disincentivizing service by providing Soldiers other incentives for serving. While it is fine for professions to be compensated nicely, if compensation and benefits come to dominate the practitioners' reasons for serving, then the profession will surely lose its professional status. As an alternative to withholding other incentives, we can also increase our emphasis on the importance of service in order to off-set this risk.

5. Our desire to promote character in the profession is also well served by inculcating a service ethos. Service develops character. As President Woodrow Wilson observed, "Ask yourself what you can do to help others and your character will take care of itself."

6. The Army has a long tradition of turning to business and industry for insight on leadership, management, efficiency, etc. This implies that we want the Army to run more like a business. But businesses are motivated by profit more than service. We must be cautious in how much management theory we import from a world whose fundamental motivations are at odds with our professional aspirations.

7. Since public service is key to public trust and public service requires being motivated by public good over personal profit, we probably incur considerable professional risk when we contract out to non-professionals (i.e., those motivated by profit more than service) essential elements of our discipline. There may be little professional risk in contracting out logistical functions, but when we contract out security functions, we surely risk surrendering the public trust.

8. One reason for the Army contracting out basic services is to achieve greater efficiency and reduced cost. *Privatizing* these services this way subjects them to the motivational forces of the business model. There is now a strong incentive to be responsible stewards of the resources entrusted to one. If we could sufficiently inculcate professionalism across our organization (among both Soldier and civilian), we could possibly achieve even greater gains by retaining some of these service functions within the military's immediate control. Surely an ethos of service offers greater promise to our military communities than an ethos of profit.

---

## References

Hartle, Anthony. "Moral Issues in Military Decision Making."

Huntington, Samuel. "The Soldier and the State."

# Caught by Surprise: Post-Cold War Geopolitics and the Relevance of the Just-War Tradition

by Dr. J. Daryl Charles<sup>1</sup>

## CURRENT GEOPOLITICAL AND CULTURAL REALITIES

The end of the Cold War, perhaps somewhat cruelly, exposed policy-makers and policy analysts – and to a lesser extent, military strategists – as being ill-prepared for the geopolitical crises that have arisen since -- from Kuwait, Iraq and Afghanistan to Bosnia-Kosovo-Herzegovina and Rwanda, from Burundi, Sierra Leone, and Liberia to Somalia, Sudan and beyond. What's more, those who viewed the Cold War as the result of defects in the international order and who assumed that the post-Cold War period would usher in an era of peace as well as unprecedented prestige for the United Nations have had their hopes utterly dashed.<sup>2</sup> Alas, geopolitical catastrophe after geopolitical disaster has visited the international community, leaving the UN to scramble for any sort of coherent response, while showing most nations to be generally non-responsive in character. The truth as expressed by one Burmese human rights activist recently needs reiterating: "There are no countries in the world which have gained liberation through the help of the United Nations."<sup>3</sup>

Not only did the end of the Cold War not usher in the new peaceful order that some had optimistically projected, neither did it bring an end to human suffering, cruelty, and outrageous social-political evil. If anything, it heralded new contexts in which human depravity might show itself. And the aforementioned brief listing of nations doesn't even begin to take into account more general developments such as the production of chemical, biological and nuclear weapons by sundry rogue nations, drug trafficking on most (if not all) continents, the escalation of human trafficking on most (if not all) continents, and the breathtaking rise of international terrorism. These crises, whether regional or global in scope, at the very least herald the need for reinvigorated debates about the merits and moral basis for military as well as humanitarian intervention.

Daunting as these various geopolitical challenges are, however, they may not be the greatest challenge before us. More formidable may be the West's inability to make moral judgments, to be able to name good and evil, identify just and unjust, and demarcate unacceptable from acceptable human behavior. On the domestic front, this moral obtuseness poses serious challenges to "civil society" as we presently know it; and abroad, it presents challenges for serious statecraft and responsible foreign policy.

In the aftermath of the Second World War, Hannah Arendt, whose post-war reflections on "the banality of evil" are probably familiar to many of you, predicted, in an essay titled "Nightmare and Flight," that the problem of evil would become the fundamental question of post-war intellectual life in Europe.<sup>4</sup> Strangely, already in the 1950s, even when atrocities associated with the Holocaust were fresh and remained a scar on the European psyche, concern with moral evil and the political disorder that it causes had begun to disappear from Western political thought.<sup>5</sup>

But consider the present cultural climate. For an American President to speak of "evil" in the geopolitical context, as two of our last four Presidents have, is to invite scorn of the greatest magnitude, both at home and abroad, is it not? Regardless of your own political sympathies, what was unforgivable to most people was the fact that someone in public office – much worse, a head of state – would name evil and then contextualize it in the field diplomatic relations. Such secular sin is simply unforgivable.

My point is not whether making moral judgments can be done in a more nuanced or diplomatic fashion; indeed, they must, and those in public office must be wise in the language that they employ. My point is, rather, that the field of international relations, more narrowly, and the wider culture, more generally, are ill-prepared – indeed, I would argue, *unwilling* – to deal with moral categories.

Precisely *this* may be our biggest challenge. The fact that we in the West live in a “post-consensus” moral climate does not prepare us well to understand – let alone to deal with – many of the pressing geopolitical crises of our time. This present state of moral affairs is reminiscent of the scenario depicted by Albert Camus in *The Plague*. Perhaps you recall the setting... The city of Oran had become host to an insufferable epidemic of pests. Rats and vermin were appearing everywhere in the city. At first, despite the pests’ ubiquitous presence, the townspeople ignore the epidemic, acting as if it did not exist. Only later, after conditions become unbearable and vermin are piled high on the city streets, do the municipal authorities begin hauling away the dead rat carcasses, which ironically is the actual vehicle by which the plague spreads throughout the city. Camus’ metaphor is instructive. Why did the plague initially “not exist”? It did not exist precisely because it was *not permitted* to exist. And such, I would argue, is the moral climate that exists today, at least in the West. Evil cannot be identified because we cannot permit it to be identified; for once we identify something as evil, we are required to address it.

### **JUSTICE, NEIGHBOR-LOVE, AND THE ABIDING RELEVANCE OF THE JUST-WAR TRADITION**

The central question that I wish to raise before this esteemed audience today is simply this: How might those who are responsible for policy propose to deal with the scale of humanitarian need in our day that is massive and frequently the result of unstable regimes? More specifically, what moral and political resources might inform our response to such situations – situations that typically fall short of formal war *per se* but which require some measure of interventionary force for humanitarian purposes? As it affects American foreign policy, few questions will be more pressing in the years ahead, as evidence from the past two decades amply demonstrates.

Difficult issues, it goes without saying, confront us. When, if ever, should a nation engage in coercive intervention for the primary purpose of saving lives or protecting the relatively innocent where vital national interests are *not* directly at stake? Should governments – and thus, should we – respond and intervene in order to prevent (or retard the effects of) genocide, mass murder, enslavement of peoples or people-groups, and egregious human rights violations? Why or why not? If so, then when, by what rationale, and by what moral assumptions and criteria? While answers to these questions require the painstaking business of moral discourse and moral discernment, each of us must be able to offer a rationale, regardless of the degree to which military training formally prepares us.

My thesis is straightforward and unapologetic: the just-war tradition – the mainstream of which extends for almost two millennia – constitutes an enduring and ever-fresh repository of moral wisdom, moral rationale, moral discernment, and moral reasoning. Not only does it lend itself to application in a situation of potential formal war, it also guides us with a similar rationale in the case of humanitarian intervention – that is, in situations that fall short of formal war *per se*. Why does it continue to speak and guide? Two rudimentary elements lie at the heart of classical just-war thinking, particularly as it has been refined in the Christian moral tradition, whether in its patristic, medieval, early-modern or modern expression. While these elements are permanent and compelling, they nevertheless are easily forgotten or obscured; hence, the need for reiteration and amplification. The first is the unchanging character of justice; the second concerns the ethical obligations that attend “neighbor-love.”

Rightly has someone called justice the moral tissue that binds together a society. That definition, simple as it is, is rich with implication. And it helps explain why the ancient philosophers intuited justice to be a “cardinal” virtue. Question: Why do we commonly use phrases such as a “travesty of justice” or a “miscarriage of justice”? The reason, which we all intuit, is that we assume justice to be of the same nature for all people everywhere and at all times. That’s why people get so outraged when the rich and famous seem to get off the hook so easily because of pricey legal teams. The privileged apparently have *bought* their way free of both the guilt and the consequences befitting their behavior or crimes. One doesn’t have to be a religious person to intuit that justice is abiding in

character and that it is the same for Cambodians, Koreans, and Canadians. And *if it is not the same*, then it's *not* justice; and if it's not justice, then it is, in Nietzschean terms, "the will to power"; it is hence arbitrary, authoritarian, and degrading to the human spirit. Plato and Aristotle, no theists by any stretch of the imagination, offered enduring insights into justice – enduring because they are true for all people at all times in any location (an assumption that is offensive to the postmodernist and the radical pluralist).

And because justice is unchanging in nature – and therefore applies equally to Rwandans, Russians, and Rhode Islanders – there is no such thing as moral neutrality. That is to say, human beings cannot be "neutral" about issues of justice, because what is just, right, impartial, good and wise is fixed in nature. Justice, because it is rooted in the design of human nature and human community wherever it is found, is measured in permanent ways and is not sliding, relative, contingent, or culturally-conditioned. Hence, we cannot be morally neutral on matters of justice; where and when we have the wherewithal to counter injustice, we must do so.

At this point, of course, I can hear the standard objection. What I am most assuredly *not* suggesting is that a nation or regime should "police" the world, as the common objection goes. Indeed, the wisdom of the just-war tradition is that it requires that humans severely *qualify* intervention *or* non-intervention – a process of discernment and deliberation that combines moral principle with pragmatic discernment. Not mere moral knowledge standing alone is sufficient, but neither is mere utilitarian pragmatics. The former without the latter is sterile and unexamined, lacking a context for application. The latter without the former is – or can be – unprincipled and rootless, without moral foundation. The two must go hand in hand; wisdom and discernment are needed to indicate whether and how the moral content and criteria of just-war thinking apply.

The second element, wed to justice, is what we might call love of the neighbor. Neighbor-love is expressed, quite simply, in the so-called "Golden Rule" teaching of both Plato and Jesus. The ethic of the "Golden Rule" implies both positive and negative obligations toward one's neighbor. Positively, we treat others as we ourselves would wish to be treated; negatively, we do not treat others – *or permit them to be treated* – in a manner that we ourselves would not wish for ourselves. This simple moral guideline is rich with policy implications, both at the domestic and foreign level.

But "Golden-Rule" logic needs further clarified. Writing on the ethics of intervention during the tension of the Cold War, Princeton ethicist Paul Ramsey set forth the argument that just-war thinking is rooted in the recognition of certain inalienable ethical obligations that all humans, everywhere and at all times, have toward one another. Speaking from within the Christian moral tradition, Ramsey readily granted that extending charity toward the "neighbor" or the stranger is counter-intuitive to our human inclinations. Nevertheless, he insisted, neighbor-love is a unique contribution of Christian moral reflection to social ethics, political theology, and in the end, policy considerations. Christian theology, of course, affirms that all people, based on their shared humanity (which derives from being created in the divine image) have an intrinsic dignity and hence deserve equal regard. An important implication of this intrinsic dignity is that human beings qua human beings are to be sheltered from arbitrary and inhumane acts of oppression; so, for example, the parable of the "Good Samaritan."<sup>6</sup> This dignity cannot be revoked by governments or other political actors. It follows, then, that

*the spectacle of people being harried, deported, slaughtered, tortured or starved en masse constitutes a prima facie justice claim. Depending on the circumstances...as well as the relative scales of power...an equal regard claim may trigger a movement toward armed intervention on behalf of the hounded, tortured, murdered, and aggrieved.*<sup>7</sup>

But we seek to ameliorate or moderate human suffering not merely out of a sense of duty (although such, at minimum, surely *is* our duty); rather, we do this out of an awareness of human solidarity. In moral philosophical terms, this sense of solidarity or neighbor-love accords with natural-law ethics: that is, all human beings possess basic moral knowledge – a moral pre-understanding, as it were, and what the apostle Paul called "the law written on the heart"<sup>8</sup> – which

requires of all people that they do good and avoid evil. This moral intuition concerns, in the words of one social philosopher, “what we can’t not know.” This love of the neighbor, which accords with natural-law moral reasoning and the “Golden Rule,” calls us, positively, to treat others as we ourselves would wish to be treated, based on our shared humanity and our capacity as moral agents. Negatively, as already suggested, it calls us to relieve or prevent intolerable suffering that confronts our “neighbor” – whether that be the next-door neighbor in our local community or a nation in the wider international community. Justice and charity working together will not tolerate the oppressive suffering of a neighbor.

Because we live in a day when the intolerable is often tolerated, a word on “tolerance” is in order before we examine the moral principles undergirding the just-war tradition. Thus far I have argued that neither justice nor charity will tolerate the unjust suffering and degradation of fellow human beings; we are obligated to ameliorate it wherever and whenever possible. Alas, it is a sad fact today that evil is often tolerated. There are various guises, of course, by which sophisticated postmoderns in the West have cultivated this art of toleration. One, of course, is simply to deny that evil exists. Another is to invert good and evil and call the latter “good.” Another is what we might call moral equivalence, whereby nothing is considered better or worse than anything else. Yet another strategy is to redefine evil, so that deviance looks more and more normal (the late Senator from New York Daniel Patrick Moynihan described this phenomenon as “defining deviancy down”). And yet another ploy is simply to label everyone “judgmental” who has that annoying habit of acknowledging and identifying evil. So, there are many ways to facilitate and conceal our toleration of evil.

But the idea of toleration needs qualification. Originally, toleration was a political virtue. For the sake of a greater social-political unity, the founders of this nation understood tolerance to be the willingness to put up with certain things they disliked, did not embrace or disagreed with – things such as political differences, tastes and preferences, social customs, even personal habits; hence, the motto *E pluribus unum*. These categories, keep in mind, are all non-moral in nature. But to tolerate moral, social or political evil – whether at the domestic level or in foreign affairs – is to be indifferent to truth, to moral reality, to human nature, and to “the way things are.” When tolerance functions as a virtue, it is not indifferent to issues of justice and charity; rather, it is sensitive to gratuitous suffering of others and the need to preserve the common social good. But tolerance can transmute into a vice, as we are witnessing in much of Western culture. It becomes a vice when it is indifferent to – or actively opposing – moral reality, human nature, and the common social good. When a decent word, such as tolerance, has been prostituted, as is often the case today, we must take back the word and cleanse it of its implied or illegitimate meaning. No culture tolerates – or should be allowed to tolerate – murder, theft, rape, deceit, defrauding one’s neighbor, violent oppression, and so on. These are moral abominations wherever they are practiced and are not culturally conditioned. Hence, on humanitarian as well as moral-philosophical and theological grounds, human beings are obligated to extend neighbor-love to the “stranger.” This obligation forms the heart of just-war moral reasoning as it wrestles with the duties of tending *approximate* justice in an *imperfect* world.

If human beings fail to heed these rudimentary and universal moral intuitions, if they fail to uphold the good and resist or prevent evil, as they themselves would wish others to do on their behalf, then justice is impossible to realize. To be sure, one does *not* need religious faith to intuit moral obligation toward others, and to perform what is just and humane. At the same time, Christian theology sharpens our awareness of (a) the fact that justice and charity are owed to all fellow human beings and (b) the symbiotic manner in which justice and charity cohere. These moral realities apply every bit as much to the community of nations of which we are a part as they do to the local neighborhoods in which we live.

## **AN ANATOMY OF JUST-WAR MORAL REASONING**

The moral wisdom that undergirds just-war moral reasoning, as I’ve already suggested, calls

us to both positive and negative moral obligations. Not only does it require that, positively, we qualify our action or inaction morally, aim to restore peace and the highest good, and reflect soberly on the what, where, why and how of interventionary force, it also calls us, negatively, to redress, retard or prevent evil, where and when we have the wherewithal to do such. Recall, for a moment, that military personnel are not the only ones who agonize over the moral particulars of applying coercive force – for example, through the *ad bellum* criteria of just cause, right intention and legitimate authority as well as through the *in bello* criteria of proportionality and discrimination (or noncombatant immunity). Rather, policemen and law-enforcement officers, in the domestic context, do this all the time, even when the stakes are not as great. How do they proceed in exceptional cases of violent crime? They wait, they plan, they scheme, they consider risks, they collude, they wait, they strategize, they measure the effects and results, they wait, and in time they either act or don't act, or they postpone acting. And when they do act, they tend to be measured in the means that they employ (proportionality), they take every precaution to protect the innocent (non-combatant immunity), they act under the authority of their office as public servants (proper authority), they determine that the law and common social standards have been broken (just cause), they aim to get at the root of the problem (just cause), and they seek to restore and safeguard the wider community for the greatest good (right intention). What are they doing? They are applying “just-war” principles.

To understand the moral criteria that constitute the mainstream of the classical just-war tradition is to appreciate the moral-philosophical assumptions that lie behind and undergird the tradition. Misconstrued by many as a means to endorse any war that a nation wishes to pursue by throwing a mantle of “just” over intrusion, just-war thinking is best thought of as an approach to *comparative justice* applied to the considerations of war or intervention.<sup>10</sup> Philosophically, the just-war tradition understands itself as a mediating position between the ideological poles of *Realpolitick* (or political realism) on the one hand and pacifism on the other. In the wise words of the 17th-century Dutch jurist Hugo Grotius, it neither says that everything is permissible nor that nothing ever is.

Classical or mainstream just-war thinking has no equal. It alone facilitates the task of weighing military or humanitarian intervention because it subjects to intense scrutiny the relevant conditions that must justify intervention or non-intervention. While the moral criteria of the just-war tradition over the centuries have received varying emphasis and have gone through refinement based on their social and political context, they nevertheless have been continually reaffirmed – from Augustine to Gratian and Aquinas, to Luther and Calvin, to Vitoria, Suárez and Grotius, to 20th century- and contemporary thinkers such as John Courtney Murray, William V. O'Brien, Paul Ramsey, Michael Walzer, James Turner Johnson and Jean Elshtain.

At the macro level, just-war moral reasoning refuses to do what is fashionable in our day, namely, to separate ethics from politics and policy. Moreover, it insists that there is no gulf between domestic justice and international justice, as I suggested earlier. Permit me once more to draw analogy to “criminal justice.” As responsible public policy, neither do we tolerate police brutality and unbridled law-enforcement on the one hand, as occurs in a police state, in order to deal with deviant behavior, nor do we acquiesce passively to violent crime and social chaos around us on the other. Justice, rather, is mediate, measured, qualified, proportionate, and intended for a greater good. We look neither to proponents of political realism in the Machiavellian mold nor to pacifist withdrawers, both of whom refuse to wrestle with the complexities of establishing and maintaining justice in an imperfect world. For the just-war theorist, “might” never makes “right,” but on occasion it may *serve* what *is* right.

Thus, just-war moral reasoning is rooted in what one political ethicist calls an “Augustinian realism” about human nature, which assumes that (a) humans are capable of *both* good and evil and (b) responsible policy must mirror this moral reality.<sup>11</sup> At the level of policy and responsible statecraft, this “realism” will express itself in important ways. For example, it will promote a healthy skepticism about the use (and misuse) of power. At the same time, however, it will refuse to opt out of political reality altogether in favor of utopian fantasies or irresponsible non-engagement. (This, I confess, is a basic flaw of most academic as well as religious discussions of war, peace, and the use

of coercive force. Sadly, in terms of moral formation and public-policy issues, the academy has not served our society particularly well for several generations. Correlatively, I also lament the fact that our churches, seminaries and divinity schools have not served us well in terms of moral formation and policy issues. At the seminary or divinity school level, what one typically finds is a strongly pacifist ideological commitment.<sup>12</sup> Rarely does one find a serious interaction with mainstream Christian moral thinking among the church fathers of any era regarding the use of coercive force, guarding the common good, or preserving civil society. Rather, what passes as standard fare is the usual litany of hot-button “social justice” issues such as race, poverty, gender, and sexuality.)

But I digress. My point was that an Augustinian moral realism, while possessing a healthy skepticism regarding power, will refuse to opt out of political reality altogether in favor of utopian fantasies or irresponsible non-engagement.

In addition, moral realism will require of us moral judgment, moral discernment, prudence, and the courage to act – this in a world of limitations, complexities, and partial or relative justice. Correlatively, it will always be cognizant of the provisional nature of all political schemes, systems, and arrangements. (So, for example, democracy, while it provides in relative terms one of the best means for humans to flourish, may not always be the best for every society. What’s more, even democracies decay and degenerate; thus, without a commitment to moral principle, *no society* will endure.) At bottom, just-war thinkers who are moral realists will insist that the linkage between politics and morality must *not* be severed, since an important part of politics – and ensuing policy – is how we respond to a world in which conflict, disagreement and disorder seem the norm.<sup>13</sup> Policy, it should be emphasized, is the *meeting-place* of politics and morality, and our duty to act justly depends on our recognition of this symbiosis.<sup>14</sup>

Historically, two sets of moral criteria or conditions – familiar to most – have served to define what is permissible and impermissible with regard to war and coercive force. The traditional *ius ad bellum* criteria – just cause, proper authority, and right intention – provide terms under which coercive intervention might be undertaken, while the *ius in bello* conditions – proportionality and noncombatant immunity – govern the means by which to proceed. One is justified, in my view, in arguing for the inclusion of a third category – *ius post bellum* – since post-war considerations of justice are informed by the same moral logic that undergirds *ad bellum* and *in bello* considerations. That there is a great need for post-war moral reflection is confirmed by recent experiences in Iraq and Afghanistan. In short, what will be required to help rebuild a society after intervention has occurred?

For our present purposes, the central questions relating to the morality of intervention are defined and illuminated by the three primary *ius ad bellum* criteria – just cause, proper authority and right intention – which constitute the core of the classical just-war tradition. These three set the context for a moral examination of whether or not intervention can be justified.

Firstly, to establish the justness of a cause is to make fundamental moral distinctions – for example, between innocence and guilt, between the criminal and the punitive act, between retribution and revenge, between egregious human rights violations (“crimes against humanity”) and “humanitarian restoration of basic human rights. In its basic character, just cause is motivated by two chief concerns: to rectify injustice or to prevent injustice. For this reason, Aquinas can argue that “those who are attacked should be attacked because they deserve it on account of some fault.”<sup>15</sup> Citing Augustine, Aquinas identifies just war as “one that avenges wrongs, that is, when a nation or state has to be punished either for refusing to make amends for outrages done by its subjects, or to restore what it has seized injuriously.”<sup>16</sup> Sufficient justification for war, according to Hugo Grotius, includes reclaiming stolen or occupied territory, oppressive injury or harm that requires punishment or prevention of humanitarian abuses, threat to or rescue of nationals, terrorism, as well as preventive attack.<sup>17</sup> War, for Grotius, is justifiable only “to continue the work of peace.”<sup>18</sup> Thus, sufficient warrant may also arise from humanitarian abuses, wherein another state or people group inflicts upon its subjects “such treatment as no one is warranted in inflicting.”<sup>19</sup> Grotius, it should be observed, developed a lengthy list of unjust causes alongside those that were deemed just.<sup>20</sup>

While there is a sense in which all violence is tragic, even more tragic is the permitting of

human oppression, gross injustice, and crimes against humanity. Coercive intervention, therefore, seeks to defend the basic order of justice that has been violated. And unpopular as it might seem in our own day, given the temper of the times, it needs emphasis that even where intervention might create dependencies that last well into the future, it cannot be regarded *in principle* as morally wrong or unjust, based on the duration of time. At the other extreme, neither can intervention to stop or retard a genocide which seemingly ruptures overnight be regarded in principle as wrong or unjust, simply because a plan to rebuild the society was not yet in place. (I have in mind the West's failure to intervene in Rwanda. Intervention to stop or prevent heart-breaking tragedy such as erupted in Rwanda should not even be a controversial matter.)

A principal objection that arises in discussions of just cause is this: What do we make of the problem of nations' disagreement over just cause, or the lack of assent to just cause in a particular case? Surely, this lack of agreement would seem to present an insuperable obstacle, since intervention might be condoned in one part of the world while being condemned in another. But this "problem" is less problematic than one might suppose, for it may be an issue of moral *consistency*, or, as is often the case, it may reflect a failure to distinguish between a *right* and a *duty* to intervene.<sup>21</sup> And surely it will be the case that many nations will reject and resist outside intervention regardless of how compelling a "catastrophe" might be to onlooking nations simply on the basis of "sovereignty" and internal politics.

Secondly, to address matters of sovereignty and to announce intervention or the waging of war, there must exist a public authority that has responsibility for the people. Aquinas writes that it is not the business of individual citizens to do such, since private acts of justice – acts of *duellem* over against *bellum* – are rooted in vengeance; only *public* acts of justice are legitimate. And because the care of the common weal is committed to those who are in authority, it is their business to adjudicate matters of injustice.<sup>22</sup> Clearly, it is warranted to ask what classical just-war theory means today, especially in light of the sovereignty issue. Can in fact the relative sovereignty of a particular nation be transmitted to an international body or coalition? Our response is that it is dubious whether the responsibilities of statecraft can be passed on to a coalition of states. While a coalition can be helpful in confirming the relative justness of a cause, it cannot constitute or replace the political sovereignty of a nation.<sup>23</sup> Moreover, what if there exists in this international coalition a majoritarian or consensus rule and this consensus is made up of predominantly unjust states? And what if, subsequently, the consensus rules in a manner that is unjust?<sup>24</sup> In the end, neither regional nor worldwide authority constitutes the authority of the political sovereign. The common good cannot be guarded by some version of a "super-polity," since a "super-polity" possesses neither the capacity for governing culturally diverse peoples nor the normative representation with which "the prince" (so Aquinas) or "the magistrate" (so the New Testament) is endowed. The position represented in this paper is that where and when intervention is being seriously considered or undertaken, in principle it is clearly preferable to have broad-based support of the community of nations (as, for example, represented by the UN). At the same time, a lack of wider support, although regrettable, does *not* render the intervention illegitimate or unjust *per se*, as the tragedies of Rwanda and Kosovo illustrate.<sup>25</sup> It is possible that coalitions of nations can devote themselves to a broadly unjust consensus.

Thirdly, to speak of "right intention" is to presuppose that morally guided coercive force and intervention will have a humanitarian design and aim, namely, to advance a greater good and secure a greater peace than heretofore had existed. Aquinas insists that actors must be motivated by a right intention "so that they intend the advancement of good, or the avoidance of evil." It may happen, he notes, that coercive force is declared to be a just cause by the legitimate authority but nevertheless rendered unlawful by a "wicked intention."<sup>26</sup>

Unjust intervention is perhaps best illustrated by what does *not* constitute right intention. Such scenarios include a sovereign's pride or reputation, vengeance, national aggrandizement, blood-thirst or lust for power, and territorial expansion.<sup>27</sup> For a war or an intervention to be just, its aim must be a greater good, and that greater good is a justly ordered peace, what Augustine calls the *tranquillitas ordinis*.

Additional secondary or “prudential” *ad bellum* criteria – for example, last resort, chances of success, declaration of intent – are typically cited in most discussions of just-war theory. These, however, while important because of prudential and pragmatic considerations in contextualizing just-war conditions, are “secondary” to just cause, proper authority, and right intention – secondary not because they are insignificant but rather because they subsist in and derive their importance from the three prior qualifications. This derivative nature may be illustrated by the criterion of last resort, which often is misconstrued in both its meaning and its application. Not infrequently, contemporary discussions of “just war” *begin* with last resort rather than understanding it as a by-product, and thus a derivative, of just cause.<sup>28</sup> Properly conceived, last resort forces us to ask whether all reasonable efforts to utilize non-military (i.e., diplomatic, economic, political, or cultural) alternatives have been exhausted. Last resort is a factor only *after* other principle conditions have been weighed.

A related misunderstanding invites our attention. If we insist on viewing “last resort” as the mathematical *last* in a serial line of possibilities, there will always be something that might be tried as an alternative to force. Hence, it is necessary to qualify “last resort” as I am seeking to do with the descriptor “reasonable.” This qualification is important for two reasons. First, all who oppose war or coercive intervention in principle will never acknowledge that diplomatic possibilities have been exhausted. This simply is simply the bottom line for the ideological pacifist, whose philosophical pre-commitment is to view *coercive force*, not injustice, as evil. Second, last resort becomes immoral – and counter-productive – when it stalls or impedes a just response to the extent that it becomes too late to defend the innocent and those who are suffering. For this reason, Michael Walzer writes,

*Taken literally...“last resort” would make war morally impossible. For we can never reach lastness, or we can never know that we have reached it. There is always something else to do: another diplomatic note, another United Nations resolution, another meeting... it is always possible to wait a little longer and hope for the success of (what looks like but isn't quite) nonviolence.*<sup>29</sup>

This, however, is not the intent of last resort in classical just-war thinking. For if there is some great evil that must be prevented, we are not morally permitted to wait on every conceivable possibility. Delay at some point becomes immoral, inhumane, and complicit with the crime that needs interdiction. Such illustrates why last resort must be anchored in just cause and not vice versa. Hereby I only wish to demonstrate a priority of moral criteria and not to suggest that last resort is unimportant.<sup>30</sup>

## **PRESENT REALITIES AND FUTURE PROSPECTS: CONCLUDING REFLECTIONS**

Humanitarian scholars Thomas G. Weiss and Cindy Collins identify no less than twenty-one international humanitarian and human rights accords or conventions that were established between 1946 and 1990. These conventions, which codify and institutionalize humanitarian concern, cover an extraordinarily wide range of scenarios, short of formal war, in which cases the most basic of human rights are being denied. These include (but are not limited to) political asylum, international refugee status and transfer of refugees, prevention and punishment of genocide, absence of political rights for women and children, war crimes, hostage-taking, torture and inhumane or degrading treatment of human beings, and obliteration of children’s dignity and rights.<sup>31</sup> Surely, the irony here is impossible to miss. Precisely in our era, after the international community has committed itself to the codification and institutionalization of human rights, have the most widespread and tragic cases of human rights violations occurred. Why? Clearly, the community of nations – inclusive of the West – lacks the political and moral will to prevent what, at least in theory, should be non-controversial. For this reason, then, the failure of the world to prevent genocide in Rwanda in the mid-1990s as well as genocide, enslavement and displacement of peoples in Sudan since 1990

constitute two of the grave moral indictments of our time.<sup>32</sup>

To intervene or not to intervene? This should always be a difficult question. The use of force in other nations, as Michael Walzer has persuasively argued,<sup>33</sup> should always induce hesitation and anxiety. The just-war position, properly understood, is neither interventionist nor non-interventionist in its ideological precommitments. Rather, in assessing and judging cases of potential use of coercive force, it requires severe qualification of whether to intervene, why, where and how.

Where it is found today, the aim of much “humanitarian” intervention is to ameliorate symptoms of a catastrophe rather than to interfere with the siege or oppression of a population group at the causal level, which is to say, at the level of power structures. And yet, an inconvenient question presses to the fore: would a nation reach the moral limits of intervention once food and medical supplies, for example, were delivered – or in more extreme scenarios, once the killing has subsided? Would that nation be morally obliged to withdraw from a region or a nation in which it had intervened and leave those people once more in the hands of the regime that helped create the problem (whether locally or nationally) in the first place? To suggest that withdrawal would be obligatory after the symptoms were treated is morally unsustainable. If we can be obliged, based on the canons of justice and neighbor-love, to intervene in a nation or among a people-group, whether to provide basic “aid” or to save lives, then it can be argued that the same moral reasoning impels us to help secure a form of “lawful” government that human beings, regardless of where they are found, deserve. Nevertheless, it is a fact today that Western nations in general tend to focus less on the costs to men, women, and children who are suffering egregiously than on the costs to their own political standing at home.<sup>34</sup>

It remains to be seen whether the 2001 report *The Responsibility to Protect*, published by the International Commission on Intervention and State Sovereignty and adopted at the United Nations World Summit in 2005, will change the tenor of international response to international catastrophes. Few regions of the world serve as a litmus test for “R2P,” as it is called, as the continent of Africa. Writes Thelma Ekiyor of the West Africa Civil Society Institute: “While there is acceptance that the responsibility for safeguarding international peace and security lies with the UN Security Council, limited political will in the Security Council to readily intervene in past African crises has generated support for ‘African solutions to African problems.’”<sup>35</sup> Ekiyor cites Sudan as a case in point:

*On the one hand, international accord exists that the inhuman victimization, rape and killings of the Darfurians in Sudan is abominable, and that the Khartoum government’s unwillingness and increasing inability to protect civilians is a clear case for reaction by the international community. On the other hand, galvanizing decisive support for that reaction has been slow. The old problem of power struggles and competing agendas in the UN Security Council has hindered action; Russia and China with economic ties with Sudan are not in favour of a robust intervention, while the United States, though speaking forcefully against the Khartoum government, is weakened by the Iraq experience and is hesitant to intervene in another Islamic State.*<sup>36</sup>

Perhaps part of West’s rationale for non-intervention is that few of the crises today technically qualify as external aggression; rather, more often than not they are internal collapses and catastrophes, characterized by rape, murder, ethnic clean sing, state or religious terrorism, political tyranny, and domestic brutality. If we assume that intervention should be a multi-national concern and effort wherever possible, which is the position of this paper, then we must ask: when should the world’s agents and powers – for example, the UN, the EU, NATO, the Pan American Alliance, the Organization of African Unity, and the United States – not merely register protest but intervene? The sad truth must be acknowledged that where a humanitarian commitment to save lives and relieve suffering *has* been demonstrated and well intended, not infrequently have we learned that offering aid only served to strengthen the regime in power, with minimal (if any) redeeming effects reaching those who in fact were suffering. As it turns out, most catastrophes are not politically “neutral”; most are the result of violations of human dignity on a mass scale.

Without question, the presumption against intervention is strong and should not be easily overridden. Nevertheless, *neither intervention nor non-intervention* can be an absolute moral principle. It is well possible – indeed, it would seem increasingly commonplace in the post-Cold War era – that a government can do things to people within its borders that are so evil and corrupt, so thoroughly wrong, that another nation – or coalition of nations – would be justified in intervening. The point at which that threshold is reached is the point at which the moral absurdity of a “doctrine” of non-intervention must be acknowledged, even when intervention (a) must be severely qualified and (b) is by nature susceptible to abuse.<sup>37</sup> Classical just-war moral reasoning enjoins us to act justly, proportionately, and with the goal of establishing a better end. Therefore, when it is within our power to relieve the suffering of innocent human beings, the tradition obliges us to offer reasons why we do not act on their behalf; reasons of inconvenience, indifference or self-interest are morally deficient.

In an important address in 1997 at the U.S. Holocaust Museum, South African Justice Richard Goldstone, who had previously served as chief prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, had this to say about our response to the unspeakable:

*The one things I have learned in my travels to the former Yugoslavia and in Rwanda and in my own country is that where there have been egregious human rights violations that have been unaccounted for, where there has been no justice, where the victims have not received any acknowledgement, where they have been forgotten, where there's been a national amnesia, the effect is a cancer in the society. It is the reason that explains, in my respectful opinion, spirals of violence that the world has seen in the former Yugoslavia for centuries and in Rwanda for decades, to use two examples.... So justice can make a contribution to bringing enduring peace.*<sup>38</sup>

Goldstone's comments highlight a number of important truths about the character of justice that lie at the foundation of any “civil society.” Justice exposes the truth of specific guilt while avoiding the mistake of vague, generalized, and stereotyping guilt. Relatedly, it records the truth of moral atrocity for the historical record in order to counter attempts by the guilty to avoid culpability. Furthermore, justice understands the necessity of moral retribution (over against revenge or retaliation) as a pedagogical tool for all concerned – the victim, the victimizer, potential future victimizers, as well as society as a whole. For this reason, it does several important things: it publicly acknowledges the immeasurable loss of victims, who, as a terrified people, need justice; it preserves the moral significance of personal accountability, whether for the violators of basic human rights themselves, on the one hand, or for those who acted heroically to prevent such violations, on the other hand; and it insists on applying the deterrent of “criminal justice,” since human nature is usually deterred from morally heinous acts by the fear of punishment and severe consequences. In this vein, justice refuses to disregard the past through well-intentioned but cheapened notions of “forgiveness” or “reconciliation” – notions that, unfortunately, tend to be fashionable among religiously-minded.

Intervention, whether “military” or strictly “humanitarian” in nature, is a profoundly negative undertaking. Its purpose is to stop, retard or prevent human behavior and policies that constitute “crimes against humanity.” Common sense and our shared humanity would suggest to all human beings that the agent of intervention is a “neighbor.” But in the present world, often the reality is that neighbor nations probably will not intervene where intervention is morally justifiable; and as we have suggested, there is no guarantee that multi-national entities (e.g., the UN) will act more justly than unjustly. Thus, absent, a willing “neighbor,” the next potential actor is any nation – or coalition of nations – near enough, strong enough, and “just” enough to stop what needs stopping.

But surely I can hear the objection, and it is shrill. *No one really wishes the United States to be world's policeman.* Nor should it be. But what we *can* do, short of assuming the role of sheriff, is to make wise and strategic use of the power, resources, and influence that we possess. Thus, we must press other nations, diplomatically, to do their share of the work. At the same time, because of the

status of the U.S in the world, it *will* be more involved in international affairs than any other nation, for better or worse. This, however, in and of itself is not imperialism; rather, it is stewardship, and it should be added, a large part of responsible statecraft. We do well to remember that to possess much and be privileged is *not* wrong *per se*; but it does mean that we have much to give, and many in the world need our help. Recall the truth in the adage that to whom much has been given, much will be required.

It has been said that people do not cherish their own freedom if they are unwilling to identify with the less fortunate. Not only just-war moral reasoning but ancient proverbial wisdom beckons people of principle, irrespective of their location in life, to act on behalf of the traumatized. Such a call bears repeating, especially in a morally obtuse cultural climate:

*If you faint in the day of adversity,  
How small is your strength.  
Rescue those who are being led away toward death,  
Hold back those stumbling toward the slaughter.  
If you say, "But we knew nothing about this,"  
Does not He who weighs the heart consider it?  
Does not He who guards your life  
Not know it?  
And will not he repay each person  
According to what that person has done?"*<sup>39</sup>

---

## Endnotes

1. J. Daryl Charles serves as director and senior fellow of the Bryan Institute for Critical Thought & Practice. Charles. He is author of three books on the ethics of war and peace and humanitarian intervention. See *Between Pacifism and Jihad: Just War and Christian Tradition* (Downers Grove: InterVarsity Press, 2005); (with Timothy J. Demy) *War, Peace and Christianity* (Wheaton: Crossway, 2010); and (with David D. Corey), *The Just War Tradition: An Introduction* (Wilmington: ISI Books, 2011).

2. As I write, the *Wall Street Journal* reports that, according to a UN report issued on Sept. 1, 2011, "Israel's naval blockade of Gaza is legal but its use of force to stop a Turkish ship trying to break it last year was 'excessive and unreasonable.'" The incident being reported by the Journal involves what the UN report calls Turkish "activists." These "activists," who in truly Orwellian terms are said to be "entitled to their political view," attempted to breach the naval blockade that Israel imposed for security reasons to "to prevent weapons from entering Gaza by sea." Remarkably, the UN report recommends not only that "Israel should first have attempted nonviolent means to stop the ship," but also that that "Israel should make payment for the benefit of the deceased and injured victims = terrorists and their families," since nine terrorists were killed in the interdiction ("U.N. Calls Israel Force on Flotilla 'Excessive,'" *Wall Street Journal* September 2, 2011 A7). The world may thusly rest in the UN's understanding of – and pronouncements regarding – justice, knowing that policemen who protect their particular community are required to make reparations for terrorists' and murderers' family members.

3. Ludu Sein Win, veteran Burmese (and Rangoon-based) journalist, cited in *Irrawaddy* (April 2008), p. 5.

4. The essay is reproduced in Jerome Kohn, ed., *Hannah Arendt: Essays in Understanding*,

1930-1954 (New York: Harcourt Brace, 1994), 133-35.

5. This post-WWI development has been correctly observed by Nicholas Rengger and Renée Jeffery in “Moral Evil and International Relations,” *SAIS Review* 25, no. 1 (2005): 3-4.

6. Luke 10:25-37.

7. Jean Bethke Elshtain, “International Justice as Equal Regard and the Use of Force,” *Ethics & International Affairs* 17, no. 2 (2003): 67 (emphasis added).

8. Rom. 2:14-15.

9. J. Budziszewski, *What We Can't Not Know: A Guide* (Dallas: Spence, 2003 rev. Ignatius, 2011).

10. This broader assumption undergirds two very different volumes by political ethicist Jean Bethke Elshtain. See her *Augustine and the Limits of Power* (Notre Dame, IN: University of Notre Dame Press, 1991) and *Just War Against Terror: The Burden of American Power in a Violent World* (New York, NY: Basic Books, 2003).

11. Jean Bethke Elshtain, “Just War and Humanitarian Intervention,” *Ideas* 8, no. 2 (2001): 18-21; see also *Augustine and Limits of Power*; “What Is a Just War?” (chap. 3) in *Just War Against Terror*; and “International Justice,” 63-70.

12. At this point, a brief biographical word is in order. I personally grew up in an Anabaptist – and a specifically Mennonite – tradition; thus, I know whereof I speak. Pacifist non-violence, of course, has been foundational to Anabaptist theology and their lifestyle ever since the sixteenth century, when as part of the “radical Reformation” Anabaptists encountered severe persecution not only from the Catholic Church but from their own Reformational brethren as well. And given the character of this persecution, it is understandable that separation and pacifist nonviolence would be a hallmark of these people. What’s more, these “peace-loving” people are well-intentioned, have strong families, and possess a remarkable work ethic. At the same time, one is justified in questioning whether the very benefits and liberties that Anabaptists share with all other citizens in relatively free societies should be guarded and preserved only by those outside the narrower Anabaptist household of faith. Why should the Anabaptist be socially and civilly unengaged in the culture when they benefit from the very cultural institutions that need safeguarding and preserving? *Someone*, after all, has to do the guarding, securing, and preserving; someone has to retard, resist or prevent evil; someone has to safeguard our streets, our buildings, and our communities. While at the personal level, people are free – one on one – to abandon *self*-defense. When, however, a third party is involved, we are *never free not to defend*; rather, true love of the neighbor will always call us to an appropriate defense of the neighbor from injury or outside attack.

13. Elshtain, “Just War and Humanitarian Intervention,” 18-19.

14. On the pernicious effects of the false dichotomy between political power and ethics, the remarks of John Courtney Murray remain timeless: “It is the function of morality to command the use of power, to forbid it, to limit it, or, more in general, to define the ends for which power may or must be used and to judge the circumstances of its use. But moral principles cannot effectively impart this sense of direction to power until they have first, as it were, passed through the order of politics; that is, until they have first become incarnate in public policy. It is public policy in all its varied concretions that must be ‘moralized’...” (*We Hold These Truths...* 273).

15. *Summa Theologica* hereafter S.T. II-II Q. 40. I am using the translation of the Fathers of the English Dominican Province (New York: Benziger Bros., 1947).
16. S.T. II-II Q. 40
17. Hugo Grotius, *The Law of War and Peace* 2.1-3.1.
18. *The Law of War and Peace* 1.1. I am relying on the translation of R.L. Loomis (Roslyn, NY: Walter J. Black, 1949).
19. *The Law of War and Peace* 2.25.
20. *The Law of War and Peace* 2.22.
21. On this important distinction, see the helpful discussion by C.A.J. Coady in *The Ethics of Armed Humanitarian Intervention* (Washington, D.C.: United States Institute of Peace, 2002), 24-25
22. S.T. II-II Q. 40.
23. See the useful discussion of “proper authority” found in Joseph Boyle, “Traditional Just War Theory and Humanitarian Intervention,” in Terry Nardin and Mellissa S. Williams, eds., *Humanitarian Intervention* (Nomos 47; New York, NY: New York University Press, 2006), 36-38.
24. While nations should work in concert with groups such as the UN, NATO, and the African Organization of Unity, the reality is that these groups might *block* what in fact is morally necessary because intervention might not serve their own interests.
25. For a clear-sighted discussion of the difficulties and moral inadequacies of being limited by the UN Security Council, see Fernando R. Tesón, “Ending Tyranny in Iraq,” *Ethics & International Affairs* 19, no. 2 (2005): 16-19.
26. S.T. II-II Q. 40.
27. So Augustine, *Contra Faustum* 22.74 (accessible at [www.newadvent.org/fathers/1406](http://www.newadvent.org/fathers/1406)), and Aquinas S.T. II-II Q. 40.
28. As an example of this conflation, one thinks of former President Jimmy Carter’s impassioned op-ed piece that appeared in the *New York Times* on the eve of the second Iraq War. See Jimmy Carter, “Just War – or a Just War?” *New York Times* (March 9, 2003).
29. Michael Walzer, *Arguing about War* (New Haven/London: Yale University Press, 2004), 88.
30. Not only is this priority implied in Aquinas’ treatment of ad bellum logic (S.T. II-II Q. 40), it undergirds the work of present-day theorists such as Michael Walzer and James Turner Johnson. By contrast, most contemporary discussions of just-war criteria fail to make the important distinction between primary and prudential (i.e., secondary) considerations.
31. *Humanitarian Challenges and Intervention*, 2nd ed. (Boulder, CO: Westview, 2000), 19
32. As veteran human rights watcher Nina Shea has recently reported, ever since Omar al-

Bashir, Sudan's president, took power in the late 1980s, he has waged a ferocious war against his own people – initially the Nuba, then South Sudan, then Dafur in the west., then the Beja people in the east, and now again the Nuba. Khartoum has made it literally impossible for foreign aid groups to access these people groups, where aerial bombings, forced displacement, mass killings of innocent lives, abductions, summary executions, attacks on churches, and systematic destruction of dwellings have been waged for decades. See Nina Shea, "Serial Genocide in Sudan." *National Review Online* (August 10, 2011), accessible at <http://www.nationalreview.com/articles/274131/serial-genocide-sudan-nina-shea>.

33. "The Politics of Rescue," *Social Research* 62, no. 1 (1995):53-66, reproduced in Walzer, *Arguing about War*, 67-81.

34. Few have pressed this argument as forcefully as Michael Walzer ("The Politics of Rescue," 53-54). This observation, however, should not be construed as an argument against the just-war consideration of calculating the chances of success in intervention. Rather, our argument is only intended to underscore the *morality* of intervention: resisting evil *cannot* be reduced to utilitarian calculus.

35. "The Responsibility to Protect (R2P): A Way Forward – Or Rather Part of the Problem?" *Foreign Voices* 1 (2008):3

36. *Ibid*, 4.

37. Hereon see Hadley Arkes, *First Things: An Inquiry into the First Principles of Morals and Justice* (Princeton: Princeton University Press, 1986), esp. chapters 12 ("The Morality of Intervention") and 13 ("The Obligation to Rescue and Supererogatory Acts").

38. The transcript of this address appeared in the *Washington Post*, February 2, 1997, C4.

39. Prov.24:10-12.

# War is a Moral Force: Designing a More Viable Strategy for the Information Age

by Lt. Col. (U.S. Army Ret.) Peter D. Fromm,  
Maj. Douglas A. Pryer, and Maj. Kevin Cutright

## ABSTRACT

Decisions of U.S. strategic leadership set the conditions for moral failures over the last ten years of war. The key to understanding why these decisions led to failure is in the realization that there is actually little difference between having a sense of moral purpose and possessing the morale to fight and to fight well. When decisions lead a nation to sanction unethical means to obtain ostensibly good ends, the moral discontinuity can lead that nation to lose the moral solidarity needed to obtain its objectives leading to the best possible outcomes.

For strategy to work in our age, it must possess solid moral and political legitimacy. Improving moral awareness and psychological understanding of war as an aspect of American strategy is the surest way to succeed in future conflicts, or to avoid them altogether. This essay argues that the best way to win a constructive peace in any future conflict is for American forces to display a focused consistency of justifiable action, at all levels.

Military theorists, East and West, have always been concerned about moral strategy and the reality of creating enemies by failing to act with moral and political legitimacy. The difference today is that legitimacy is more likely to be based on shared moral perception: a growing, global moral solidarity. In the modern age, the narrative of “victory” is more likely to be grounded in a story that makes its way around the planet at the speed of light. That narrative will hinge on a grammar of observed actions, not so much upon attempts at manufacturing or controlling the discourse.

To effectively strategize and gain favorable outcomes from war, we must choose our wars carefully, and once engaged in war, we must wage it in a morally aware fashion. Military design helps us to wage war in such a fashion by addressing the cognitive agents of war as central to operational adaptation. Design promotes our understanding of the proper conditions for assessing, acting, reassessing, and accounting for the moral friction of the operational environment.

## WAR IS A MORAL FORCE: DESIGNING A MORE VIABLE STRATEGY FOR THE INFORMATION AGE

Since the Second World War, the United States has spent far more on national defense than any other country. In fact, America currently spends nearly as much on defense as the rest of the world combined.<sup>1</sup> However, such spending has not meant that the nation has fared well in war.

The Vietnam War was the first great harbinger of change. In this deeply tragic conflict, America lost its sense of *moral* purpose and will to fight, effectively abandoning an ally to a brutal, determined enemy that it could not defeat.

After Vietnam, there was Beirut in 1983 and then Mogadishu in 1993—brief, bloody incidents followed by moral routs. America’s interventions at Lebanon and Mogadishu were “moral routs,” not because service members were involved in war crimes, but because leaders made morally unaware decisions at all levels of command. At the national command level, congressional debates and resolutions did not support these ventures. In country, substantial portions of the population perceived U.S. military actions as blatantly partisan, unfair, and culturally ignorant.

The Gulf War seemed to signal a return to America’s winning ways, but this victory rang hollow when the war proved only the first campaign of a longer conflict still being fought in Iraq today. In Afghanistan, despite America’s exorbitant expenditure of blood and treasure, its Taliban enemies have actually grown stronger rather than weaker in recent years. America’s worst setbacks in the “Long War” have not been defeats on the physical battlefield; they have been revelations of

“extraordinary renditions,” specious interpretations of international laws, detainee abuses at Abu Ghraib and other facilities, and murders in Haditha, Mahmudiya, and elsewhere.

Sadly, the decisions of U.S. strategic leadership set the conditions for many of these moral failures. The key to understanding why these decisions led to failure is in the realization that there is actually little difference between having a sense of moral purpose and possessing the will to fight. When decisions lead one side to lose the former, this side inevitably loses the latter as well.

For strategy to work in our age, it must possess solid moral and political legitimacy. This essay seeks to explore ways to improve moral awareness and psychological understanding of war as an aspect of American strategy. It argues that the best way to win constructive peace in any future conflict is for American forces to display a focused consistency of justifiable action, at all levels.

## WAR IS A MORAL FORCE

*The effects in war of the physical forces and the moral are completely fused, and are not to be decomposed like a metal alloy by a chemical process.<sup>2</sup>*

— Carl von Clausewitz

The term *moral* here and elsewhere throughout this essay refers to both its ethical and psychological denotations, which experience and language inextricably connect.<sup>3</sup> The reason for these two meanings is that perceived *right action* and consistency in word and deed are the psychological glue holding together a community, even the community of states. Shared perceptions of right action bind individuals to groups and groups to communities. The moral *approbation* (or psychological approval) at the root of stable communities is the natural result of acting rightly. Approbation, it bears repeating, leads to peace.

There are two ways of thinking about such approbation as it feeds moral and political legitimacy. There is the approbation of right action under accepted norms, and there is the practicality of deriving approbation from action in accord with norms. Rightness and practicality merge in philosophical pragmatism, and together they form a grammar of approbation for specific actions. To put it another way, approbation is a response to the communication that comes from actions.

Approbation may mean little to the strategic realist. Realists often connect notions of pragmatism with the idea that ethical concerns are secondary to what they imagine as strategic necessity in pursuit of “victory” or in pursuit of national interests. For the strategic realist, sometimes such imagined victory itself becomes the moral object rather than the means to a moral end. Seeking approbation in such cases may even seem like a bad idea to the strategic realist.

When General Douglas MacArthur famously uttered in his farewell address at West Point that “there is no substitute for victory,” he fed the fantasies of those realists who imagine “decisive victory” at all costs. Yet, at what moral cost can military victory be a success worthy of the name? Can it be victory if the cost is one’s moral worth? Or, if the Nation’s honor is destroyed? Or, if the war results in far greater loss of life and human dignity than could have conceivably occurred without the war? At some point, ethics intrude upon the realist’s vision.

The justifications for the atom bombs dropped on Hiroshima and Nagasaki illustrate the need to give moral answers to operational questions. The bombs ended the Pacific War before an ostensibly necessary U.S. invasion that would have led to millions more casualties, military and civilian. What side of this debate one comes down on does not matter; the fact that justification is attempted is the point. All else about war supervenes upon the perceived moral necessity of any given conflict and any given military action in a conflict. Post-hoc analysis always frames victory as a morally worthy endeavor. Even for the realist, approbation has to be derived from the situation. Victory must mean moral success, ethically and psychologically. That is, victory is fundamentally about hearts and minds, and moral judgment.

More importantly, strategists of the realist ilk must face the growing reality that this fused grammar of psychological and ethical meaning is becoming harder and harder to separate in the modern age. If the bulk of casualties in a conflict are collateral, in what sense can a military force

claim that they are unintended and hope to be believed? When everyone has a cell phone camera that records a disproportionate operation, how can a military escape moral judgment and strategically counterproductive censure? Evidence must support the contention that a military action sought to avoid noncombatant harm, not to inflict it.

Actions that meet this test win moral approbation. More than being popular, more than winning some kind of marketing campaign, such approbation assumes some kind of objectivity that is not merely “crowd-sourced” ethics. What we call “moral approbation” represents multiple moments of reasoning on the same subject, even if inexact and varying across contexts, a basic assumption in democratic thinking. There may be ethical limits to moral approbation, but its power cannot be ignored.

## THEORETICAL BASES BRIEFLY ELUCIDATED

*A thought is a thing as real as a cannonball.*<sup>4</sup>

— Joseph Joubert

When Field Manual (FM) 3-24, Counterinsurgency, was published in December 2006, it catapulted ideas about moral efficacy in strategy back into the forefront of military doctrine. *Legitimacy* is this doctrine’s key concept. “Victory is achieved,” the FM declares, “when the populace consents to the government’s legitimacy and stops actively and passively supporting the insurgency.”<sup>5</sup> With this formulation, FM 3-24 reiterates the primacy of war’s moral dimension that ancient and modern, Eastern and Western theorists have repeatedly underscored.

Carl von Clausewitz’s *On War* is the Western analog to the politico-strategic disposition found in the wisdom emanating from ancient China—from thinkers like Sun Tzu, Lao Tzu, Confucius, and Mencius. Perhaps one does not at first approach Clausewitz as a moral philosopher, yet he is that. In *On War*, Clausewitz describes war in an idealized, amoral form. War involves the use of “utmost exertion” by states to achieve political ends, he says, without emphasizing that the political is also the moral.<sup>6</sup> However, Clausewitz understands that moral restraint is necessary in war. The use of violence, he says, is tempered when intelligent minds “take into account the human element” and discern a “more effectual means of applying force.”<sup>7</sup> Social conditions, political limitations, and other sources of moral “friction” all serve to temper war’s violence. Via such practical constraints, real wars—wars as they must actually be fought and strategized—are won.

This practical understanding of war’s moral-political qualities stemmed from Clausewitz’s deep appreciation for the role of human nature in war. Continental philosophy acted as a lens through which he understood his and others’ experiences. Enmeshed in philosophy, perhaps reluctantly, his muse was Platonic (the concept of the human psyche—*pathos*, *logos*, and *ethos*—from Plato’s *Phaedrus* serves as Clausewitz’s centerpiece, the “paradoxical” or “wonderful” trinity). Clausewitz echoes Plato’s Socrates, who was also a soldier, one whose Peloponnesian War experience shaped his approach to politics and morality.

As a revolutionary, Mao Zedong echoed Clausewitz, directly advocating moral legitimacy to obtain political legitimacy using both experience and theory: “the masses will certainly come over to us. The Koumintang’s policy of massacre only serves to ‘drive the fish into deep waters’.”<sup>8</sup> Mao’s political metaphor intentionally echoes moral implications found in Mencius, the fourth-century BC thinker:

*If, among the present rulers of the kingdom, there were one who loved benevolence, all the other princes would aid him by driving the people to him. Although he wished not to become sovereign, he could not avoid becoming so.*<sup>9</sup>

Mencius expresses the moral and political theory informing both Taoist thought about war (Sun Tzu and Lao Tzu) and his own Confucian traditions supporting the political hierarchy of Chinese culture. Subsequent Eastern military philosophy among the later Japanese, Korean, and Chinese

medieval commentators echo both Sun Tzu and Mencius. One example:

*Tu Mu commenting on Sun Tzu: The Tao is the way of humanity and justice; “laws” are regulations and institutions. Those who excel in war first cultivate their own humanity and justice and maintain their laws and institutions. By these means, they make their governments invincible.*<sup>10</sup>

Military theorists, East and West, have always been concerned about moral strategy and the reality of creating enemies when failing to act with moral and political legitimacy. The difference today is that legitimacy is more likely to be based on shared moral perception: a growing, global moral solidarity. In the modern age, the narrative of “victory” is more likely to be grounded in a story that makes its way around the planet at the speed of light. That narrative will hinge on a shared grammar of observed actions, not so much upon attempts at manufacturing or controlling the discourse.

## **THE POWER OF PERSONAL EXAMPLE**

*If we go in there and tear these people’s homes apart, we lose these people.*<sup>11</sup>

— Lieutenant Colonel Christopher Hickey, U.S. Army

In the grammar of action, human beings are in general agreement about what constitutes “right.” The story of Mahmoud provides one real example.

When Mahmoud first volunteered in 2006 to be an interpreter for coalition forces in Iraq, he struggled with whether he was going against his religion and country.<sup>12</sup> Born in Iraq, but more recently a citizen of Jordan for his family’s safety, he felt the compulsion of his culture to scorn all Westerners. He reported to a U.S. military base in Anbar Province thinking that, if nothing else, working closely with the Americans would allow him some influence on their treatment of his fellow citizens.

His internal debate ended after a bomb destroyed a nearby bridge in Ramadi, wounding many Iraqis. All the interpreters on the base were ordered to the camp’s hospital. Mahmoud and his friends watched the Americans treat the wounded with diligence, urgency, and genuine care. He saw soldiers respond to a nurse’s cry for blood by immediately setting their gear down and rolling up their sleeves. From this event, he realized he would not have to try to steer Americans toward helping the Iraqis: their good intentions were clear. This realization proved an epiphany for Mahmoud, moving him to become a wholehearted American ally.

The power of individual soldiers to affirm the legitimacy of their presence by setting a positive example cannot be overstated. Thanks largely to ubiquitous communications technology, this same dynamic now applies equally to both conventional and unconventional wars. Ensuring that such examples consistently occur is one of the greatest challenges for the U.S. military.

## **LEGITIMACY AND THE LAW**

*War is still a rule-governed activity, a world of permissions and prohibitions—a moral world, therefore, in the midst of hell.*<sup>13</sup>

— Michael Walzer

Samuel Huntington famously described the unique expertise of the military profession as the “management of violence.”<sup>14</sup> If war’s most important dimension is the moral one, where should military professionals applying violence begin when considering the grammar of action? The best starting point is moral agreement. Although the right action for a given situation is not always clear, and nowhere is there complete solidarity on some moral questions, there is general agreement on standards of right and wrong. In war, that agreement is embodied in the Just War Tradition.<sup>15</sup> We pay homage to this agreement every time we stoop to cover up something. As Michael Walzer

observes, “The clearest evidence for the stability of our values over time is the unchanging character of the lies soldiers and statesmen tell. They lie in order to justify themselves, and so they describe for us the lineaments of justice. Wherever we find hypocrisy, we find moral knowledge.”<sup>16</sup> Moral variations experienced in cultural relativism belie the great commonality of moral solidarity in the world embodied in international law.

As it deals with the conduct of war, the Just War Tradition is expressed in the “law of armed conflict,” which is amply supported in current Army doctrine if not yet in Army training.<sup>17</sup> Beyond the actual conduct of war, the tradition also governs when a nation can justly choose to go to war. The conditions include just cause, proportionality, reasonable chance of success, public declaration of war, declaration by a legitimate authority, last resort, and right intention. Importantly, they derive from reason and are universally self-evident in principle even if contentious in application. For example, it is obvious that a political instrument as deadly and destructive as war should be employed only as a last resort, as is the idea that governments violating this tenet make themselves targets for retributive justice from other states.

Wars often start without meeting these conditions. Nonetheless, they must be met if any war is to long remain legitimate in the eyes of an increasingly informed and connected world, one with an ever-increasing solidarity of moral opinion. Since it is questionable that an occupying force can generate a politically legitimate outcome from a war that is itself deemed morally illegitimate, current Army doctrine rightly extols the importance of adhering to the law of armed conflict.

That just war conditions are absent from this same doctrine is glaring. Although just war conditions involve political decisions outside of the U.S. military’s control, these decisions are certainly not beyond the influence of the senior U.S. military leaders whose job it is to craft successful strategy. Moreover, properly accounting for the de-legitimizing effects of a war that is popularly deemed unjust enables the military leaders fighting it to better understand, report, and plan for the limited gains their forces may actually hope to achieve. More critically still, when military service members believe in their cause and have faith in the moral principles of their senior leaders and their interpretations of law, they may well be inspired to fight better and behave more ethically themselves.

Just war concerns are by no means the only morally relevant factors of a given war. For example, U.S. draft policies increased perceptions at home that the Vietnam War was illegitimate.<sup>18</sup> However, the just war tradition provides us with authoritative understanding of actions that will always generate moral reprobation (the psychological disapproval that a people give to an act or to a policy).

In his Clausewitzian analysis of Vietnam, *On Strategy*, Colonel Harry Summers advocates selling the nation on a war to buttress national will.<sup>19</sup> However, in the modern age, within a mature democracy with a free press, people cannot easily or long be manipulated. Attempts to seek approbation not earned by actions will eventually appear clumsy, ill-conceived, or transparently manipulative. The relevant truth will emerge in the grammar of actions, ultimately trumping the propaganda, no matter how shiny its packaging.

## **A MORAL FRAMEWORK FOR AMERICA’S GRAND STRATEGY**

*A good cause is a sword as well as a buckler . . . and grand strategy looks beyond the war to the subsequent peace.*<sup>20</sup>

— *B.H. Liddell Hart*

When military strategists work in a moral vacuum, their products are likely to be dead on arrival. The impotence of amoral strategizing stems from the fact that moral qualities constitute the greater part of war’s friction, a fact that has never held truer than in today’s age of instant information dissemination.

A military strategy that recognizes and accounts for moral friction has to be built on a grand strategy with an overarching message, one that generates genuine moral approbation. To devise a

psychologically agreeable strategy for the American military, we need look no further than the U.S. Constitution, as John T. Kuehn suggests:

*The goals for a uniquely American grand strategy are not the subject of a guessing game and never have been. The Preamble to the Constitution explicitly lists them: “establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.”<sup>21</sup>*

In suggesting that the Constitution’s inherently moral framework serve as the foundation for a grand U.S. strategy, Kuehn also pinpoints the essence of what that strategy should be. The goals of the Preamble are universal in nature, garnering universal approbation. Using these values as the starting point of strategic military intentions, we should strive to make our actions consistent with them. If tactical methods, campaign objectives, and strategic ends do not morally cohere, national strategy is undermined and de-legitimized.

## **EFFECTS-BASED OPERATIONS**

*Any planning construct that mechanistically attempts to provide certainty in an inherently uncertain environment is at odds with the nature of war.<sup>22</sup>*

— General James Mattis

How do we determine campaign objectives and tactical methods for achieving moral strategic ends? Until recently, effects-based operations (EBO) seemed to provide the answer. EBO originated as a good idea: rather than bomb targets based on their importance as isolated military objects, Air Force pilots bombed targets based on the effect that their destruction would have on what planners imagined to be a “closed” system. For example, it might be more efficacious to destroy a radar platform used by several air-defense weapons than to destroy one of the weapons themselves. Such quantitative analysis propelled the “shock and awe” bombing campaign of the second Gulf War, a campaign carried out to cripple the command and control of Iraqi armed forces and to destroy the Iraqi leadership’s will and ability to fight.

Although EBO has proven useful as a planning paradigm for the targeting of complex infrastructure and weapons systems, problems arose when EBO’s adherents tried to apply it to strategy, a sphere that is inherently open, non-quantifiable, and moral. Because human beings ultimately choose to act not from external causes, but for reasons residing within their private mental realms, EBO’s materialistic determinism proved largely impotent in helping planners properly account for human behavior. Furthermore, this impotency became almost absolute in the face of social groups with their complex array of ranks, relationships, and cultural mores and the contingencies these factors engendered.

The lack of a focused moral awareness is perhaps the salient reason EBO fell from grace.<sup>23</sup> Soon after General David Petraeus and the moral epiphanies of FM 3-24 corrected the failures of American strategy in Iraq, General James Mattis, then-commander of U.S. Joint Forces Command, greatly limited the scope of effects-based thinking. Petraeus and Mattis thus set the stage for a more adaptive, imaginative, and human-centric approach to warfare.

## **THE ARRIVAL OF DESIGN**

*The very essence of (a designer’s) job is to create the future, or at least some features of it.<sup>24</sup>*

— Brian Lawson

The study of design methods in America can be traced to World War II and the use of novel, systematic approaches to the war’s urgent technological problems. In the late 1950s, in the wake of the Soviet Union’s “Sputnik” launch, interest in these methods continued to flourish amidst the feeling that American scientists and engineers lacked creativity. By the 1980s, the field had

grown to become a coherent academic discipline. The vast number of international journals and professional conferences on the subject today indicate that design research is booming.

Design methodologies today encompass architectural design, engineering design, art design, fashion design, social design, and program design (among others). The concepts, language, and techniques of these methodologies vary widely. What is common to all, though, is their attempt to create something new—a process that itself is routinely reconsidered and readjusted to seek the most efficacious approach. All designers strive to realize the moment’s potentialities while working within the “art of the possible” toward the best possible outcome. The aim is to realize achievable ideas, not impossible dreams.

Herbert Simon, an early pioneer of design theory, defined design as “changing existing situations into preferred ones.”<sup>25</sup> Morris Asimow, another early pioneer, defined it as “decision making, in the face of uncertainty, with high penalties for error.”<sup>26</sup> Collaboration is crucial to design methodologies because the ideas and experiences of the many, when properly fused, typically yield better outcomes.

Israel was the first country to introduce elements of design theory into military doctrine. In 1995, Brigadier General Shimon Naveh founded the Israeli military’s Operational Theory Research Institute. The institute developed a method called System Operational Design (SOD) for the purpose of designing campaigns at the strategic and operational levels of war. Although SOD became influential, Israel’s military never fully accepted it as doctrine. Instead, in April 2006, the Israeli Defense Forces chose the EBO methodology, simultaneously infusing this doctrine with SOD terminology.

Trying to combine effects-based thinking with little-understood SOD terminology proved a disaster. During Israel’s 2006 war with the Hezbollah in Lebanon, Israeli forces fought a morally flawed campaign in which commanders and staffs had difficulty understanding assigned objectives.<sup>27</sup> “The core of SOD may not be without merit,” one historian of the war wrote, “but it is useless if it cannot be understood by officers attempting to carry out operation orders.”<sup>28</sup>

U.S. Army doctrine writers took Israel’s painful lessons to heart, not only giving design primacy over EBO, but also seeking to ensure that design’s terminology was clear, simple, and, where possible, linked to traditional operational terms. At first, as had been the case in Israel, design was associated with “operational art” and the development of theater-level campaign objectives. Then in March 2010, the Army published FM 5-0, *The Operations Process*. This manual recognizes that, on decentralized and complex battlefields, units at all levels can benefit from a creative design methodology that is “iterative, collaborative, and focused.”<sup>29</sup> The new methodology encourages commanders and staffs to seek a deep understanding of the operational environment so that the best feasible objectives are chosen. To reach these objectives, the methodology articulates a broad operational approach consisting of interrelated lines of effort (such as the restoration of good governance and essential services). Commanders and staffs regularly reassess their working assumptions, often with the help of an assumption-challenging “red team” as devil’s advocate.<sup>30</sup>

Today, our Army stands poised to use design theory to achieve better outcomes in its endeavors, something global industry has been doing for decades. Nowhere are these better outcomes more needed than in war.

## **MORAL MEANS TO MORAL ENDS**

*True peace is not merely the absence of tension: it is the presence of justice.*<sup>31</sup>  
— Martin Luther King

The first-century historian Tacitus’ self-conscious critique of the Romans in Britain, “where they make a desert, they call it peace,” may be history’s most concise and poignant comment about the only type of peace possible when a purely violent military force—a force lacking legitimacy—is used.<sup>32</sup> While wars of annihilation may have been acceptable to the barely informed citizenry of a harsh, xenophobic empire, they are certainly not acceptable to the citizens of modern, information-empowered democracies. Witness the civil unrest and fall of three French governments during

France's long, brutal war in Algeria in the 1950s and 1960s. Or, examine our own nation's crisis over lurid media reports of carpet bombings, jungle defoliation, and My Lai during the Vietnam War.

Colonel Douglas MacGregor has observed that "American politicians frequently substitute a fascination with direct action in the form of air strikes or special operations killings for strategy."<sup>33</sup> This fascination demonstrates a lack of familiarity with the moral nature of strategy. Robert Kaplan similarly observes, "Sun Tzu notes that the best way to avoid war—the violent result of political failure—is to think strategically. The strategic pursuit of self-interest is not a cold and amoral pseudo-science, but the moral act of those who know the horrors of battle and seek to avoid them."<sup>34</sup> When Kaplan speaks of "a cold and amoral pseudo-science," it is hard not to think of EBO.<sup>35</sup>

To effectively strategize and gain favorable outcomes from war, we must choose our wars carefully, and once engaged in war, we must wage it in a morally aware fashion. Military design helps us to wage war morally by addressing the cognitive agents of war as central to operational adaptation. The posture it thereby creates is inherently morally attuned, sensitive to cultural values. Design promotes our understanding of the proper conditions for assessing, acting, reassessing, and accounting for the moral friction of the operational environment.

To paraphrase Timothy Challans, design opens one's mind to recognizing the way people act in an open system in the real world, and it therefore brings us closer to a holistic understanding of war by making us consider human beings as something other than objects.<sup>36</sup> It draws planners away from pre-formatted categories. The degree to which this happens is up to them, but design removes a staff from "render and reduce" methods like the formal military decision making process when framing a situation. Design attempts to get generals and field grade officers to stop doing sophisticated crew-drill in a vacuum and start rethinking when their brains' military muscle memories are no longer appropriate. Those who argue that design is just another process have fundamentally misunderstood its goals. Design strives to turn technicians into leaders who appreciate their environments, including the moral terrain.

Challans argues that design can lead to better moral outcomes in war in "Tipping Sacred Cows: Moral Potential Through Operational Art."<sup>37</sup> He says that design "is philosophically interpretive—not pretending to be scientific—it remains consistent with modern scientific practice and understanding because it refuses to proceed without accounting for evidence. It accommodates a moral posture."<sup>38</sup> Design therefore has the potential to return the war machine to the wisdom of Ardant du Picq's assertion that "The human heart . . . is then the starting point in all matters pertaining to war."<sup>39</sup> This return to wisdom will help bring a stable termination to our foreign conflicts. That is, if a conflict is just and all levels of command display a moral awareness and symmetry (which design enables by encouraging a fuller understanding of the environment), achieving a lasting, favorable peace becomes the "art of the possible."

Critically, a consistently moral approach in a war can prevent even the most violent of mistakes (to include those labeled as atrocities by world opinion) from turning into major defeats. Although sound training and a high degree of professionalism can limit such mistakes (and perhaps even prevent atrocities on the scale of Abu Ghraib altogether), horror is inevitable in war. Nonetheless, tragic incidents can be credibly called *mistakes* when there is an overarching moral strategy that includes assiduously moral tactics. A sound moral posture across all levels of command, from the national to the tactical levels, can overcome the international uproar created by heinous, isolated acts of individuals and small units.

Considering the overriding importance of war's moral dimension, the most important indicators of a war's progress are moral ones. Physical measurements, such as the rate of enemy attacks and the amount of enemy propaganda produced, are not nearly as relevant to success. Furthermore, if moral indicators are to be truly meaningful, they must go beyond quantitative measurements like voter turn-out and answer qualitative questions: do locals trust their local government? Do locals trust coalition forces? Is there greater justice than before? Answers to these questions demand the deep study and familiarity with the operational environment that design promotes.

## THE END OF THE BEGINNING?

*The Army fights to win, but with one eye on the kind of peace that will follow the war.*<sup>40</sup>  
— FM 22-100, Leadership

During the Second Peloponnesian War, the great Theban commander Epaminondas met his death at the Battle of Mantinea in 362 BC in a stunning military victory that ended Spartan oligarchic domination. Epaminondas hoped to permanently squelch Lacedaemon's efforts to enslave their rebellious helots and to politically and economically dominate Greece. Thebes proved successful against Sparta. Nearly 2000 years later, Michel de Montaigne rated Epaminondas "the most excellent of all" the great commanders of antiquity.<sup>41</sup> Montaigne's admiration, according to Victor Davis Hanson, owed to the moral nature of Epaminondas' actions in a war to secure a politically just outcome.<sup>42</sup> Epaminondas sought not Alexandrian glory but a peace that Hanson calls "one of the landmark moral events in the Greeks' collective memory."<sup>43</sup> This admiration for Epaminondas underscores the general's "humanity, even toward his enemies," which, in tandem with his operational excellence, made him indispensable: "Victory like a shadow attended him wherever he went," and "he did not think it lawful, even to restore the liberty of his country, to kill a man without knowing a cause."<sup>44</sup>

Epaminondas' example evokes the universal moral dynamic that Mahmoud witnessed in the American field hospital near Ramadi. Today, as in antiquity, legitimacy represents the psychological hub of a lasting peace. For a modern democracy to create legitimate outcomes from war, conflict must follow what is perceived to be a moral trajectory. Recognizing this reality as pragmatic, not idealistic, our military strategists must embrace it.

Despite its shortcomings, the Army's counterinsurgency manual represents just such an embrace, rejecting an era in which leadership had dreamed that war's moral qualities could be trivialized. However, this salubrious doctrine must mark (to paraphrase Winston Churchill) only "the end of the beginning" of our military's inner struggle with a morally myopic vision of war.

Today, we must take stronger steps to ensure our leaders and soldiers possess the professional education, training, and role models they need to become moral exemplars on the battlefield.<sup>45</sup> We need to better define how to achieve and assess "legitimacy," to include fully incorporating a tradition that is internationally authoritative and centuries-wise, that of genuinely *just wars* (and not wars with a cooked narrative). We need to fortify our nation's grand military strategy with the universal values expressed in the U.S. Constitution. We must realize that the use of military "hard power" to pursue a political goal as a matter of national policy is no longer feasible unless that goal also possesses moral legitimacy, at home and amongst our coalition allies. Finally, we must understand that, if a lasting and desirable peace is to come from any war, the means and ends selected must possess moral symmetry—a symmetry that design methodology can help us achieve.

Too often, U.S. military professionals view moral considerations as an extraneous hindrance to war's conduct or they misapprehend the real moral object.<sup>46</sup> Yet this is exactly where military professionals must look to obtain any meaningful "victory" from a war.<sup>47</sup> Simply stated, if we pay closer attention than our enemies do to moral considerations, we can be confident in a strategy that has the best chance of winning a lasting, workable peace. The alternative, which is the routine and bloody sacrifice of this peace upon the altar of moral friction, is unacceptable.

---

### Endnotes

1. Andrew Bacevich, *Washington Rules: America's Path to Permanent Wars*, (New York: Henry Holt and Company, LLC, 2010), 25. Various other sources, including a U.S. State Department website, estimate that the U.S. government's military spending is currently between one-third and one-half of the world's total.
2. Carl von Clausewitz, *On War*, translated by J.J. Graham (Ware, UK: Wordsworth Editions Limited, 1997), 151.

3. An exact meaning of the word “moral” is intended throughout this essay. When the term is used, moral approbation or reprobation can be inferred. That is, the term “moral” in this essay always concerns the psychological approval or disapproval given an act based on the perception that this act is right or wrong.
4. Joseph Joubert, quoted by James Geary, *The World in a Phrase*, (New York: Bloomsbury Publishing, 2005), 101.
5. Department of the Army, FM 3-24, *Counterinsurgency* (Washington DC: Government Printing Office (GPO), 2006), 1-3.
6. Clausewitz, 8.
7. Ibid., 20, 7. The term *friction* is used throughout in the sense of Clausewitz’s “paradoxical” or “wonderful” trinity in which forces of passion, reason, and chance and creativity shape war from its abstraction into real experience.
8. Mao Zedong, quoted in Richard H. Solomon, *Mao’s Revolution and the Chinese Political Culture* (Berkeley: University of California Press, 1971), 220. That Mao the practitioner later violated his own practical philosophy after attaining his goals does not dilute his argument’s logic.
9. Mencius, quoted in “A Single Spark Can Start a Prairie Fire,” *Selected Works of Mao Tse-tung*, (Peking: Foreign Languages Press, 1967) at <<http://www.marx2mao.com/Mao/SS30.html>> (accessed 17 January 2011). Mao refers to Mencius, Book 4, Part 1, Chapter 9: “Accordingly, as the otter aids the deep waters, driving the fish into them, and the hawk aids the thickets, driving the little birds to them, so Chieh and Châu aided T’ang and Wû, driving the people to them. If among the present rulers of the kingdom, there were one who loved benevolence, all the other princes would aid him by driving the people to him. Although he wished not to become sovereign, he could not avoid becoming so.” “Benevolence” translates a Chinese expression meaning adherence to societal rituals of propriety and reciprocity, “regulations and institutions” (li).
10. Sun Tzu, *The Art of War*, translated by Samuel B. Griffith (New York: Oxford University Press Paperbacks, 1971), 88.
11. Lieutenant Colonel Christopher Hickey, quoted by Jonathan Finer, “Informants Decide Fate of Iraqi Detainees: U.S. Military Relies on Guidance of ‘Sources’ in Tal Afar,” *The Washington Post*, A01, 13 September 2005.
12. Mahmoud was an interpreter during Major Cutright’s deployment to Iraq, 2009-2010. Mahmoud’s story occurred in 2007.
13. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, Inc., 1977), 36.
14. Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Harvard College, 1957), 11.
15. Many people equate cultural relativism and moral relativism with little thought, and they thereby dismiss the possibility of moral solidarity. The Just War Tradition is and has been universal; it grew up in the human condition, and it was as valid many thousands of years ago as it is today. The early Christian thinkers who articulated it in writing as just war theory in the West (before and through the Dark Ages) were working off millennia of tradition, and the work of the classical Greeks

and Romans conveyed it to them in a mature form. Witness all the deliberations in the Roman Senate about pretext and prisoner exchanges in the wars with Carthage (found in the histories of Polybius and Livy) or the Athenians' moral angst in the war with Sparta (in Thucydides). China and India both employed the Just War Tradition long before the West finally wrote it down, and we can return to those societies to extract the "ought" from the commentary on the violations of the tradition in the "is" or the "was." Even the Islamic conquerors continually made reference to the "ought" by providing a pretext for war, one that stood outside the mere evangelist's perspective. Among the masses, the fact that ideological fanatics see otherworldly "justice" in causing human misery does not undermine the Just War Tradition; on the contrary, that bad faith among the ignorant and avaricious underscores moral tradition. What it does show is the universally unchanging character of human cupidity and the universal need to mask crimes with some kind of self-deceptive "virtue" (Allah's will or God's divine unfolding).

16. Walzer, 19.

17. Douglas A. Pryer, "Controlling the Beast Within: the Key to Success on 21st-Century Battlefields," *Military Review* (January-February 2011): 8. While ethics-related training has greatly improved in recent years for soldiers attending initial training courses, sustainment training in operational units is often ineffective, having changed little.

18. Arnold R. Isaacs, *Vietnam Shadows: The War, Its Ghosts, and Its Legacy* (Baltimore & London: John Hopkins University Press, 1997) 35-47. *Vietnam Shadows* is a poetic, philosophically rendered study of the Vietnam War's moral dimension, as this war's moral battles have raged in America from the 1960s until the present-day. Isaacs spent the last three years of the war in Vietnam as a correspondent.

19. Harry G. Summers, *On Strategy* (New York: Dell Publishing, 1984), 46, 50-52.

20. B.H. Liddell Hart, *Strategy: The Indirect Approach*, third revised edition and further enlarged (London: Faber and Faber, 1954), 5.

21. John T. Kuehn. "Talking Grand Strategy," *Military Review* (September-October 2010): 76.

22. James N. Mattis, "USJFCOM Commander's Guidance for Effects-based Operations," *Parameters* (Autumn 2008): 18-25..

23. Although not typically associated with EBO, the U.S. military's flirtation with so-called "enhanced" interrogation techniques involved the same behaviorist, deterministic, and effects-based mindset. Their failure as a means is thus a useful illustration of how and why this mindset fails. Starting with the good effect of saving lives, a few American leaders examined how they might glean life-saving intelligence from hardened, irreconcilable prisoners. To solve this problem, they started with their resources at hand (interrogators and prisoners) as well as their behavioral understanding of human nature: a prisoner, they were sure, could be forced to reveal secrets if only the right, scientifically measurable lever was found and pulled. The eventual upshot of this morally obtuse approach was, at best, the production of inferior intelligence. Worse, by confining their vision to one backward end-to-means-to-ways continuum, these leaders had failed to look forward beyond this continuum to the long-term moral effects of using universally abhorred tactics. Insufficiently considered was how "reconcilables" might radicalize if subjected to brutal questioning methods. Also inadequately considered was how revelations of these techniques might undermine the American people's will to fight as well as create legions of anti-America jihadist warriors.

24. Bryan Lawson. *How Designers Think; The Design Process Demystified* (Oxford: Architecture Press, Elsevier, 2006), 112. Lawson, a very influential author on design, has been regularly updating and republishing this well-regarded book since 1978.
25. Pieter E. Vermaas and Peter Kroes. *Philosophy and Design: From Engineering to Architecture* (Springer Press, 2007), 1.
26. John Chris Jones, *Design Method* (New York: John Wiley & Sons, Inc., 1992), 3.
27. “Morally flawed” here refers to the international and national condemnation that Israel’s military tactics attracted, to include its targeting of civil infrastructure (such as banks and schools) and its use of white phosphorous munitions and cluster bomblets. Israel’s lack of moral awareness represented a missed opportunity, since the Hezbollah also employed indiscriminating tactics (though on a lesser scale). Thus, Hezbollah forces could have received the brunt of international (if not Lebanese) reprobation. As it was, Israel underwent extensive political pressure to cease its military operations—pressure to which it quickly acceded.
28. Matt M. Matthews, *We Were Caught Unprepared: The 2006 Hezbollah-Israeli War* (Washington DC: Government Printing Office), 64.
29. Department of the Army, FM 5-0, *The Operations Process* (Washington DC: GPO, 2010), 7-9.
30. On a staff, a “red team” effectively serves as an advocate of the design process. The team forces the staff to consider the assumptions underlying an operational approach and ensures that planning sections are cross-talking (that is, that the staff effort is sufficiently collaborative). The team is also an integral part of reassessing the actual conduct of operations, pointing out to commanders when a change of conditions on the ground may merit a change of operational approach.
31. Martin Luther King, Jr., “Letter from a Birmingham Jail,” Stanford University website, December 18, 2000, <<http://www.stanford.edu/group/King/frequentdocs/birmingham.pdf>> (accessed 31 January 2011).
32. Publius Cornelius Tacitus, *Agricola* (“De Vita Agricola”), translated by Alfred John Church and William Jackson Brodribb, available at <<http://www.fordham.edu/halsall/ancient/tacitus-agricola.html>> (accessed 17 January 2011). The Latin phrase is *Atque ubi solitudinem faciunt pacem appellant*. Tacitus describes the Romans under Agricola at Mons Graupius in northern Scotland in AD 83-84. Tacitus puts these words into the mouth of the barbarian chieftain Calgacus, a Caledonian tribal leader, who exhorts his warriors to fight by saying the Romans are “brigands of the world” who slaughter and plunder.
33. Douglas MacGregor, “It’s Time for Us to Leave Afghanistan,” *Defense News*, 25 May 2009.
34. Robert D. Kaplan, *Warrior Politics: Why Leadership Demands a Pagan Ethos* (New York: Vintage Books, 2002), 42.
35. Kaplan wrote this prescient sentence in 2001 or 2002, before we had even started to think about counterinsurgency in Iraq.
36. Timothy Challans, “Tipping Sacred Cows: Moral Potential through Operational Art,”

*Military Review* (September-October 2009): 28.

37. Ibid, 19-28.

38. Ibid, 27.

39. Ardant du Picq, "Battle Studies," *Roots of Strategy*, Book 2 (Harrisburg, PA: Stackpole Books, 1987), 65.

40. U.S. Department of the Army, FM 22-100, *Leadership*, (Washington DC: GPO, 1999), 1-18.

41. Michel de Montaigne, Chapter XXXVI, "Of the Most Excellent Men," *The Works of Michel de Montaigne*, edited by W. Hazlitt (Philadelphia: J.W. Moore, 193 Chesnut Street, 1856), 375.

42. Victor Davis Hanson, "Epaminondas and the Theban Doctrine of Preemptive War," in *Makers of Ancient Strategy*, edited by Victor Davis Hanson (Princeton and Oxford: Princeton University Press, 2010), 93-94.

43. Ibid, 107.

44. Montaigne, 376.

45. Army Lieutenant General Robert L. Caslen has noted that "Army leaders at all levels have to be able to express the moral traditions of the profession of arms and of warfare and how, as a foundational bedrock, those traditions connect to the superstructure of the Army profession." See his introductory foreword to the *Military Review* Special Edition for the Center for the Army Profession and Ethic (September 2010).

46. A recent brigade combat team leader in Afghanistan, for example, expressed this opinion, seemingly in direct contravention of the operational philosophy of his superior commander. Unsurprisingly, a unit under his former command has given the nation yet another moral defeat by murdering Afghans for fun.

47. Unfortunately, much work still needs to be done to overcome a U.S. military culture, which, all too frequently, sees victory in physical rather than moral terms. This culture is supported by Army doctrine that, with the exception of the Army's leadership manual, touts "winning our nation's wars" in the absence of a moral context as the Army's *raison d'etre* (regardless of the short-lived or pyrrhic peace that follows hollow, purely kinetic "victories").



# **REAL Lessons Learned for Leaders after Years of War** *Conference paper for Applying the Military Ethic Across the Spectrum of Operations*

**by Joe Doty, Ph.D. (U.S. Army, Ret.) and  
Master Sgt. Jeff Fenlason**

## **ABSTRACT**

As a learning organization, the Army is continuously seeking to capture lessons learned and share those lessons with the field. The past 10+ years of war have provided numerous stories, both good and bad, to learn from. In this piece we look at the Army as a learning organization and recommend some specific psychological constructs and potential threats that could be used as curriculum in the Army's leader and ethical development programs and schools. Finally, we make the case from a pedagogical perspective to address leader and ethical development through self-awareness and self-management.

## **INTRODUCTION**

The past 10+ years of war have provided numerous opportunities and stories for the Army to capture lessons learned for the future Army in terms of leader development in the human dimension – both for officers and NCOs. *How many and specifically which of these lessons learned will be translated into actual content, curriculum, and pedagogy in our schools or leader development programs is unknown.* This purpose of the paper is to briefly discuss the Army as a learning organization, then recommend some specific human dimension content and “take-aways” for leader development schools and programs.

## **LEARNING ORGANIZATIONS**

The Army espouses itself as a learning organization and as such it is imperative it learns from its' history - both good and bad. Such common reflective practices as AARs, leader feedback, coaching and performance counseling all speak to a learning organization. Additionally, the Army currently has numerous knowledge networks under the AKO umbrella – for example - intelligence, fires, medical, maneuver, signal and religious, as well as the Center for Army Lesson's Learned (CALL) and the Battle Command Knowledge System (BCKS). These venues are top-down and bottom-up forums to disseminate and share information from the Army to the Army. At the grass roots level, companycommand.com and platoonleader.com are forums to share lesson learned and best practices at the junior officer level. All of these forums empower users to share insights and lessons learned; *but that information may or may not result in formal instructional, educational, or training material and thus become institutional knowledge.*

Peter Senge, one of the leading teachers and proponents of learning organizations, in his seminal work on the subject, *The Fifth Discipline*, defines a learning organization as an:

*“organization 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.....learning organizations are possible because not only is it our nature to learn but we love to learn....most of us at one time or another have been part of a great team, a group of people who functioned together in*

*an extraordinary way—who trusted one another, who complemented one another’s strengths and compensated for one another’s limitations, who had common goals that were larger than individual goals, and who produced extraordinary results. . .the team that became great didn’t start off great – it learned how to produce extraordinary results” (pgs 3-4).<sup>1</sup>*

Senge proposes that learning organizations must be grounded in “developing three core learning capabilities: fostering aspiration, developing reflective conversation, and understanding complexity.”<sup>2</sup> Nothing in Senge’s thoughts or words is contradictory to what the Army wants to achieve today or be like in 2025. In fact, his ideas may help the Army learn more effectively and get where it wants to be in 2025 and beyond in terms of real, intentional, and systematic leader development. For our Army, either what Senge discusses supports our leader development doctrine or our doctrine supports what he writes about. *The Army’s Leader Development Strategy (ALDS) for a 21st Century Army*” (25 Nov 2009) “requires balanced commitment to the three pillars of leader development: *training, education, and experience*. . . .our leader development strategy is part of a *campaign of learning*. It seeks to be as adaptive and innovate as the leaders it must develop.” This “campaign of learning” needs careful and thoughtful analysis of what learning really is and how to adequately achieve it. Three critical aspects of a learning environment include content/curriculum (of which this paper makes specific recommendations), pedagogy (the art and science of teaching), and the student’s willingness to learn.

David Kolb’s learning styles model describes different ways that individuals learn – all which also focus on some type of reflective thinking about what they have experienced, read, or heard.<sup>3</sup> Kolb’s model is a good starting point to understand that in every activity a Soldier undertakes, there is an experiential element that should be brought to awareness through intentional and focused reflection. In simpler terms, this translates into “*think back and act forward*.” In an operational environment, completing the mission is only one part of the requirement – thinking back as to what happened and using that information and knowledge to better influence the actions ahead is another important aspect, and this equates to learning for performance. Senge’s ideas in fostering aspiration, developing reflective conversations, and understanding complexity are also enabled by this very simple habit forming attitude – thinking back and acting forward. The Army has reams of stories and vignettes of which it can capitalize on this powerful learning technique. This effort needs to be intentional and habitual for real lasting learning to occur.

To further support the notion of thinking back and acting forward, and building on an understanding of experiential learning based on Kolb’s model, Donald Schon’s work on reflective practices discusses that organizations that focus on reflecting (and journaling) about their experiences will be learning organizations that will improve on performance.<sup>4</sup> The common denominator between Senge, Kolb, and Schon is some type of “systemic reflection” – at both the individual and team level – or put more simply a habitual team or individual AAR with a conscious effort to learn and/or not repeat mistakes of the past.

When appropriate and after careful vetting, a result of the systemic reflection and sharing of lessons learned should be formal instructional material and improved pedagogy as part of our Army schools and leader develop programs. Consider the realm of the possible, in terms of insights and lessons learned, if *every* Soldier involved in some of the more serious historical incidents in our Nation’s history had formally and systemically reflected on what they saw, did, and were thinking, and the Army captured and catalogued the information to improve its leader development programs.

## **LESSONS LEARNED FOR COMMANDERS AND LEADERS**

Both Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) have provided the Army, as a learning organization, countless stories to learn from. The heroic actions of SSG Salvatore Giunta, SSG Robert Miller, PFC Ross McGinniss, could certainly top the learning list, especially in terms of selfless service, loyalty and personal courage. There are also countless other Soldiers and leaders, named and unnamed, who have set the example, taken the initiative,

performed courageously, chosen the harder right rather than the easier wrong, whom our Army has (or should have) learned from – as a learning organization.

However, as human nature goes, our best learning and development usually is a result of the bad news, failures, or negative psychological and/or emotional events. Without question the vast majority of Soldiers in combat have done, and are doing, the right thing under the most extreme of circumstances - but we also know that bad things are going to happen, they always do. And the slightest misstep by US forces will be exploited by our adversaries for their strategic and tactical purposes with clever use of the media, the internet, and social networking. Plus, the reality is that no one wants to be “that” commander or platoon leader or platoon sergeant who was in charge at the time of a tragic incident and who will be questioned, second guessed and looked at differently for the rest of their lives.

A historical analysis of the unfortunate and tragic U.S. incidences that have occurred in OIF and OEF provides common themes, insights and lessons learned (tangible “take-aways”) that leaders should be aware of and look for, both in themselves and in their Soldiers.

Importantly, our purpose here is not to:

1. Dwell on or highlight the bad stuff.
2. Second guess decisions made.
3. Play Monday morning quarterback.
4. Get into the personalities involved in the events.
5. Rehash or re-tell the stories.

*Our purpose is to help the Army and more specifically leaders, learn – really learn.* We want to capture and articulate what can and arguably should be put in leader’s kit bags (in this case their hearts and brains) in terms of the human dimension of war to better equip them to look out for and/or prevent some historically recurring themes. We also want to raise awareness to common themes that have occurred in combat over the years – and will continue for years to come.

What follows are brief summaries of some high profile cases from OEF and OIF:

1. A small group of Soldiers in the 2nd Infantry Division allegedly formed and/or knew about a “Kill Team” in late 2009 to early 2010, some of whom allegedly killed 2-3 unarmed and non-threatening Afghans, then staged their deaths to make it look like as if they were combat related. They also allegedly committed other atrocities (took war trophies, took pictures with dead bodies) and used controlled substances.

2. November 2005 in Haditha, Iraq; allegedly 24 Iraqis (15 unarmed non-combatants) were killed as part of a retribution attack after a convoy from the 3rd Battalion, 1st Marines was hit by an improvised explosive device (IED) that killed LCP Miguel Terrazas and severely wounded another Marine. At least three officers were officially reprimanded for failing to properly report and investigate the killings. All criminal charges against six Marines were dropped while one Marine was found not guilty. Charges are still pending against a Marine NCO.

3. Three NCOs from 172nd Brigade Combat Team were found guilty of executing four Iraqi detainees on or around April 2007. These “Canal killings” (as featured on a CNN documentary) were allegedly a response to detainees being released after just a few days and returning to the fight.

4. Four Soldiers from the 101st Airborne (Air Assault) Division were found guilty of killing three detainees in May 2006 as part of Operation Iron Triangle near Samarra, Iraq. Allegedly, the Soldiers released the captured detainees then shot them to make it look like an escape attempt.

5. In January 2004, Soldiers from the 4th Infantry Division allegedly forced two Iraqis off a bridge over the Tigris River – one of whom died. An officer and a NCO were found guilty of crimes related to this incident (assault and obstruction of justice). During the investigation it was alleged that the battalion commander wanted to cover up the bridge incident.

6. In March 2006, near Mahmudiya, Iraq, four Soldiers from the 101st Airborne (Air Assault) Division killed four Iraqi non-combatants and raped one of them before killing her. All four

Soldiers were found guilty of rape and murder.

7. Abu Ghraib prison, Iraq. Eleven Soldiers found guilty of detainee abuse and other crimes in connection with this well-publicized case.

8. In the Spring and Summer of 2002, Bagram Air Base Afghanistan, Soldiers were allegedly involved in detainee abuse cases which were featured on a CNN documentary “Taxi to the Dark Side.” At least fifteen personnel were charged with crimes and five were convicted.

These eight incidents, along with others from all conflicts (most notably My Lai, Vietnam, 1968) highlight what *can* happen in war. Most likely some of these incidences were preventable while some may have been the inevitable result of a perfect storm or from the school of “stuff happens.” Clearly they are not a reflection of our Army, our professional ethic, or the seven Army Values. Also, as is commonly believed, they may not be examples of leadership failures. They do indicate a need for increased leader awareness and education of indicators of ethical abdication. Additionally, we must face the reality that the military is a reflection of society and in at least one of the incidences, the rape and murder at Mahmudiya Iraq, was likely at least in part a result of a minute criminal element within the ranks.

Most important from a learning perspective is that all eight of these incidences are a result of some, if not all, of the following nine psychological and emotional constructs that can (both don’t have to) be a consequence of a stressful, complex, uncertain and highly volatile combat environment:

1. **Authorization** - the perception that particular behavior is sanctioned, approved or directed by the chain of command - “I was just following orders,” or “This is what my leaders want/expect me to do.”

2. **Transfer of responsibility** - the perception that some other person bears the responsibility for an unethical act - “Someone else is responsible.”

3. **Routinization** - occurs when Soldiers are gradually acculturated to unethical actions or abuses; unethical behavior simply becomes routine; “it’s just what we do.” An athlete who has taken performance enhancing drugs for years or teenagers paying for one movie and watching 2-3 in a cineplex are civilian examples. The routine and daily carrying out of the “final solution” by Nazi Germany during World War II is a classic example of routinization.

4. **Dehumanization/disqualification** - occurs when Soldiers lose respect for or think that others are “below them.” Soldiers may feel like they are protecting or helping people they don’t like and are not like them. During the Vietnam War, use of the word “gooks” was an example that some Soldiers had dehumanized the local people.

5. **Moral disengagement** - occurs when Soldiers are so physically, mentally, psychologically and emotionally stressed and exhausted that they cognitively disengage from moral/ethical reasoning or simply do not think about it. This usually takes the form of some kind of self-deception (lying to themselves), rationalization (the ends justifies the means), or even “mindlessness” or “mind-numbing.” It often results in routinization of unethical behaviors. In some cases a Soldier may simply not think in terms of right and wrong or even more simply may not be thinking at all – they are just acting without thinking.

6. **Bracketed morality** - refers to a Soldier assigning a different set of values/beliefs in one context (while deployed) as opposed to another (back in “the world”). Or, “what goes on in theater stays in theater.”<sup>5</sup>

7. **Miss-placed loyalty** - refers to a Soldier placing their loyalty to other Soldiers (battle buddies) or the group/unit higher than to the organization’s values – the Seven Army Values. A Soldier committing an unethical act “to take care of or cover for a squad mate” is an example.

8. **Peer pressure** – when the influences of the group/unit over-ride a Soldier’s ability to act/think individually (a lack of moral courage).

9. **Group think** – similar to peer pressure when the weight of the group/unit ideas over-ride the Soldier’s ability to act/think alone (a lack of moral courage).

Some of these constructs can act alone on a Soldier's thinking and emotional well-being, although they normally work in combination. When a few of these constructs in combination influence a Soldier bad things may happen. Arguably all nine of these influenced the Soldier and leader actions both at My Lai and at Abu Ghraib. Some or all of the nine played a significant role in the other incidences. Although there are volumes of academic research<sup>6</sup> on these constructs, they really are not complicated to understand or identify for Army leaders as many of them are intuitive and can be learned through experience and tacit knowledge. Commanders and leaders, both officers and NCOs, in our Army are intelligent, educated, savvy and well-meaning professionals. So just having a cognitive *awareness* of "what can happen" may be all it takes to help mitigate these threats. More importantly from an intentional and planned leader development perspective is that these psychological and emotional threats should be taught, known, and understood by commanders and leaders. They can be discussed at command and staff meetings, AARs, and integrated into pre-deployment training. Even more dogmatically, as a TTP, they could be check list items for leaders to carry with them.

These nine constructs are *human* issues and the Army is in the business of leading human beings - individual, emotive, thoughtful, distinct, people. No two are exactly the same. You cannot build an assembly line to produce the exact same model over and over. The 'scientific method' will not work when trying to influence people to accomplish the mission and improve the organization. Soldiers - and their development into leaders - is the work of the thoughtful craftsman, not the stacking of thousands of parts that all come together to complete the aim of the organization. In leading Soldiers, there must be an understanding that due to individual free will, there will always be friction, uncertainty, psychological interaction and chance. *The complex nature of humans must be understood by combat leaders.*

The following quotes, taken from investigations and discussions of these and other incidences, are examples of what leaders can listen for and look for as signs that a Soldier (or Soldiers) may be suffering from some of these threats:

*"He displayed pure hatred for \_\_\_\_\_ and often referred to them as savages."*

*"Are we going to protect the population or kill insurgents?"*

*"When the world you thought to be made of concrete turns out to be only so much smoke and mirrors, the results can be devastating."*

*"I don't care if I die."*

*"We are undermanned and no one gives a damn."*

*"Certain \_\_\_\_\_ were not to come back alive."*

*"The Army has great leaders and morally bankrupt leaders."*

*"I challenge you to imagine the frustration felt after being engaged in firefights for several hours with the enemy and capture them only to have them released 2-3 days later because you're being told the holding area needs more information on them."*

*"Don't tell them about \_\_\_\_\_."*

*"The climate in the unit was toxic."*

*"We've repeatedly found ourselves fighting the same enemy again and again."*

*“Kill all military aged males on the objective.”*

*“We need more kills.”*

Again, these quotes must be taken in context. As stand-alone quotes they may not have a negative or threatening meaning while in context they may not mean a problem exists at all. CONTEXT MATTERS. But if heard, the leader’s radar screen should blip with a cautionary note and the leader should start asking probing questions. Additionally, leaders should look out for Soldiers who behave erratically or anti-socially; for example if a Soldier likes to torture or kill animals (i.e. dogs and cats), that would be an obvious warning sign.

Interestingly and coincidentally, after the My Lai incident, LTG William Peers’ investigation found nine factors<sup>7</sup> which were the proximate cause of that tragic event:

1. Lack of proper training.
2. Attitude toward the local people (lack of cultural sensitivity).
3. Permissive attitude.
4. Psychological factors.
5. Organizational factors.
6. Nature of the enemy.
7. Plans, orders and commander’s intent.
8. Attitude of the government officials.
9. Leadership.

While we are not comparing *what happened* at My Lai with incidences from OIF and OEF; we are highlighting that the same psychological constructs which were the proximate cause of My Lai are still and will always be a threat to our Soldiers and leaders. From a learning perspective, the nine constructs previously discussed are a subset of most of the nine factors Peers found at My Lai– specifically with attitude toward the locals, permissive attitude, psychological factors, nature of the enemy, plans and orders, and leadership. This historical perspective dating back to 1968 highlights the need to learn, *really learn*, from the past. Of course atrocities by U.S. Soldiers have occurred throughout the history of warfare to include during World War II with the killing of German prisoners at Dachau, Germany,<sup>8</sup> and German and Italian prisoners at Biscari, Italy<sup>9</sup>. These historical examples, if analyzed using both the nine constructs we introduced and the nine from Peers’ report can be powerful lessons learned about how the dark side of warfare can influence Soldiers and leaders thoughts, emotions, and behaviors. Again, learning about the human dimension.

## **OTHER RECOMMENATIONS**

Other curriculum recommendations we propose involve contextual and environmental challenges (as opposed to psychological constructs) that Soldiers and leaders might experience while deployed. Teaching and discussing these and others challenges will better prepare future combat leaders for some of the challenges they could face. This list is certainly not complete:

1. Winning tactically but losing operationally or strategically.
2. Reporting of events - truthful or otherwise.
3. Corruption and bribes.
4. Contractors in your battle-space.
5. Lack of resources.
6. Unrealistic expectations in your area of operations.
7. Commanders out of touch with reality at lower levels.

## 8. Soldiers stretched too thin.

Some of these may be well outside the average private to staff sergeant's thought process and/or ability to really influence. Whether they should be or not is a different question. Squad leaders and even a platoon sergeant and platoon leader may have very little influence over a lot of these things beyond their very small sphere of influence – but leaders at all levels should be aware of them. Other challenges:

1. Need for escalation of force (EOF).
2. “Weapons drops.”
3. War-trophies.
4. Revenge motive.
5. Need to control yours and your Soldier's emotions.
6. “If no one talks, no one will find out.”

These are the kinds of things that a squad leader, platoon sergeant or platoon leader can directly control. They are individual leader challenges but also commander issues and influenced by command climate. The leader has to determine when they feel threatened and need to resort to an EOF. The leader chooses (or allows subordinates) to have a weapon to drop because they might make a bad call. Leaders create a reality that justifies their actions when deployed. Leaders allow Soldiers to give in to lesser instincts and succumb to blood lust. Leaders allow killing for revenge. Clearly the institution of the Army does not condone these things, nor does it equivocate that they might be okay. These are first and foremost individual choices and must be seen that way. But strong, educated and knowledgeable leaders and leadership can influence individual choices.

And more challenges leaders can learn from:

1. What is a non-combatant?
2. Risks to and treatment of non-combatants.
3. Risks to legally protected sites.
4. “Any behavior is acceptable if it saves my Soldiers lives.”
5. Need for specificity in commanders intent.
6. Questionable command climate.
7. When/how to intervene to stop wrong-doing of others?

All of these things should be addressed by the institution or more specifically the command – these are leader issues. Contextually they all begin with command climate and being able to control one's own and their Soldier's emotions. First the leader must master them self (self-awareness and self-management), then put things into a political/emotional context, then set the tone that will address the other items (non-combatants, risk, historically protected sites, etc).

From a pedagogical perspective in a school environment or OPD/NCOPD, leaders could analyze and discuss real vignettes while integrating the nine constructs recommended within a case study methodology. This technique would require researching as many of the facts of each case then discussing the human dimension aspects in context. The challenge with this case study technique would be ensuring that the real personalities involved in the stories are removed from the learning environment *unless the actual knowledge of the personalities involved enhances the learning experience*. The goal of the sessions should be real learning – not “protection of reputations.” Students could reflect on and discuss insights and lessons learned from their knowledge, experiences, and understanding of the cases. Of course integrating similar vignettes into pre-deployment scenarios and training would also be an effective technique of learning from the past and enhancing leader development for the future.

## REAL LEARNING VIA SELF-AWARENESS AND SELF-MANAGEMENT

Learning, growing and developing are life-long choices that individuals and organizations make – they don't just happen. Being a life-long learner is a conscious choice that requires a high level of self-awareness<sup>10</sup> and self-management.<sup>11</sup> Leaders need to be *self-aware* enough to know what they know, know what they do not know, and know when, where, and what they need to learn. For example, the life-long learner must be self-aware enough to know they lack in some area and then take the steps to learn or improve in that area – self-management. The leader who thinks they know it all or have nothing else to learn is setting their self, their unit and the mission up for failure – or worse. We have introduced some specific topics we feel leaders need to know in a combat environment.

For the professionally grounded leader to understand, learn and adapt, they must also intentionally and habitually practice self-management; which should flow directly from being self-aware (of note, one can be self-aware without self-managing). The leader, being consciously aware of what and how they are thinking (meta-cognition) and feeling, must then regulate those thoughts and feelings to best fit the context they are experiencing. The self-managing leader must effectively focus and control their thinking and emotions to better control themselves and lead their Soldiers. Being more knowledgeable and aware of the human dimension and the concepts and constructs we have introduced can only make for better leaders.

Army leaders primarily lead human beings not organizations, and the development and understanding of the human being (the human dimension) should be a fundamental purpose of all leader development programs – as is being tactically and technically proficient. Equally importantly, and part of understanding the human dimension, leaders should be in programs to *study themselves* (develop and practice self-awareness) - who they are, what formed them, how they think, why they think that way, and the potential consequences of their thought processes and mental models.<sup>12</sup>

*We recommend making self-awareness a focus of leader development.* Our contention is that by concentrating a large part of our efforts inward, we will develop leaders of known moral character, with the ability to critically view their environment (to include their Soldiers), look out for common threats in the human dimension, and make decisions consistent with the values of the nation and the Army and that advance the commander's intent and mission accomplishment. Real leader development begins with the self.<sup>13</sup>

The more knowledge of human behavior and the human dimension the leader has, the more they will understand it and potentially influence it. A firm knowledge of the psychological and emotional constructs and recurring themes we have recommended can be a start point. For example, a leader's thoughts and emotions may drive them to seek some kind of irrational revenge after the tragic loss of some of their Soldiers to an immoral adversary. How (and if) the leader regulates this revenge motive (both cognitively and emotionally) will affect their decision cycle, their ethical reasoning, and ultimately their behavior.

Notably, the Army's on-going Comprehensive Soldier Fitness (CSF) project with the University of Pennsylvania<sup>14</sup> to enhance resilience in Soldiers and their families is a wonderful and effective means to teach self-awareness and self-management. A significant portion of the project stems from UPENN's positive psychology department and attempts to teach emotion regulation, impulse control and causal analysis. These three skills are classic examples of self-awareness and self-regulation. For example, the "ABC" (activation event, belief, consequences), "avoid thinking traps" (errors in thinking), and "detect icebergs" (deep seeded mental models) skills literally teach the student how to practice self-awareness and self-regulation.<sup>15</sup> Leaders who are knowledgeable of the threats and constructs we have discussed and can habitually practice the CSF skills will more effectively be able to understand themselves, control their thoughts and behaviors, lead their Soldiers, mitigate threats, ensure ethical behaviors, and accomplish the mission.

## SUMMARY

In combat, leaders must be aware of the many negative psychological and emotional effects that the stresses and violence of combat may have on their Soldiers (i.e. the nine constructs we have discussed). Curriculum taught through sound pedagogy and well thought and planned training throughout our Army *can* educate, train, and develop the ability in our leaders to:

1. Recognize threatening signs in their Soldiers,
2. Recognize threatening signs in themselves,
3. Ethically reason,
4. Recognize an ethical situation that may not be self-evident.

(The Center for the Army Profession and Ethic is addressing these last two areas).

Self-aware leaders should habitually ask themselves and their trusted subordinates if there are any unhealthy signs or indicators from the unit. The self-aware commander should also habitually ask their subordinates what are some ethical challenges that the unit is facing or may face in the future.

If this ability or knowledge requires a check-list – so be it. The material for the check list and the curriculum is available based on years of lessons learned from our Army – a learning organization. Based on the strategic environment in terms of operations in Afghanistan and Iraq, the time seems right to focus on and improve our leader develop schools and programs. We have proposed some specific content to assist in that effort.

---

## Biographies

Joe Doty, PhD, is a retired Army officer currently working as a leadership and ethics consultant. He is a graduate of the U.S. Military Academy, has commanded at the battalion level, and previously served as the Deputy Director of the Center for the Army Profession and Ethic. Some of his published works include:

Doty, J., and Sowden, W. (2009, Nov). Character vs competence? It must be both!! *Military Review*.

Doty, J., and Gerdes, D. (2000, Oct). Humility as a leadership trait. *Military Review*.

Doty, J., and Tenace, S. (2009, Jan). What goes on in theater, stays in theater? *Army Magazine*.

Barnes, C., and Doty, J. (2010, Sept). What does contemporary science say about ethical leadership? *Military Review*

MSG Jeff Fenlason is a 22 year Infantry NCO who serves in the 101st Airborne Division (Air Assault). He has held leadership and staff positions at the battalion, brigade and division level and writes extensively about leader development and ethical training issues on his personal leadership blog and Leader Net.

---

## Endnotes

1. Peter Senge (1990). *The Fifth Discipline – The Art and Practice of the Learning Organization*. New York: Doubleday.
2. Senge, (1990).

3. David Kolb. (1984). *Experiential Learning – Experience as the Source of Learning and Development*. Upper Saddle, NJ: Prentice Hall, Inc.
4. Donald Schon,. (1983). *The Reflective Practitioner – How Professionals Think in Action* Basic Books, Inc.
5. Joseph Doty & Shawn Tenace. (2009, Jan). What goes on in theater stays in theater?'' *Army Magazine*,
6. For example:
  - Aquino, K., & Reed, A. (2002). The self-importance of moral identity. *Journal of Personality and Social Psychology*, 83(6), 1423 -1430.
  - Bandura, A. (1999). Moral disengagement in the perpetration of inhumanities. *Personality and Social Psychology Review*, (3)3, 193-209.
  - Bandura, A. (1997). *Self-efficacy: the exercise of control*. New York, NY: Freeman
  - Bargh, J. (1984). Automatic and conscious process of social information. In R.S. Wyer & T.K. Stull (Eds.), *Handbook of social cognition*, Vol 3, (pp 1-44). Hillsdale, NJ: Erlbaum
  - Batson, C., Thompson, E., & Chen, H. (2002). Moral hypocrisy: Addressing some alternatives. *Journal of Personality and Social Psychology*, 88, 330-339.
  - Butterfield, K., Trevino, L., & Weaver, G. (2000). Moral awareness in business organizations: Influences of issue-related and social context factors, *Human Relations*, 53(7), 981-1018.
  - Jordan, J. (2009). A social cognition framework for examining for examining moral awareness in managers and academics. *Journal of Business Ethics*, 84(2), 237-258.
  - Jordan, J. (2005). *Business experiences and moral awareness: When less may be more*. Unpublished doctoral dissertation. Yale University.
  - Langer, E., Blank, A., & Chanowitz, B. (1978). The mindlessness of ostensibly thoughtful action: The role of "placebic" information in interpersonal interaction. *Journal of Personality and Social Psychology*, 36, 635-642
  - Naso, R. (2007). Beneath the mask: Hypocrisy and the pathology of shame. *Psychoanalytic Psychology*, 24(1), 113-125.
  - Milgram, S. (1965). Some conditions of obedience and disobedience to authority. *Human Relations*, 18, 57-76.
  - Whyte, G. (1989). Groupthink reconsidered. *Academy of Management Review*, 14, 40-56.
  - Zhu, W. (2008). The effect of leadership on follower moral identity: the mediating role of psychological empowerment. *Leadership Review*, 8, 62-73.
7. LTG William Peers. (1979). *The My Lai Inquiry*. New York and London: W.W. Norton and Company.
8. Howard Buchner. (1986). *Dachau: The Hour of the Avenger – An Eyewitness Account*. Metairie, Thunderbird Press, Inc.
9. James Weingartner. (1989). Massacre at Biscari: Patton and an American war crime. *The Historian*. 52(1), 24-39.
10. We define self-awareness as habitually and intentionally monitoring one's thoughts (metacognition or thinking about how one is thinking), feelings, emotions, and behaviors.
11. We define self-management as habitually and intentionally controlling one's thoughts, feelings, emotions, and behaviors.

12. Senge, (1990).
13. Bruce Avolio. (2005). *Leadership development in balance: Made/Born*. Mahwah, NJ: Erlbaum.
14. George Casey. (2011). Comprehensive soldier fitness: a vision for psychological resilience in the United States Army, In M. Seligman and M. Matthews (Eds.). *American Psychologist (Special Issue on Comprehensive Soldier Fitness)*, 66(1), 1-3.
15. Reivich, K., & Shatte, A. (2002). *The resilience factor: Seven essential skills for overcoming life's inevitable obstacles*. New York, NY: Broadway Books.



# **Silent Voices: The New York Times and the Washington Post coverage of the Rwandan Genocide and the American Response**

**by C. Victor Herbin III**

## **INTRODUCTION**

Despite the US media's continuing coverage of 20th century genocides and attempts of shaping the public agenda, the international community in particular the American government, remained consistently non-committal, hesitant, and apprehensive in its approach for preventing or intervening during a genocidal conflict (Power, 2002). Beginning with Turkey in 1915 until Rwanda in 1994, hundreds of millions of people fell victim to the crime of genocide. Although the US media have been said to possess the power and influence for setting public agenda and policy agenda, somehow this power is severely limited when promoting awareness for the phenomenon of genocide and persuading American officials for suitable responses. In the context of this study, 800,000 Rwandan citizens were murdered within 100 days because their tribal affiliation was Tutsi or were moderate Hutu's desiring a peaceful nation. The extreme level hatred exhibited from the Hutu's were so strong that even the United Nations Peacekeeping forces present in the region were unsuccessful at repelling the perpetrators. In fact, they even found themselves the victims of the massacre. Because of the speed, viciousness and chaotic nature of this genocide and lack of American response, how the US media covered this event maintains a subject of debate and criticism. Some argue the coverage was limited or nonexistent, while others argue the media coverage was improperly framed in favor of a humanitarian theme. Nonetheless, it is worth examining how *The New York Times* and *The Washington Post*, two of the most powerful and influential newspaper in America, covered the events that transpired during those 100 days. Genocide is a human activity where their power of persuasion is more critical at ensuring these acts are never repeated.

Unfortunately the threat of genocide still exists. Therefore a mandate is placed upon government leaders, media institutions, academicians, and the international community for developing suitable lessons learned from the Rwandan genocide for implementing adequate steps of prevention for future occurrences that remotely resemble genocide. Actively researching this topic and facilitating academic debate, dialogue and interest will not only maintain its importance but will identify solutions and techniques that combat the problem.

Throughout this study, the reader will be introduced to a few terms that may require explanation. A critical component of this study is the examination of genocidal coverage in the US media. However, an assumption is made that everyone has a common foundation of what genocide is, let alone how to identify media coverage of genocidal acts. For this reason The 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide, 1997) defined genocide as, "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious people." Genocidal coverage is the media coverage of these acts.

American's receive their news from a variety of sources ranging from internet blogs, social media sites, media-content sites, magazines, radio, and television. This study will focus on two US elite newspapers, the daily *New York Times* and *Washington Post*, because of their level of dominance and agenda setting capability they possessed in society prior to the Internet age. Unlike today, newspapers were the major information source that provided the president and elected officials with international events that shaped the public and affected policy decisions. For the purpose of this study, the newspaper coverage under examination will be from the April 6, 1994, the beginning

of the Rwandan genocide, to July 18, 1994, the conclusion of the genocide.

American responses to the genocide will also be examined in order to determine how the media covered the opinions, perspectives, intentions, and expectations of American policymakers and public as it related to the Rwandan genocide. Understanding how the media conveyed the American level of interest and attention that the genocide required for immediate cessation is worth exploring. There are four major forms of American responses. First, American response can be depicted as Presidential statements in the form of recorded transcripts, White House correspondences, or press interviews denouncing the genocidal acts. The second form of American response is State Department diplomatic visits to the region, implementation of humanitarian missions, press interviews, foreign military assistance training. The third form of response is American military intervention through the use of soft or hard. Soft power is most often expressed in the show of military force such as a fleet of naval aircraft carriers off the coast of Africa, Army military training Special Forces exercises in the region, Marine Corps highly publicized partnership programs, or Air Force training flights and bombing targets displaying full arsenal and capability of American military. The intent of this method of power is to deter or cease the aggressive action from the perpetrators. Hard power is the direct intervention of force from the US military. America can respond through aerial and naval strategic bombing in Rwanda, American Marines and Soldiers on engaged in direct combat, or a combination of any of the hard target options, the intent is the stop the genocide through force. The fourth type of response is the American public which is expressed in the form of protests, letters to the editors, articles, or opinion polls.

The purpose of this qualitative study is to examine how the Rwandan genocide was covered in US elite newspapers in relation to the American response. In particular, this study will explore how *The New York Times* and *The Washington Post* framed the actual 100 day genocide which transpired between April 6, 1994 and July 18, 1994, and compare the coverage with the US political agenda. Framing describes the selective use of terms, content, and images that influence or persuade the public and shape the public agenda. The frames will be discovered through a textual analysis of 163 selected articles from *The New York Times* and *The Washington Post*.

This proposal is separated into four distinct sections. The first section is the introduction which presents the research question, purpose statement and important definitions. The second section is the literature review which includes an extensive amount of literature on the theoretical framework linked with the study, previous studies, and a background of the phenomenon. The third section introduces the research methods used for conducting this study, why this particular method is chosen, and the necessary steps taken in the methods. The fourth section is the conclusion that answers why this topic is worth researching, its contribution to the body of literature, limitations, and areas for further research. The bibliography of all cited and reviewed literature is included at the end of this proposal.

## LITERATURE REVIEW

An applicable theory for understanding *The New York Times* and *The Washington Post* media coverage of the Rwandan genocide and the American response is the framing theory. This literature review will present previous studies relevant for this question and how they relate with the framing theory. This section is divided into five significant categories. During the first category, framing as the theoretical framework is defined. In particular, this paper will examine how media framing is instrumental at setting the public agenda. Because of this critical role, exploring what content is selected and how it impacts the public's perspective on importance. The second category will examine the power of the news. Specifically this section highlights how framing accompanies the agenda setting theory in shaping the public agenda. The third category examines the agenda shaping and framing of Rwanda. This section will also review literature addressing American responses and intervention toward conflicts and crises. The fourth section addresses the limitations of this theory as it relates to this question. The fifth and final section provides a background of the phenomenon.

## Theoretical Framework

Framing is the process where the messenger (news media, political leaders and military officials) frequently uses certain segments of images, data, or information from a perceived reality with the intent of influencing audience reaction in a certain manner (Entman, 1993).

Critical component of framing is the choice of words, syntax, tone, and selected content media uses when creating a story. An event viewed from two different perspectives and selected word choice can influence audience perception of the same event in a variety of ways. Entman (Entman, 1991) explored how the US media covered two similarly related military tragic events that killed several civilians differently. The first event took place in 1983 when the Soviet Air Force shot down the Korean civilian aircraft. The second event took place in 1988 when a US naval ship shot down an Iranian civilian airline. Researchers found that the coverage was different and the illustrated a level of western bias existed as well as the embedded tensions between the international community. Framing media content in this manner demonstrates the level of media persuasion and affect on audience reception of the story.

Framing is a versatile method that can employ images as a scene setter for developing critical actors in a particular event. Smith et al. (Smith & Dionisopoulos, 2008) found that the Bush Administration used frames that depicted an antagonist and protagonist in Operation Iraqi Freedom for creating public support and justification for the war. However, research indicated that even though the frames were effective, the photographic images that surfaced from the Abu Ghraib prison controversy degraded the success of the original frames. As a result the Bush Administration implemented additional frames that sought the repair of the Bush Administration. This article demonstrates that using images as frames can serve as critical aids in story creation.

Additionally, framing places significant emphasis on the selection of scenes for developing and presenting a story. Gitlin (Gitlin, 1980) determined that the intentional composition of frames and their presentation effectively provides a socially constructed reality of what events are transpiring and its particular importance for the audience. It is for this reason that not all the media coverage of an event is necessarily conveyed for an audience. External factors ranging from newsroom pressures, time constraints, and the perceived level of importance are significant roles in determining what media content is presented. The level of salience that transpires impacts the audience perception of these events.

Because of this power of influence, framing is pivotal at setting the public agenda. Due to this fact, understanding how *The New York Times* and *The Washington Post* framed the Rwanda genocide for the American public is important for analysis. Genocide is a word that, when used, can evoke certain emotions and memories of a dark past. Equally important are the words, stories, or graphic depictions of genocide to include number of corpses or mutilated bodies, interviews of demoralized victims, discussion of maimed victims and barbaric weapons, or eyewitness accounts of orphaned children. Under the theoretical assumption of media framing, effective use of these themes with the intent of portraying the genocidal reality in Rwanda can influence or persuade the American audience for immediate response.

Often times framing a news story is accomplished with deliberate intention for drawing upon an emotional appeal from the audience. It is expected that as a result of viewing or reading a news frame that the audience will change their attitudes, thoughts, beliefs, or behaviors toward a particular event. Shen (Shen, 2004) conducted an experiment on news frames and how the interpretations affected participant's attitudes. Previous research discounted the presence of individual frames (values, ethics, belief systems, and emotions) assuming that the influence of news frames alone affected attitudinal change. However, Shen's findings suggest that news frames that emphasize issues that relate to individual frames will generate the most interest.

Understanding that in certain instances there is a limited power of framing that exists which can potentially degrade the level of salience transfer for audience members. The absence of American interest, attention, personal experiences, or emotional attachment to the phenomenon of genocide limits the presence of individual frames necessary for effective salience transfer from news frames. Therefore without an individual frame that triggers some level of personal involvement, frequently

exposing genocidal coverage to Americans will not provide the necessary response required.

Audiences who maintain a significant level of social, political, economic awareness decrease the effectiveness of news frames and increase the power of audience response. An educated audience that dismisses news frames places additional pressures on media institutions and political leaders for more relevant and insightful information. Without question reports, images, and personal accounts of genocide victims will evoke emotions from the audience. From this perspective, it is possible that America's experience in Somalia and the ongoing conflict in Bosnia might impede or distort the audience's collective individual frames which prevented acceptance of news frames in Rwanda.

### **Power of News**

How a news story is framed directly impacts the agenda and the eventual public opinion. Often times framing accompanies the agenda setting theory for affecting salience transfer and influencing the audience's perspective. Understanding agenda setting is critical because it illustrates that the media or person of interest is successful at telling the public what to think about (Cohen, 1963). Furthermore, this shows that with carefully framed and selected content, not only can the news media purposely tailor the public agenda, but their daily news coverage will subconsciously shape the public importance of an issue or individual (McCombs & Shaw, 1972). Equally important is when content is transmitted over time to not only effectively influence the public what to think but also how to think about an issue (McCombs, 2005). This effect is significant because it illustrates the manner in which the media frames perspectives or opinions on political, military, or economic issues, will not only influence the public agenda, but also the public opinion.

Consistent throughout the study of this theory is the transfer of salience from media to public. The term salience describes the process when a media issue is passed and becomes relevant in the minds of the public (McCombs, 2005). Deciding on what exactly is the salience material is predicated upon how the content is framed. In essence, the more the public remains engaged with a particular media content, the greater the likelihood of public acceptance and importance to the information. As it relates to the coverage of Rwanda, were American stakeholders actively engaged with the content of genocide? Because this theory involves the transfer of salience to the public, examining how *The New York Times* and *The Washington Post* framed the genocide and if it encouraged dialogue, debate, or became a matter of importance to the American people. If the American people are thinking about the genocide then it will translate into conversation about the genocide which supports the process of salience.

Seib (Seib, 2006) addresses the issue of global salience as a result of the speed and global reach of the current media capabilities. He argues that the evolution and global expansion of media now possesses the capability to reach diverse audiences instantaneous which creates another dimension of agenda-setting. It is for this reason that policy makers and news organizations must proceed with caution regarding their style, tone, and modes of communication because misinterpreted messages will have significant impact. Seib further asserts that irresponsible news content can improperly set the public agenda which places additional requirements upon news organizations for improving their reporting standards because of the new global reach. Effectively framing genocide has remained a global responsibility for 80 years and although this added dimension of agenda setting improves the speed and opportunities for global awareness, the lack of American response when the agenda is adequately set remains the issue. Therefore, the power and influence of media in the selectivity of content and framing of genocide stories remains critical as it directly impacts the public agenda.

Salience is the engine that drives the agenda setting train. An effective salience transfer is evident through policy changes, media output, and public opinion polls. Typically, researchers believed that salience transfer occurred in a few ways either between policy makers to the media and public or from the media to the policy makers and public. In essence, the public was the passive recipient of the transfer of salience. Framing develops and selects the content which sets the conditions for salience transfer for shaping the agenda.

Additional studies explored if salience transfer can occur from the public to the media and policy makers. Uscinski (Uscinski, 2009) conducted a study examining agenda setting theory from the public perspective. Because of limited framework exists that demonstrates what particular events cause the public to set the agenda for the media, this study examined 35,000 stories from various news outlets to identify the influencing actor. The findings suggest three components build a supportable framework. The first is that the media influences the public agenda for defense related events. The second, is that the public sets the media agenda for energy and environment. The final findings suggest there is little public interest in transportation and education related events. American response towards genocide illustrated through intervention or direct military contact is an example of defense. Based upon the findings of this article, defense is an event requiring salience transfer from media to public; therefore if support for genocidal intervention is required, then the media must increase the framing of genocidal events as well as articulate the relevance for galvanizing the public support, interest, and eventual pressure on policy makers. Selecting and reinforcing scenes that reemphasize defense requirements presents the frames necessary for shaping the agenda.

Additionally, researchers found that salience transfer does not necessarily occur in a top-bottom manner (media or policy maker to public) or from bottom-top (public to method or policy maker) but also in a lateral manner between media institutions called inter-media agenda setting. Golan (Golan, 2006) conducted a content analysis that determined if inter-media agenda setting existed between *The New York Times* coverage and ABC, CBS, and NBC to explore what makes an international event newsworthy. His findings suggest that there was a positive correlation of salience transfer between *The New York Times* coverage of international events to network news agendas. However, equally important were the findings that media outlets identified certain nations as not being newsworthy; dismissing the fact the nations were engaged in significant crises within their borders. Understanding this new concept of agenda setting increases awareness that a level of interdependence exists between news outlets. Additional responsibilities are placed upon news organizations reference their framing of news events. Selectivity is vital when monitoring international news coverage, improperly assessing events that are deemed non-newsworthy through dismissal or oversight can have damaging effects. Because of the concept of inter-media agenda setting, framing a news event as non-newsworthy can create unintended consequences throughout the media industry.

There is a significant level of dependency between agenda setting and framing in shaping the public agenda. Agenda setting relies upon the selection of the news content for portraying what is important and why an event is important for the audience. In contrast, framing shapes the agenda with the creation of the news story through deliberate scene selection intended for influencing the level of salience and shaping the public agenda. Although mutually dependent upon one another, these two theories demonstrate two distinct media powers used for influencing and persuading audience perception of an event.

### **Setting the Agenda for Rwanda**

During the course of this literary review it was difficult finding scholarly references that examined how framing influenced the American response towards the Rwandan genocide. An extensive amount of books exist addressing the lessons learned, questioning the lack of response, steps for prevention, or critiquing the Clinton and administrations that oversaw the genocides (Adelman & Suhrke, 1999) (Barnett, 2002) (Berkeley, 2001) (Destexhe, 1995) (Feil, 1998). In contrast, an abundance of media related scholarly journals existed reference the framing of Darfur which occurred 10 years after Rwanda. Possibly researchers and scholars were more interested in the reasons explaining why the lack of intervention, methods of prevention, or recommended policy changes, as opposed to examining how the event was actually covered. In essence, majority of the scholarly research leans upon the consequences and failure of the media coverage as opposed to its actual coverage. However, it was in these references where a plethora of mass communication qualitative and quantitative research was conducted that either compared the two genocides or

analyzed media content. However, this limited amount of media related literature towards Rwanda does not negate the requirement to understand what factors influenced the American response regarding the Rwandan genocide. Therefore, the articles within this section examine the variety of agenda setting conditions, justifications related to framing, or reasons examining the American responses in previous global crises situations. Identifying what and how key influencers contributed to past American responses will provide policy makers, fellow researchers, and the media community valid lessons learned to prevent another Rwanda.

A popular criticism towards the American public is the limited knowledge concerning foreign affairs and international relations. Perhaps this is a result of American isolationism, level of Eurocentric ideas, or lack of interest towards events that do not directly affect them. Because of this fact, much of America's perceptions, thoughts, and level of importance concerning international affairs relates to the media coverage. Wanta et al. (Wanta, Golan, & Lee, 2004) conducted a study examining the news coverage of foreign nations that identified not only how the American public perceives a particular foreign nation, but if their perception was negative or positive. Despite the seemingly contradictory findings regarding the extent of the media power, the overall scholarship points to the conclusion that the media influenced the public on how important foreign nations are to American interests and how the public should perceive the foreign nation. Ultimately, this study supported the claim that American involvement, perception, and interest in foreign affairs is dependent upon the media coverage. With empirical data that supports the media's power of influence in shaping the public agenda, the question remains what and how did the US media cover the Rwanda genocide which prevented American response. If the US media institutions did not frame the importance of Rwanda or did not present articles that publicly denounced the genocide, then the likelihood of public outcry or protest was unrealistic.

There are two explanations for the lack of American responses towards international conflicts. The first argument states that the limited American importance towards the Rwandan genocide was a direct result of the lack of media coverage concerning the events. As an eventual consequence, the media did not adequately set the public agenda and therefore resulted in the lack of American response. Eke (Eke, 2008) examined five years of ABC, NBC, and CBS television news coverage of the Darfur genocide. Applying the agenda-setting theory, the researcher asserts that the limited television coverage did not adequately inform the American public or policy makers of the genocidal realities facing Darfurians. Eke further posits that ABC, NBC, and CBS limited coverage conveyed that the value of Darfurian lives were not newsworthy. Because of this limited television exposure and commentary, the American policy makers and the international community did not intervene or denounce the events. Additionally, he argues that in cases of genocide the media is responsible at exercising its power of influence in shaping the public agenda for the prevention of genocide in Darfur. Even though Eke analyzed the Darfur genocide, his findings are relevant and applicable to Rwanda because they suggest that limited media coverage of genocide directly affects the public agenda. However, what is missing from this study is how the stories were framed. Accepting his analysis that the coverage was limited, the manner in which the stories are framed is worth examining. Limited coverage with detailed information regarding the genocide is quite different than limited coverage and no information regarding the genocide. Examining how the media covered the event is critical in setting the agenda.

Hawkins' (Hawkins, 2011) study offers an alternative explanation for the lack of public attention of the international conflicts. He examined agenda setting theory with the aim of determining how the media power of influence impacts policy decisions when the media ignores the coverage of certain conflicts. He analyzed the amount of conflict coverage ABC, NBC, CBS, CNN, Fox news, and *The New York Times* provided during their news casts and stories. His findings suggest that a myriad of factors such as an apathetic tone of coverage, limited attention devoted towards conflict related stories, a stories are selective in nature, and a disproportionate amount of coverage for certain conflicts, affects public opinion and interest. This translates into delayed or the lack of American policy response. Hawkins refers to this method as the other side of the CNN effect. This article underscores the media's power of persuasion and influence regarding framing foreign

policy stories and the eventual American response. Ultimately, effective and timely response is dependent upon the quality of media coverage and how that coverage is framed is what dictates American interest and importance.

When one considers America's lack of importance towards Rwanda coupled with the limited US media coverage of international events, the public agenda regarding Rwanda is inadvertently set. However, an important factor worth considering is that the lack of importance and limited coverage may be a result of improperly assessing the conditions in Rwanda and ignoring the signs that genocidal acts are in progress. Proper classification of this event would certainly prompt an American response. This is only successful when foreign observers know what exactly constitutes genocide.

Glanville (Glanville, 2009) examined if the word "genocide" still maintains the power of influence for promoting awareness and intervention. Glanville asserts that the Clinton administration avoided classifying the Rwandan events as a genocide because the connotation would increase American and international awareness and pressure for intervention. Glanville further states that ten years that elapsed from the Rwandan genocide to the genocide in Darfur, the word lost its power of influence. In this case the Bush administration openly used the term and claimed that this mere classification does not require any action from the international communication or increase political pressure to respond. Glanville ultimately argues that even though the use of genocide triggered two different responses between the Clinton and Bush administration that the issue is not the word usage, but instead the American response after the word is used. He further asserts that not properly recognizing or acknowledging a genocidal event devalues the word and releases the international community from any political and legal responsibility of prevention, intervention or prosecution. Because Glanville's study is limited to the role of presidential administrations, he fails in demonstrating how instrumental media framing can be in shaping the public agenda through reinforcing the value of the word genocide to increase political pressures and swift response. An actively engaged media that applies appropriate pressure on presidential administrations and promotes educates the American public on genocide and its effect creates the conditions for response.

As stated earlier agenda setting theory incorporates media and policy makers as actors that shape the agenda and inform the public of relevant issues. Framing appropriate content directly impacts the shaping of the agenda. Additional challenges in setting the agenda for Rwanda was the lack of coordination and quality of communication between media and the United Nations with American public. Melvern (Melvern, 2006) examined the role of the UN Council and the media in their handling of Rwandan genocide. She asserts that the intention of the 1948 Genocide Convention was implementing policy guidelines and legal justification to denounce and punish genocidal acts. Ultimately this convention created a united front that assured global responsibility regarding preventing future genocide. Melvern further states that the international community defaulted on the collective agreement of preventing genocide when the events in Rwanda unfolded. Because of the limited strategic interest, the UN Council improperly assessed early warning signs of socio-economic changes, sporadic killings, or increased numbers of refugees. Additionally, the western media haphazardly reported the human rights violations, did not adequately analyze root causes of the increased violence, articulate why the killings were happening, and report the events as genocide. In essence, the UN Council and western media inattentiveness and lethargic attitude towards the events did not appropriately shape the agenda which exacerbated the genocidal conditions preventing international intervention.

## **Background**

On July 19, 1994 the world population was a little less than 6 billion people (Department of Economic and Social Affairs Population Division, 2005). Yet, throughout the preceding 100 days, not one of these individuals possessed enough power or influences for preventing the massacre of over 800,000 Rwandan citizens. The failure of the international community to intervene after the assassination of President Habyarimana and Burundian President Cyprien Ntaryamira set the conditions for the tragic events that ensued. Rwandan Armed Forces with the aid of the Interahamwe

militia methodically sought out and killed Tutsi tribal members and moderate Hutus with the intent of extermination. Even though 17 years has passed since this tragic event, questions continue to arise and are often unanswered. Because of the lessons learned and the significance of this event in world history, exploring and understanding the role of the US media in its coverage of the Rwanda genocide is critical in identifying steps for prevention of future genocides.

Setting the public agenda for promoting awareness, action, and response towards genocide is where media outlets earn their value to mankind. Genocide is a phenomenon that requires immediate action from media outlets, American policy makers, and the international community. The media coverage of genocide varies drastically over the last 90 years from detailed to limited. What media organizations must exercise in covering genocide is maximum and consistent saturation of the event, effectively use multi-media agenda setting for increasing its exposure for the American public, and immediately recognizing and explicit classifying the event as genocide.

However, in the case of the Turkish genocide during World War I that killed over 1 million Armenian citizens in 1915, history conveys that American policy makers and the international community were anything but immediate in their response to genocide (Suny, 1993). *The New York Times* published over 100 stories framing the events with varying headlines and content specifying “massacres”, “slaughter”, “atrocities” against the Armenians (Power, 2002). Despite *The New York Times* media coverage highlighting the massacre, their power and influence in setting the public agenda was limited and received little recognition from American and international leaders. Even with these multiple attempts at setting the American public agenda, the American government failed in their response in denouncing the acts. In fact, too often the reports were dismissed as mere propaganda, exaggerated fables, or justified the civilian deaths as collateral damage as the expected unintentional consequences of war.

Sixty years later, Cambodia is faced with genocide where approximately 2 million Cambodians were killed between 1975 and 1979 (Sharp, 2008). How the media framed this event and shaped the public agenda is equally worth examining. Unlike the Armenian genocide in 1915, the power and influence of media would increase with the advent of broadcast television in addition to print media and radio. With the new presence of multimedia, the agenda setting capabilities and opportunity for international exposure reduces American policy makers ability for questioning the realities of genocide occurring. What remains crucial is how the media understands, interprets, and conveys their coverage of genocide for the American public that assists in setting the agenda for promoting intervention or action.

When the Khmer Rouge overthrew the American sponsored government in Cambodia, major newspapers failed in conceptualizing how this change in government affected the local Cambodian citizens. Many newspapers reported the event with optimism promoting the takeover as the first stage of repairing peace within the region after a civil war. Others newspapers, such as *The Washington Post* and *The New York Times*, viewed the events with skepticism that the worst is yet to come for the Cambodian citizens. While covering the evacuation of foreigners, *The New York Times* and *The Washington Post* ran stories expressing that the conditions of a potential genocide were established (Power, 2002). Yet, this coverage did not spark American action or response. As time progressed the print and television media coverage of Cambodia decreased which directly affected the public agenda. Because of this failure to transfer salience, the American attention and interest in the region was limited. Ultimately, without public pressure on politicians, policy makers remained disconnected, disengaged, and uninvolved in Cambodia which contributed to a prolonged genocide.

Eight years later during the Iraq-Iran War that took place from 1980-1988, the international community witnessed the Iraq government planned genocide of its Kurdish population. Employing various means of execution including the use of poisonous gas, the Iraq government successfully murdered over 100,000 Kurds, placed millions in concentration camps, and destroyed numerous amounts of Kurdish education, religious, medical institutions between April 1987 and August 1988 (Middle East Human Rights Watch, 1995). This genocide was unique because it marked the first time a nation attacked its own citizens with chemical weapons. Because this genocide occurred

in the midst of the Iran-Iraq war, the Iraqi government blamed the killings on Iran. Despite these claims, *The New York Times* and *Washington Post* visited Iran and witnessed firsthand the effects of the genocide and found evidence that Iraq was responsible for the atrocities (Power, 2002). As a result, the written content and the photographic images became more specific with the intent of shaping the American public agenda.

Even with these efforts the American policy makers remained noncommittal and nonresponsive. Unlike previous genocides where America maintained a strict stance of neutrality, America equipped Iraq during its war with Iran. Therefore, regardless of the US media coverage attempt at shaping the agenda, US policy makers avoided the issue of responding through classifying the events as an internal affair (Power, 2002). Even though the media coverage remained consistent throughout the event, the American government's dismissal of the genocide and failure of galvanizing public support demonstrated the media's limited power and influence for agenda shaping. For an event as serious as genocide, additional efforts are required for adequately shaping the agenda if prevention and awareness is possible.

These three historical examples illustrate America's reluctance for response despite the US media's attempt of setting the agenda reference the prevention or occurrence of genocide. Fifteen years after Cambodia and nearly 80 years after the genocide resolution was ratified and recognized as an international crime, the US media faced another challenge in Rwanda. Leveraging upon the experiences of covering the genocides in Turkey, Cambodia, and Iraq, would allow *The New York Times* and *The Washington Post* an added advantage of setting the public agenda and promoting an American response for Rwanda. Yet, history conveys otherwise.

In 100 days spanning from April 6, 1994 to July 18, 1994, Hutu tribesmen massacred 800,000 Rwandan citizens without remorse and direct opposition from the international community. During World War I, American policy officials classified the media coverage of the Armenian genocide as mere propaganda. In Cambodia, the media coverage of their genocide was dismissed as the collateral damage of a civil war. In the Iraq-Iran War the Kurdish genocide was rejected as an internal issue not requiring American involvement. What perception did the media coverage of the Rwandan genocide provide? It is not a coincidence that these historical examples demonstrate that *The New York Times* and *The Washington Post* were present and actively involved in each case. Considering this level of genocidal experience, what was their role in shaping the public agenda in 1994? Raphael Lemke, pioneer and human rights leader who coined the phrase genocide, and Senator William Promise were instrumental advocates in bringing international awareness for the recognition of genocide for decades (Power, 2002). However, in 1994, genocide was a recognized term and an international crime which required immediate action. News media was the new genocide advocate for informing and persuading the international community of human rights violations.

Serving as the fourth estate, the US media is not accountable to the government and functions as the political, educational, cultural, or informational linkage for the American people (Elliott, 1986). Shaping the public agenda and promoting awareness is a key responsibility. There is no better cause for passionate and fervent action than the case of genocide. Following the evacuation of the American, Belgium, and French embassies in Rwanda, the United Nations initiated their withdrawal plan reducing troop strength to 270 personnel. Instead of assistance and intervention, the international community responded with silence, departure, and no assistance. This departure of personnel resources prolonged the genocide for another 81 days without any intervention from the international community.

### **Framing Rwanda for Americans**

In addition to the limited coverage and lack of importance, the manner and method of reporting the events in Rwanda are equally important. Retrospectively, if the coverage was limited but the framing of the events were emotionally appealing then possibly America would have responded appropriately. There has been some scholarly work focusing on the framing of the Rwandan genocide. Livingston et al. (Schmeidl & Aldeman, 1998) conducted an empirical assessment of the ABC, CBS, NBC and CNN American television news coverage of the Rwandan genocide explor-

ing the framing methods for the presentation of international news. The researchers found that although the events in Rwanda received extensive coverage on American networks, the frames used conveyed a different story to Americans. First, frame illustrated the genocide of the Tutsi and Hutu moderates. The second frame highlighted the humanitarian aspect of the genocide concerning refugees, diseases, and the hospitalization of victims which triggered the emotional appeal of the American audience. As a result the humanitarian framing of the genocide received more coverage and understanding of the perceived reality in Rwanda. The researchers ultimately concluded that framing the humanitarian aspect of the genocide to maintain American interest was less complicated than explaining why the Hutu killing the Tutsi people. Because *The New York Times* and *The Washington Post* possess the influence of setting the agenda for multiple mediums, there is an expectation that this research will not only find frames that support the network coverage, but also frames regarding tribal tensions, claims of genocide, requirement for American response.

Additionally, Shaw (Shaw, 2007) conducted a study on how Western news media employed historical frames and its effect on humanitarian interventions in Ethiopia, Somalia, and Rwanda. Shaw found that Western media's use of historical frames provided a level of Western arrogance dismissing the crisis as an African problem versus a Western elite problem. Shaw further explains that humanitarian intervention in Africa is based upon the historical frames that create conditions for either non-intervention or delayed intervention. This article illustrates how Western perception of Africa in particular Rwanda is molded through a belief that the issues concerning Africa are primarily humanitarian based. Therefore, frames such as these are passive in nature and does not galvanize public support as graphic images of murdered and mutilated bodies would provide. As a result of *The New York Times* and *The Washington Post* historical experience covering genocidal events and atrocities, it is expected these newspapers will frame the events in Rwanda as genocide that sets the scenes of events with a more detailed, aggressive, graphic, and descriptive accounts of the involved actors that is intended for provoking American interest and response.

Because stereotypes and perceptions of the African continent provide an image of hopelessness and despair, this depiction causes negligence and dismissal of serious issues confronting the country. Chari (Chari, 2010) used framing as a theoretical basis and conducted a textual analysis of *The New York Times* coverage of the Rwandan genocide dating from April 1, 1994 to December 31, 1994. Chari asserts that western press is the standard bearer within the communication industry because of its credibility, technological advances, and global accessibility aids in the production of global news without delay. However, Chari argues that the western press coverage of African issues was criticized due to the lack and quality of coverage of the genocide and the failure to educate the public on the intricacies of the genocide. The researcher analyzed *The New York Times* coverage in an effort to discover what and how frames were used that possibly affected the public opinion and perception. Ultimately, the researcher concludes that the frames reinforce nineteenth-century European stereotypes that perceive the Rwandan genocide as a common occurrence on the African continent. Although a useful and beneficial study examining the use of frames, Chari's research was limited to only *The New York Times* coverage and his scope of analysis included a week before the genocide began and extended five months after the end of the genocide. Although this is not a problem, in addition to *The New York Times*, this particular study also examines *The Washington Post's* coverage as it relates strictly to the 100 days of genocide and not the coverage after the knowledge and confirmation that genocide in Rwanda had occurred. Additionally, Chari's study was concerned with the perception and public opinion as opposed to examining the existing frames that shaped the agenda resulting in the American response.

After review of the literature the findings suggest these frames fail in classifying the events as a genocide. Instead, the frames dismiss Rwanda as a humanitarian issue, an African problem as opposed to a Western problem, and a common historical occurrence prevalent in Africa over the decades. As a result, an assumption is made that these frames did not adequately set the agenda for promoting American interest, attention, and responses in acknowledging the reality of genocide. Even though the humanitarian frames remained a common theme for understanding how the American public may have perceived Rwanda, this research expects to discover that a level of

genocidal frames did in fact exist.

### **American Response**

Successfully employed frames not centered on a humanitarian aspect but on the reality of genocide will promote the necessary political pressures, solicit the support of lobbyists, provoke the interest of human rights organizations, senators, and the American public which ultimately sets the agenda for American response. Examining how the media framed the American response for genocide is a significant factor for this study as it will identify if American policy makers failed at adhering to the prescribed genocide convention guidelines. Because genocide is a deliberate and methodically planned event from perpetrators, there is a requirement for quick and swift response without delay. Consistent throughout the literature reviewed for this study is the historical justifications of previous interventions, why the lack of American response, or how to mass military force to prevent future genocides. The extensive literature research indicates that the academic community is not only interested in understanding this phenomenon, but providing necessary steps for prevention.

Wertheim (Wertheim, 2010) explored the history of American ideas and thoughts pertaining to international intervention spanning from 1991-2003. Wertheim found that during the first six years of the 1990s, limited American policies existed that actually enforced humanitarian intervention. Because of this fact, Americans disregarded the idea of intervention attempts in the Rwanda Genocide. The researcher further asserts that it was not until after the popularity of human interventionism spread within the US that promoted military intervention to protect citizens from mass atrocities or genocide. Even though this article illustrates the possible socio-political factors that may have contributed to the lack of US intervention in Rwanda, there is a fallacy in the argument when one examines the US intervention in Bosnia, Somalia, and Haiti during the early 1990s. These inconsistencies dilute the author's original argument that US policy makers strayed from humanitarian interventions because it was not a common practice.

Additionally, Von Hippel et al. (Von Hippel & Clarke, 1999) examined intervention strategies of nations to understand the factors contribute to global intervention or lack thereof. The authors analyzed the US involvement in Panama, Somalia, Haiti and Bosnia as examples. The authors found that although there are different reactions for each crisis there were eight significant factors that contribute to the respective situation. First factor included the span of the time the conflict continued prior to US intervention which ranged from 24 months in Somalia to as long as 51 months in Bosnia. Second factor was the justification for US intervention which varied from the denial of democracy or humanitarian crisis of either famine or genocide. Third factor involved the situation prior to intervention which consisted of either a nasty dictatorship or a civil war leading to state collapse. Fourth was the electoral status of the particular nation. Fifth, was the international setting which consisted of the US sphere of influence or exacerbated by end of cold war. Sixth factor was if the refugee crisis affected the west. The seventh, was if the event garnered extensive media coverage. The final factor contributing to a US intervention was the increase of sanctions. Although a useful article that examined possible justifications for intervention, the factors are not generally applicable to explain the lack of American response towards Rwanda's crisis. According to the eight factors the authors presented, at least four pertained to Rwanda. Rwanda was faced with a humanitarian crisis of genocide, civil war leading to state collapse, electoral status in question after assassination of their president, a severe refugee crisis, and extensive media coverage. Framing content of genocide and the role of prevention is critical in shaping the agenda and promoting acceptable response from American officials.

As mentioned earlier in this study, after the first two weeks of the genocide the international community evacuated its embassies and withdrew its forces. The UN troop strength reduced significantly where military protection was not feasible. However, some researchers disagree with this method and suggest the appropriate response for genocide is direct and lethal action. Krain (Krain, 2005) analyzed the appropriate military intervention techniques at delaying or stopping an active genocide or politicide in progress. Krain presents six hypotheses regarding the effects of

genocide. The findings suggest that there are two effective military intervention techniques to slow or end the threat. The first is the employment of military force that directly engages the hostile force. The second is a military operation that aids the targeted population. Krain further asserts that incomplete interventions is not an effective means of deterrence and does not reduce genocidal affects. Krain ultimately concludes that as a result of direct military engagement with the hostile force, findings suggest the targeted population is safer.

Regardless of the method of response, it is evident that a response of action and not inaction is required. When policy makers delay appropriate responses for genocide prolonged delays debating intervention only increases the number of victims from genocide. Perhaps previous experiences in the region contributed to the lack of American response. Brunk (Brunk, 2008) examined how the “Somalia Syndrome” prevented US intervention in Rwanda. Brunk asserts that the humanitarian mission and ultimate US failure in Somalia were completely different than the situation facing Rwanda. However, as a result of the loss of 18 Army Rangers and the ultimate withdrawal of US troops from Somalia, the memories of that crisis contributed to the American response in Rwanda. Brunk further asserts that the failure of policy makers to examine Rwandan’s social, political, and economic circumstances independent of the Somalia experience explains the lack of US intervention. However, framing the events on ground in a comparative nature that promotes full awareness of the difference in Rwanda would assist in shaping a more realistic public agenda. Because of the fear exhibited from US policy makers, the importance of framing media content that would counteract these misperceptions and fears could have been beneficial in averting the Rwandan genocide.

## **METHODOLOGY**

This research paper asks the primary question, how did *The New York Times* and *The Washington Post* cover the Rwandan genocide and the American response? Because of the catastrophic loss of human life and destruction, this topic is worth examining in detail. The question of how could this have happened, who is to blame, could this tragedy been avoided, or most importantly how the international community can prevent a reoccurrence continues after 17 years. However, this particular research study cannot answer all of these questions, but it can lead the body of knowledge to the next logical step in understanding the genocide. Seeking a complete understanding of the relevant actors and their contributions is worth exploring.

As this study examines the aforementioned primary research question the following sub questions are also examined: 1) How did *The New York Times* and *Washington Post* frame the news coverage of the Rwandan genocide? 2) How did *The New York Times* and *The Washington Post* portray the American response and planned intentions regarding the genocidal acts?

### **Research Materials**

Applying a qualitative research method within the theoretical framework of framing, a textual analysis methodology is employed to *The New York Times* and *The Washington Post* coverage of the Rwandan genocide. *The New York Times* and *The Washington Post* were selected for six reasons. First, these newspapers are credible and maintain a long standing prominent and prestigious national reputation. Second, each respective newspaper ranks in the top 5 of circulation size which ensures a high volume of distribution within the market (Associated Press, 2010). This expanded reach increases the agenda setting opportunity for the American public on a variety of domestic and foreign policy issues, opinions, and concerns. Third, the physical headquarters location of the newspapers increases its influence and agenda setting ability for policy makers and worldwide leaders in Washington DC and the United Nations. Fourth, these newspapers possess experience and history in covering major genocides in the 20th century. Fifth, the two newspapers historically demonstrated a level of experience in covering genocides. Finally, the elite status of the newspapers usually sets the agenda for how other media may have covered the genocide (Power, 2002).

The LexisNexis database was used to explore *The New York Times* and *The Washington Post* coverage of the Rwanda genocide. The search for newspaper articles were not limited to the daily,

weekly, or Sunday only editions because analyzing if the coverage increased in detail and scope as the genocide progressed through the months is equally important. A general inquiry using the search word “Rwanda” without the date range and selected newspapers retrieved over 3,000 results. Although this mass amount of articles was encouraging, the focus of this study is centered on *The New York Times* and *The Washington Post* coverage during the timeframe of April 6, 1994 to July 18, 1994.

The database was filtered to only include newspaper articles from *The New York Times* and *The Washington Post* with the search term “Rwanda” during the specified timeframe of April 6, 1994 to July 18, 1994. This resulted in 33 *The New York Times* articles and 27 *The Washington Post* articles. The chosen date range is significant because these are the actual dates of the genocide. This study is only interested in *The New York Times* and *The Washington Post* media coverage while the genocide was in progress and not the coverage of the consequences afterwards. Examining the specified date range is critical in fully understanding how and which frames were used for setting the public agenda of either action or inaction.

Considering the popularity and power of influence each paper possesses it was surprising to receive only 60 articles in the initial data retrieval. Therefore, an assumption was made that expanding the search words would possibly net more results. The second LexisNexis database search included the words “Rwanda genocide” and same date range of April 6, 1994 to July 18, 1994 and *The New York Times* and *The Washington Post* as the selected newspapers. The database returned 33 articles from *The New York Times* articles and 3 articles from *The Washington Post*. After a detailed analysis and comparison of the articles with the first search, there were no duplications. Therefore, the second search retrieved original sources. A conclusion was made that the database has select trigger words for archiving the articles. Surprisingly, a small number of articles were retrieved after adding the term genocide to the search criteria. Possibly this is most likely a result of American policy makers and the international community’s avoidance of classifying the events in Rwanda as genocide. Avoidance such as this translated into the media coverage and headlines during this period. Because of this fact, a modified search criteria was employed increasing the possibilities for additional sources.

An assumption was made that journalists used the term “killings” for a description of the events in Rwanda. Therefore, the third LexisNexis database search incorporated the term “Rwanda Killings” with the same date range of April 6, 1994 to July 18, 1994. An expectation was made that the term “killing” would provide a greater response because of its general applicability towards an international event that had debatable facts and causes, but would capture readers’ attention by illustrating a dire situation abroad. However, this was not the case as the search returned only 4 articles from *The New York Times* and 3 articles from *The Washington Post*.

A fourth LexisNexis database search incorporated the term “Rwandan murders” with the date range April 6, 1994 to July 18, 1994 which retrieved 3 articles for *The Washington Post* and 0 articles from *The New York Times*. A fifth LexisNexis database search incorporated the term “Rwandan deaths” which retrieved 3 articles from *The Washington Post* and 0 from *The New York Times*. The sixth and final LexisNexis database search incorporated the word “Rwandan massacre” which retrieved 1 article from *The Washington Post* and 0 articles from *The New York Times*. As a result of the six different searches within the LexisNexis database and screening for potential duplications, a total of 163 articles were retrieved for analysis.

### **Method: Textual Analysis**

*The New York Times* and *The Washington Post* articles retrieved will be subjected to a textual analysis. A textual analysis is a successful tool at analyzing newspaper articles and texts. Dijk (Jensen & Jankowski, 2002) asserts, “Most of our social and political knowledge and beliefs about the world derive from the dozens of news reports we read or see every day. There is probably no other discursive practice, besides everyday conversation, that is engaged in so frequently and by so many people as news in the press and on television.” Truth is found in this assertion because of the popularity of newspapers and the public’s reliance on journalist perceptions and perspectives

on an event to create their own opinion. This method not only examines written text as a whole but it analyses the syntax, structure of sentences, and word choices to discover true meaning of an account. Ultimately, a researcher applying this method serves as a microscopic lens to literally read between and behind the lines to decode the meaning.

Feldstein et al (Feldstein & Acosta-Alzuru, 2003) effectively used the textual analysis methodology for discovering the meanings of the newspapers accounts of the tragic bombing of the Israelite Argentinean Mutual Aid Association (AMIA) that killed 85 people as well as the depiction of the local Jewish community. Critical to the employment of textual analysis is the ability to analyze, decode, and interpret the meaning of written text to identify the social, political, and economic undertones of a journalist.

A significant advantage of a textual analysis is the process of implication. Through the use of certain words, omitting critical information and sentence structures what is a journalist implying, to whom, and how it is implied. A researcher who employs this methodology attempts to discover the overall intent of a journalist and what is often left unsaid. To properly comprehend a journalist's implication, it is imperative that the researcher understand the bias, opinions, prejudice, socio-economic status, ethnic make-up and intent of the journalist and newspaper which will assist in understanding the implication (Jensen & Jankowski, 2002).

Another advantage of this methodology is the immersion into a topic of study for discovering the meaning of text. In the case of the Feldstein et al. (Feldstein & Acosta-Alzuru, 2003) article, over 400 articles were analyzed for interpreting their meaning, identifying structural usage, placement of headlines, tone, in essence undress the articles and discover the naked truth. Although an exhaustive process, the primary goal is identifying the underlying meaning.

A major disadvantage of this methodology is similar to many qualitative methods which is the researcher findings or interpretation. Regardless of the numerous articles analyzed, and historical context of injustice, and the political affiliation of the newspaper or journalist, an interpretation is subjective and falls victim to one's own personal or political biases. Equally importantly is the lack of validity in the interpretation. Although the interpretations may be true, what is often missing in a textual analysis of this nature is illustrating the impact on the audience. Is the audience decoding the message as intended, is the audience interpreting the data in the same manner as the researcher? These are significant questions to consider during a textual analysis.

### **Method Procedures**

Unlike a quantitative study where a set of predetermined words or phrases are identified before conducting the data analysis, the frames in this qualitative study are not known until after a detailed analysis of the articles. Therefore, while exploring the articles, the researcher will identify, analyze and code the language used describing the activity of the genocide, victims, perpetrators, and the direct quotations of American officials. The newspaper articles will serve as the primary unit of analysis. As frames are revealed, the articles will be segregated to effectively explore how the media's coverage of the Rwanda genocide and American response set the public agenda. Understanding what and how editors frame the story is critical in setting the agenda for the public. A notepad and Microsoft Word document will transcribe the textual findings for a detailed analysis.

### **CONCLUSION**

Essentially this study examines the power and influence of the media in shaping the public perception of major events. Exploring how *The New York Times* and *The Washington Post* framed the Rwandan genocide and American response is critical in the global economy that exists today. The political unrest seen in the Middle East during early 2011 illustrates the sense of democratic urgency the world's population desires. In the midst of this regional struggle, Libya erupted in protest voicing displeasure of its current regime. The international community supported the protests yet, at the frustration of rebel forces, refrained from intervention. However, as a result of internal pressure, Muammar Gaddafi expressed his intent of massacring his citizens before relinquishing

power. In accordance with the UN Resolution, this met the requirements for a genocidal statement prompting swift response from the American government and UN forces.

As the world enters the second decade of the 21st century, the threat of genocide remains. The role of the media shaping the agenda and promoting American response was critical in Libya. History conveys the rareness of the international community initiating action in a case of genocide. Because of this constant threat, researching how *The New York Times* and *The Washington Post* framed Rwanda is essential. Although, mankind failed in its prevention of the Rwanda genocide, understanding and applying lessons learned from those mistakes will directly impact how the world perceives future attempts of genocide and employ techniques for prevention.

### **Limitations**

Genocide is a world-wide problem requiring world-wide intervention to prevent further occurrences. However, not to dismiss the responsibilities of other nations to confront this problem, this research question is only limited in scope to understand the US media coverage of the Rwandan genocide and the American response. Therefore, this question will not explain the impact of media coverage on NATO and its response, nor will it address the Rwandan perception of US intervention. In addition, it will not inform the reader how the international community responded to the coverage and explanations on their intervention. Because of the multiple layers of involvement between state department, UN, and Pentagon officials, this question will not explore the impact of submitted reports or correspondence to shape the public opinion and American response. Even though the literature review introduced the agenda setting theory which is a two component theory that confirms a transfer of salience from media to the public, this study will not analyze salience transfer for public opinion, but instead examine and highlight the importance of framing for setting the agenda. Lastly, although an interesting topic to examine, this study will not analyze the impact of US or international television news coverage on the American response.

### **Areas for further research**

This study analyzes print newspaper and does not examine the coverage of broadcast media, or newsmagazines which maintain a greater ability for salience transfer and agenda shaping. Another area for exploration is through a mixed method approach. Conducting a content analysis of the data for empirical data would prove beneficial and a well rounded research study. Based upon the limited amount of scholarly journal articles reference the Rwandan genocide the field of further research is open. Recommend an analysis of the current role of Rwandan radio stations in enhancing the social climate between Hutu and Tutsi people in a post genocidal Rwanda. Study of the Rwandan genocide conveys that the local Rwandan radio station was instrumental in inciting hate and promoting the genocide. Now that the Rwandan society restores itself and promotes an atmosphere of solidarity, examining how the radio that was once used for evil is employed for decreasing tribal tension. In addition, exploring the difference of international and US broadcast media of the Rwanda genocide as it relates with agenda setting theory. Finally conducting a study which examines the American public opinion and perceptions of genocide intervention and importance of the phenomenon is worth conducting.

---

## **Bibliography**

Adelman, H., & Suhrke, A. (1999). *The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire*. Transaction.

Associated Press. (2010, October 25). *Circulation Numbers for the 25 largest Newspapers*. Retrieved 09 06, 2011, from Boston.com: <http://www.boston.com/business/articles/2010/10/25/>

circulation\_numbers\_for\_the\_25\_largest\_newspapers/

Barnett, M. (2002). *Eyewitness to a Genocide: The United Nations and Rwanda*. Cornell University Press.

Berkeley, B. (2001). *The Graves Are Not Yet Full: Race, Tribe, and Power in the Heart of Africa*. Basic Books.

Brunk, D. C. (2008). Curing the Somalia Syndrome: Analogy, Foreign Policy Decision Making, and the Rwandan Genocide. *Foreign Policy Analysis* , 4 (3), 301-320.

Chari, T. (2010). Representation or misrepresentation? *The New York Times's* framing of the 1994 Rwanda genocide. *African Identities* , 8 (4), 333-349.

Cohen, B. (1963). *The Press and Foreign Policy*. Princeton: Princeton University Press.

Department of Economic and Social Affairs Population Division. (2005). *Population Challenges and Development Goals*. New York City: United Nations.

Destexhe, A. (1995). *Rwanda and Genocide in the Twentieth Century*. New York University Press.

Eke, C. (2008). Darfur: coverage of a genocide by three major US TV networks on their evening news. *International Journal of Media & Cultural Politics* , 4 (3), 277-292.

Elliott, D. (1986). *Responsible Journalism*. Sage Publications.

Entman, R. M. (1993). 'Framing: Towards Clarification of a Fractured Paradigm'. *Journal of Communication* , 43 (4), 51-8.

Feil, S. (1998). *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda*. Carnegie Corporation of New York.

Feldstein, F., & Acosta-Alzuru, C. (2003). Argentinean Jews as Scapegoat: A Textual Analysis of the Bombing of AMIA. *Journal of Communication Inquiry* , 27 (2), 152-170.

Genocide, C. o. (1997, January 27). *Human Rights Web*. Retrieved 09 09, 2011, from Convention on the Prevention and Punishment of the Crime of Genocide: <http://www.hrweb.org/legal/genocide.html>

Glanville, L. (2009). Is "genocide" still a powerful word? *Journal of Genocide Research*, 11 (4), 467-486.

Golan, G. (2006). Inter-media Agenda Setting and Global News Coverage. *Journalism Studies*, 7 (2), 323-333.

Hawkins, V. (2011). Media Selectivity and the Other Side of CNN Effect. *Media, War, & Conflict*, 4 (1), 55-68.

Jensen, K., & Jankowski, N. (2002). *A Handbook of Qualitative Methodologies for Mass Communication Research*. London: Taylor and Francis.

Kensicki, L. (2001). Deaf President Now! Postive Media Framing of a Social Movement within a Hegemonic Political Environment. *Journal of Communication Inquiry* , 25 (2), 147-166.

Klein, A. G., Byerly, C. M., & McEacher, T. M. (2009). Counterframing Public Dissent: An Analysis of Antiwar Coverage in the U.S Media. *Critical Studies in Media Communication* , 26 (4), 331-350.

Krain, M. (2005). International Intervention and the Severity of Genocides and Politicides. *International Studies Quarterly* , 49 (3), 363-388.

McCombs, M. (2005). A Look at Agenda-setting: past, present and future. *Journalism Studies*, 6 (4), 543-557.

McCombs, M., & Shaw, D. (1972). 'The Agenda Setting Function of Mass Media'. *Public Opinion Quarterly* , 36, 176-87.

McQuail, D. (2010). *McQuail's Mass Communication Theory*. London: Sage.

Melvern, L. (2006). Rwanda and Darfur: The Media and the Security Council. *International Relations* , 20 (1), 93-104.

Middle East Human Rights Watch. (1995). *Iraq's Crime of Genocide: The Anfal Campaign against the Kurds*. New Haven: Yale University Press.

Peng, Z. (2008). Framing the Antiwar Protests in the Global Village. *The International Communication Gazette* , 70 (5), 361-377.

Power, S. (2002). *A Problem From Hell: American and the Age of Genocide*. New York: Harper Collins.

Schmeidl, S., & Aldeman, H. (1998). *Early Signs and Early Responses*. (C. I. Online, Editor) Retrieved September 1, 2011, from Columbia International Affairs Online: <http://library.north-south.edu/Upload/Early%20Warning%20and%20Early%20Response.pdf>

Seib, P. (2006). Global Media and Political Conflict: New Facets of Agenda Setting. *International Studies Association*, (pp. 1-11).

Sharp, B. (2008, June 9). *Counting Hell: The Death Toll of the Khmer Rouge Regime in Cambodia*. Retrieved September 12, 2011, from Cambodia : <http://www.mekong.net/cambodia/deaths.htm>

Shaw, I. S. (2007). Historical frames and the politics of humanitarian intervention: from Ethiopia, Somalia to Rwanda. *Globalisation, Societies & Education*; Nov2007, Vol. 5 Issue 3, p351-371, 21p , 5 (3), 351-371.

Shen, F. (2004). Effects of News Frames and Schemas on Individuals' Issue Interpretations and Attitudes. *Journalism and Mass Communication Quarterly* , 81 (2), 400.

Suny, R. G. (1993). *Looking Toward Ararat: Armenia in Modern History*. Bloomington: Indiana University of Press.

Uscinski, J. (2009). When Does the Public's Issue Agenda Affect the Media's Issue Agenda (and Vice-Versa)? Developing a Framework for Media-Public Influence. *Social Science Quarterly (Blackwell Publishing Limited)*; , 90 (4), 796-815.

Von Hippel, K., & Clarke, M. (1999). Something Must Be Done. *The World Today* , 55 (3), 4-7.

Vulliamy, E. (1999). "Neutrality" and the Absence of Reckoning: A Journalist's Account. *Journal of International Affairs* , 52 (2), 603-621.

Walling, C. (2007). Academic Scholarship, Human Rights NGOs, and Security Council Decisions About the Use of Force. *International Studies Association; 2007 Annual Meeting*, (p. 1).

Wanta, W., Golan, G., & Lee, C. (2004). 'Agenda Setting and International News: Media Influence on Public Perceptions of Foreign Nations'. *Journalism and Mass Communications Quarterly*, 81 (2), 364-377.

Wertheim, S. (2010). A solution from hell: the United States and the rise of humanitarian interventionism 1991-2003. *Journal of Genocide Research* , 12 (3/4), 149-172.

Wertheim, S. (2010). A Solution from Hell: The United States and the Rise of Humanitarian Interventionism, 1991-2003. *Journal of Genocide Research* , 12 (3/4), 149-172.

Zagorski, K. (2008). *A Tale of Two Conflicts: Rwanda, Darfur and Media Coverage of Genocide*. Midwestern Political Science Association; 2008 Annual Meeting, (pp. 1-20).

# **The Strategic Communications Imperative, the Warrior Ethos, and the End of the U.S. Army’s Professional Military Ethic**

**by Dr. Prisco Hernández**  
**Lt. Col., U.S. Army Reserve**

*“When we assumed the soldier, we did not lay aside the citizen.”*

*—George Washington*

## **ABSTRACT**

This paper examines the ethical implications of the changes in U.S. Army culture that have arisen as a result of two separate developments in the last decade. The first one is U.S. Army’s adoption of a “Warrior Ethos;” the second one is the push by senior Army leaders to have officers engage in “strategic communications” in order to “tell the Army story.” Although these two initiatives may have originated as organizational strategies intended to adapt to the challenges posed by a changed strategic environment, they have had and continue to have unforeseen consequences which have profoundly altered the professional self-image of Army officers. These changes in self-perception in turn pose difficult ethical and personal dilemmas for the officers, the Army’s leadership, and the relationships between military officers, civilian leaders, and American citizens.

Although the blurring of the lines between what is appropriate public behavior for military officers has occurred at various times in U.S. history—notably in the era of the “political generals” during the Civil War; and later with the political posturing of Douglas MacArthur—the present situation diverges sharply from the Twentieth-Century paradigm that posited a clear separation between the officer’s sworn duty to “defend and protect the Constitution of the United States” and his/her role as an executor of a given political policy agenda. This professional ethic, as described in Samuel Huntington’s *The Soldier and the State*, has guided several generations of Army officers, who served in WWI, WWII, the Korean War, the Vietnam War, and the numerous conflicts and small wars that marked the end of the Cold War Era, as well as during the difficult trial of the Cold War itself.<sup>1</sup> This professional ethic, which was best exemplified by George C. Marshall’s refusal to vote in order to remain as non-partisan and neutral as humanly possible, is now arguably dead.

## **THE PROBLEM WITH THE STRATEGIC COMMUNICATIONS IMPERATIVE**

The US Army’s leading role in the wars and current full-spectrum operational engagements which followed the 9/11 terrorist attacks have prompted many officers—both serving and retired—to “speak out in public” about the U.S. military’s role, a role which is inextricably entwined with specific policy goals. In the past few years, some high ranking military officers have decided that, rather than avoid and limit contact with the media, the military should embrace it and perhaps even attempt to shape media perceptions and thus public perceptions in the process. This public activism has been embraced and encouraged by the rising generation of media-savvy Army generals and has been abetted by the technological revolution in personal digital communications systems and the rise of social media. Indeed, their views have been institutionalized into the curriculum of some of the most influential educational institutions in the US Army—notably the US Army Command and General Staff College—in the form of a “strategic communications requirement.” While this attitude showed a welcome change in military-media relations its implementation is fraught with dangers. For example, if a soldier expresses an opinion which is in line with that of his immediate leader or the Army in the larger sense, he/she will likely be applauded and rewarded for “telling the Army story;” conversely, if a soldier expresses an opinion, even if it be well-reasoned and cogently

presented, that diverges or contradicts that of the leadership he/she could conceivably become the object of derision, reprimand, and suffer negative career consequences as a result.

The well-publicized resignation of General Stanley McChrystal from his position as theater commander in Afghanistan may be seen as an example of this danger.<sup>2</sup> The allegations that Lieutenant General Caldwell engaged in information operations targeting specific members of Congress illustrates another related problem—the desire to influence civilian decision-makers outside normal executive channels. Indeed, Caldwell—a former CGSC and CAC commandant—has been one of the earliest and most passionate advocates of the strategic communications imperative for Army officers.<sup>3</sup>

The conflation of such vague and emotionally-laden concepts as “defending freedom,” “spreading democracy” or “helping our friends and allies” in public political discourse with specific policy goals such as “maintaining regional stability” and “securing access to strategic resources,” make it nearly impossible for military officers to make public statements that are strictly neutral in tone. Almost any statement may be construed as either supporting or criticizing the specific policies of the serving administration. At the same time, public debate has suffered from further obfuscation—sometimes deliberate, sometimes accidental by politicians, pundits, and self-proclaimed “experts.” Many of these experts are retired U.S. Army officers—each of them with a real or perceived ideological axe to grind. These retired officers serve as regular commentators for CNN, Fox News, and other commercial television channels. Even as retired officers, they generally leverage their rank and military experience as professional credentials to gain the public’s credibility; but their retired status places them outside the reach of military discipline and they are not necessarily bound by a professional military ethic. Indeed, the status of retired officers remains highly ambiguous, since in some ways, they have left the active profession, and may decide for political office; but in other ways, they still represent the officer corps—especially when they purposefully use their retired rank as a professional credential.

This situation and the debate on the necessity, morality, and relevance of the Iraq War and its relationship to the larger campaign against terrorism almost force those officers who speak out in public to assume a specific policy position. The same holds true about their opinions on the continuing war in Afghanistan. If the officer’s personal position would always be congruent, at least in its broad outlines, with that of the Army’s leadership and that of policy-makers, there would be no problem. Since, however, this is not always the case the stage is set for a difficult ethical dilemma. It is clear that, as a free and independent thinker, the officer, though duty bound to “defend and protect the Constitution of the United States,” is not and should not be expected to be a partisan supporter of policies. Although he/she is duty-bound to obey lawful and ethical orders which may result in the enforcement of these policies, he/she is not obligated to approve of them, and even less to lobby or advocate for their adoption.

A striking example of an officer who served honorably in war while disapproving of it is offered by Ulysses S. Grant. In his *Memoirs* General Grant wrote: “Generally, the officers of the army were indifferent whether the annexation of Mexican territory was consummated or not; but not so all of them. For myself, I was bitterly opposed to the measure, and to this day regard the war, which resulted, as one of the most unjust ever waged by a stronger against a weaker nation. It was an instance of a republic following the bad example of European monarchies, in not considering justice in their desire to acquire additional territory.”<sup>4</sup>

Professionally Grant had two choices. He could either serve honorably in silence; or he could resign his commission. Grant does not elaborate on how he chose between these options; but he decided to continue to serve—and did so with distinction despite his negative views on the war. One thing that he did not do—and was neither encouraged nor required to do—was to defend the war against Mexico as the right policy for the nation in statements to the press.

## **THE PROBLEM WITH THE WARRIOR ETHOS**

In addition to the problems raised by the “strategic communications imperative, the Army’s official adoption of the Warrior Ethos” has arguably fostered a type of professional mentality

which embraces war as the normal state of affairs vis-à-vis peace. This normalization of war is implicit in the phrase used by the Army to describe ongoing operations as “The Long War,” or more recently as an “Era of Persistent Conflict.”<sup>5</sup> More troublesome is the fact that the choice of the term *warrior* over *soldier* poses numerous philosophical and even practical problems. To be sure, the U.S. Army’s leadership adopted this new ethos as a reaction and adaptation to a changed operational environment. Even as fiscal constraints reduced the size of the all-volunteer force, soldiers were expected to operate in geographically distributed non-linear environments where any soldier, including those normally in support roles, could potentially be subjected to enemy attack. Wisely, the Army decided to “toughen-up” soldiers and inculcate them with a combat-focused mindset regardless of specialty. Unfortunately, this laudable goal was encapsulated in the word *warrior*.

Historically, the word *soldier*, implies, discipline, subordination to a higher collective ideal, sacrifice for the common defense, and the waging of war as a duty in time of need; *warrior*, in contrast, implies a violent individualism, the eager acceptance of war as a way of life, the glorification of war and combat, and a caste-like separation of “the warrior” from the other members of civil society. The differences are significant and are ethically problematic in a liberal democracy. The dichotomy between warrior and soldier is that between Alexander of Macedon on the one hand and Cincinnatus of Rome on the other. The former was full of overweening ambition, reckless courage, individualistic hubris, and a constant desire for combat and conquest; the latter left his plow only to serve the needs of the republic and assist his fellow citizens in time of dire necessity; once the call of duty was satisfied, he returned to the peaceful concerns of a private citizen. While the virtues of the warrior may be needed at certain times and places it is not wise to construct an entire military professional ethic around them; that is, unless the object is to build up a separate military caste.

The distinction between warrior and soldier and the appropriateness of these terms is well-known in military circles and has been the subject of many debates in print, in blogs, and when having a few beers with friends ever since the Warrior Ethos was imposed on the Army. A typical example from a blog describes the difference in these terms: “Soldiers are well trained, disciplined fighting machines that go into combat and follow orders. A Warrior is an undisciplined, untrained person who may follow orders but fights because he wants to. Think 18th Century British Army compared to 11th Century Scots.”<sup>6</sup> Another blogger writes: “Yes, having a warrior spirit of courage is great, but when it is not tempered into a body of discipline that is a soldier sic it is unreliable. To sum it up, gangbangers are warriors police are soldiers. The differences of why they serve and how they act are as stark as the difference between the tribal militia of Afghanistan and the paratroopers of the 82nd.”<sup>7</sup>

Not all opinions are negative. Indeed many soldiers, especially young ones embraced and celebrated the Warrior Ethos just as they embraced the universal Black Beret as the Army’s new headgear. A typical example follows: “A warrior possesses the dedication that money cannot buy. ... Our country won the American Revolution not because our soldiers were better trained; in fact it was quite the opposite, a ragamuffin bunch of adventurers versus highly trained British soldiers! They conquered because they became warriors. They were fighting for their home and they did whatever they had to, to gain that freedom. These soldiers became warriors as they walked endless miles without shoes. They became warriors as they endured frigid winters with no food or blankets, they became warriors as they trained day after day for a cause greater than themselves.”<sup>8</sup> Another blogger expresses a less romanticized, more pragmatic response: “When it comes to the whole ‘warrior’ thing ... I have no problem with using the term if it propagates an atmosphere of esprit de corps or maintains a high level of professionalism. I’ve served my stint in uniform and have seen the difference between the ‘here for the college money’ ... ‘here because I had no other option’ ... ‘here for God and country’ ... and ‘here because this is what I do ‘warrior’ groups. I think that in general, many servicemen and women are there for a mixture of those reasons, but if they like to believe that they are ‘warriors’ and that belief breeds results ... more the better.”<sup>9</sup>

Despite the romance and the enthusiasm generated in some quarters by the adoption of the persona of the warrior, we posit that although an effective army naturally attracts the born-warrior

to its ranks, the majority of its soldiers are best described as such—as soldiers—and would do well to adopt a professional ethic based on this self-conception. As noted author Steven Pressfield writes: The citizen-soldier is to my mind, the soul and beating heart of a free republic.”<sup>10</sup> The same author continues: “The citizen-soldier fights to defend his country, his family and the values he holds dear, the warrior fights for the fight itself. A warrior does not participate in the fight; he is a fighter. That’s who he is. It’s all he wants to be. A warrior is not himself, apart from war. Like the priest or the holy man, a warrior is ‘called’—often at a very early age.”

It is quite clear that in this debate the romantic and heroic attraction of the *warrior* as a category certainly plays a significant part as is evident from even the most cursory examination of the current discourse. Other views recognize the need for collective discipline directed towards the national interest. In the end, Patton, the prototypical incarnation of warrior, had to be directed and restrained by Dwight Eisenhower and George C. Marshall—both of them consummate professional soldiers and officers. This very idea is expressed in rough but direct language by a blogger: “Warriors fight. It’s all they do; it’s all they’re good at. Soldiers don’t actually fight very much and aren’t necessarily very good at it. Most of what they do is following orders, sic. digging entrenchments, moving supplies around, marching for days on insufficient sleep with an oversized pack... stuff Warriors sic will pitch a snit at and refuse to do. Warriors win battles; Soldiers win wars.”<sup>11</sup>

As a liberal democratic republic which does not conscript its citizens into its military any longer, the United States needs to attract those who would willingly serve under the proud name of United States Soldier. The warrior is a natural fighter; the soldier is willing to fight when necessary. There is certainly a need for true warriors within our armed forces. The natural fighter can and does serve to stiffen the backbone and fighting will of the force as a whole. There is certainly a need for this rare breed, especially in those branches and specialties that require an unusual measure of courage, individual initiative, and combat skills; but an entire army would be ill-advised to found the ethical and professional foundations of its culture on what is in truth a rare and special personality type. A thoughtful commentator, himself a Vietnam veteran, puts it in these terms: “... the military’s leadership seems to want to convince soldiers that they are ‘warriors,’ people who are distinct from the rest of society by virtue of their courage and aggressiveness. The goal is to make the soldier more effective at killing the enemy by stoking the psychological fires of combat.” He is quick to add that: “The United States has no warrior class” and concludes with a provocative and worrisome thought: “The leadership of the military, who try to use the idea of the Warrior among soldiers, is spreading propaganda, which may result in detriments to the veteran’s road in life. The idea of the Warrior is just that—an idea, a mythical one. Trying to apply it to real life and real soldiers will only lead to more problems.” Tellingly, this blog posting is commented by a veteran of the current wars and his concerns raise serious issues about the long term effects of the Warrior Ethos: “... it’s horrible that civilians still associate this mindset to the vets they meet,. Perhaps it’s simply that I live in Liberalville, MA, but I get annoyed when asked stereotypical “warrior” questions: Have you killed people? What’s it like to shoot people? Did you lose any friends? ... These kinds of questions related to this “warrior” stereotype seem to cause a sense of anxiety and as a result, I simply don’t talk about it to anyone and many of my military friends agree. I’d imagine this also contributes towards a disconnect from civilians.”<sup>12</sup>

We do not pretend to end the discussion here. It is clear that the nation needs both soldiers and warriors; but I propose that a “warrior ethos,” while appropriate to a sniper, or to a small and cohesive Special Forces group, is not appropriate as a basis for an entire Army’s professional ethos, especially considering that, when understood in its historical sense, the adjective *warrior* does not properly describe the majority of US Army soldiers, just as the adjective *hero* does not properly describe all combat veterans. Indeed, the word “warrior,” much as “hero” are both very misused and abused terms in today’s public discourse. As instruments in the manipulation of public opinion these words are often unhelpful, and serve as the source of endless confusion, not least of all in the minds of our soldiers and war veterans. These words can and should be used; but this should be done in appropriate and precise contexts. In the end, I believe it is clear that the instinctual passion of the warrior must be restrained by the discipline of the soldier in the service of the common good of the *res publica*.

## CONCLUSION

In conclusion, a thoughtful consideration of the top-down institutional changes that have been introduced into the professional self-perception of U.S. Army officers in the past decade or so clearly show the inherent ethical dilemmas posed by both the mandate to actively take part in the “strategic communications imperative” by “telling the Army story” and the adoption of the “warrior ethos” by the Army. It is clear that these changes place a heavy ethical burden on the individual officer—one that he or she should not be asked to bear because it impinges on the autonomy of the individual conscience. This burden clearly has the potential to create such a degree of cognitive dissonance between individual and institutional values that continued service with a clear conscience could be rendered impossible for some officers. Even more troublesome, these changes, embraced and mandated by the Army’s leadership since 9/11, mark the end of the professional Army ethic which has characterized the officer corps since at least the beginning of the twentieth century. Change is inevitable, the inescapable question is whether another Army ethic, one which would be acceptable to U.S. citizens who happen to be Army officers capable of autonomous ethical choices, will emerge to replace the one that, despite its flaws, achieved a precarious balance between individual conscience and the needs of the republic.

---

## Endnotes

1. Samuel Huntington, *The Soldier and the State*, (New York: Belknap Press), 1957.
2. Michael Hastings, “The Runaway General,” *Rolling Stone*, 23 June, 2011.
3. Prior to assuming his current position as commander of the NATO Training Mission-Afghanistan (NTM-A)/Combined Security Transition Command-Afghanistan (CSTC-A) on November 21, 2009, General William Caldwell IV served as Chief Spokesperson for the U.S. military in Iraq. This experience impressed on him the importance of effective communication with the press and imbued him with a desire to educate officers on how to be effective in this endeavor. As a result this experience, General Caldwell implemented many initiatives and set specific “strategic communications” and “media engagement” curriculum requirements for all officers attending Intermediate Level Education at the U.S. Army Command and General Staff College, Ft. Leavenworth, Kansas.
4. Ulysses S. Grant, *Personal Memoirs*, (New York: C.L. Webster, 1885); repr. ed., Modern Library War Series, general editor Caleb Carr with an introduction by Geoffrey Perret, (New York: Modern Library, 1999), p. 23.
5. See Tom Hayden, “The ‘Long War’ Quagmire,” *Los Angeles Times*, 28 March, 2010.
6. <http://answers.yahoo.com/question/index?qid=200090512193019AAEurWX> accessed 10/13/2011.
7. “Ed” 25 Jan, 2011 [www.golivethedream](http://www.golivethedream.com) accessed 10/13/2011.
8. [www.golivethedream.com/blogs/blog/792232-soldiers-vs-warruiers](http://www.golivethedream.com/blogs/blog/792232-soldiers-vs-warruiers) accessed 10/13/2011.
9. <http://tgace.wordpress.com/2009/08/06/soldiers-and-warriors> accessed 10/13/2011.
10. Steven Pressfield, <http://www.stevenpressfield.com/ep-3/> accessed 24 October, 2011.
11. <http://forum.rpg.net/showthread.php?263349-Metal-Gear-Solid-Explaining-Warriors-vs...>
12. Briscoe0321, [www.pbs.org/pov/regardingwar/conversations/coming-home/soldiers-as-warriors](http://www.pbs.org/pov/regardingwar/conversations/coming-home/soldiers-as-warriors) accessed 10/13/2011.



# **The Military Profession and Counter-Genocide Leadership: Establishing Professional Obligations and Standards**

**by Michael H. Hoffman**

## **ABSTRACT**

Historically, the U.S. armed forces have not been expressly responsible for countering genocide and mass atrocities. Recent political guidance, and developments in modern international law have implicitly if not expressly imposed such obligations. U.S. military professionals must now identify how they can best support national goals in this field and begin taking action.

## **INTRODUCTION**

Genocide and mass atrocity prevention are entering systematic U.S. military thought for the first time in our history. Though the U.S. Army has a proud history as liberators, to include liberation of victims of genocide in World War II, these events have not taken hold as a source of inspiration or lessons learned warranting official study. These events have not sparked revision of operational themes, or joint operations within themes. However, political leaders have signaled a change in expectations.

My experience with field grade officers enrolled in my genocide prevention elective at Fort Belvoir indicates that many of them have, at the same time and on their own, drawn the conclusion that Army officers must develop professional and institutional capabilities to meet these challenges. The Army and the Joint Force must now accept this responsibility and begin developing requisite capabilities. This paper examines the professional foundations for this obligation and considers what, in fact, it means if military officers have an ethical obligation to lead in preventing genocide and mass atrocities.

## **FRAMING THE ISSUE— IS THERE A PROFESSIONAL OBLIGATION TO PREVENT GENOCIDE?**

Prevention of genocide and mass atrocities may seem a new focus for military professionals. However, it can also be considered a familiar issue that the U.S. armed forces have long grappled with from a different perspective. The law of war (also contemporarily known as the law of armed conflict or international humanitarian law) has been integral to U.S. military discipline, and professional expectations of the armed forces, since the nation's earliest days.

Though war crimes took place during the American Revolution, both sides recognized application of the law of war. One particularly notable example of its application came with the surrender of General Burgoyne and his forces at Saratoga in 1777. The laws and customs of war as observed by European gentlemen were honored in the course of surrender- even to the point that Continental officers joined General Burgoyne in drinking a toast to King George.<sup>1</sup>

The United States made a key contribution to the development of the law of war in 1863 with the adoption of General Orders No. 100. Issued as "Instructions for the Government of Armies of the United States in the Field" during the Civil War, these rules are internationally renowned as the "Lieber Code" in recognition of the lead author.<sup>2</sup> The Lieber Code marked the first time that any government issued a general code of conduct for armed forces in wartime. It was influential in the development of international law into the early 20th century and remains a landmark in the history of the law of war.

The law of war is not new to U.S. forces. We are accustomed to considering how we apply the law of war in our own forces, whether our allies are applying the law, and whether our enemies are applying the law of war and how we will address their war crimes if they do not. What is new, however, is a focus on how to prevent violations in the first place, or stop them if systematic war crimes are already taking place. In this paper, the term counter-genocide operations refers to all military and interagency planning and operations aimed at preventing or ending systematic or widespread war crimes and other violent crimes against human rights. We want to prevent such crimes before they emerge as genocidal threats.

This takes us from a legal assessment of enemy conduct to an operational and interagency assessment of their actions. A preventive perspective also requires that we look carefully at the potential for war crimes among state and non-state actors who may become coalition partners. The question, then, is do military professionals have an obligation to do any of this? Is it not enough that they continue to implement the law of war in our own joint force, prosecute and punish violations among our personnel, and assist in capture and prosecution of enemy perpetrators?

In the 20th and early 21st centuries treaties and state practice have developed that help us identify what constitutes a war crime, a crime against humanity, or genocide. The concept of war crimes has the longest history with roots going back to the Middle Ages if not earlier. War crimes-acts that constitute breaches of the laws of war-include, in part and by way of example, use of prohibited weapons, targeting of civilians, willful destruction of civilian infrastructure and property not being used for military purposes, and killing or mistreatment of prisoners of war or civilians in the power of a belligerent power.<sup>3</sup>

At the close of World War II, the allied powers determined they would prosecute systematic, widespread crimes committed by Nazi Germany as Crimes Against Humanity. This legal concept has developed in subsequent generations and today there are multiple definitions available for this crime. For purposes of illustration, the definition first adopted in 1945 is offered here. “Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds...”<sup>4</sup> The ultimate crime against a population is genocide, and it was singled out as a distinctive crime in a treaty adopted shortly after World War II.

Genocide, as defined by the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948, “means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”<sup>5</sup>

The sufficiency of legal definitions for these crimes is sometimes controversial and international law continues to evolve to address these issues. Debate on these issues doesn’t need to be further addressed here. What is important for our immediate purposes is recognition that the law recognizes the existence of criminal offenses falling within the categories of war crimes, crimes against humanity, and genocide. The United States adheres to international law prohibiting such offenses. The question before us is this. Is there an emerging obligation for U.S. military leaders to plan and lead efforts to prevent such crimes?

Recent strategic guidance indicates that there is an affirmative answer to that question. The March 2006 National Security Strategy marks genocide prevention as an explicit national security goal of the United States:

*“Patient efforts to end conflicts should not be mistaken for tolerance of the intolerable. Genocide is the intent to destroy in whole or in part a national, ethnic, racial, or religious group. The world needs to start honoring a principle that many believe has lost its force in parts of the international community in recent years: genocide must not be tolerated.*

*It is a moral imperative that states take action to prevent and punish genocide. History teaches*

*that sometimes other states will not act unless America does its part. We must refine United States Government efforts-economic, diplomatic, and law-enforcement-so that they target those individuals responsible for genocide and not the innocent citizens they rule. Where perpetrators of mass killing defy all attempts at peaceful intervention, armed intervention may be required, preferably by the forces of several nations working together under appropriate regional or international auspices.*

*We must not allow the legal debate over the technical definition of 'genocide' to excuse inaction. The world must act in cases of mass atrocities and mass killing that will eventually lead to genocide even if the local parties are not prepared for peace."*<sup>6</sup>

Idea leadership in this field quickly followed, with a highly influential task force convened by the U.S. Holocaust Memorial Museum, the American Academy of Diplomacy, and the United States Institute of Peace. The Task Force report, *Preventing Genocide: A Blueprint for U.S. Policymakers* recommended a wide array of interagency measures to prevent genocide and mass atrocities.<sup>7</sup> The trend towards greater official engagement with these challenges continued with the current National Security Strategy of May 2010.

The current National Security Strategy not only reaffirms the commitment of the 2006 strategy, it also begins setting out specific requirements:

"Prevent Genocide and Mass Atrocities: The United States and all member states of the U.N. have endorsed the concept of the 'Responsibility to Protect.' In so doing, we have recognized that the primary responsibility for preventing genocide and mass atrocity rests with sovereign governments, but that this responsibility passes to the broader international community when sovereign governments themselves commit genocide or mass atrocities, or when they prove unable or unwilling to take necessary action to prevent or respond to such crimes inside their borders. The United States is committed to working with our allies, and to strengthening our own internal capabilities, in order to ensure that the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide. In the event that prevention fails, the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and-in certain instances-military means to prevent and respond to genocide and mass atrocities."<sup>8</sup>

This strategic vision is beginning to make its way into national level guidance for the armed forces but guidance on these specific challenges hasn't fully matured. The Quadrennial Defense Review of February 2010 broadly tasks the armed forces to be ready for missions "Preventing human suffering due to mass atrocities or large-scale natural disasters abroad."<sup>9</sup> The National Military Strategy of February 2011 is even more ambiguous on the task of genocide and mass atrocity prevention. The Strategy identifies challenges that must be addressed to include "natural disasters and transnational threats such as trafficking, piracy, proliferation of WMD, terrorism, cyber-aggression, and pandemics..."<sup>10</sup>

The National Military Strategy also sets out that "Military power complements economic development, governance, and rule of law-the true bedrocks of counterterrorism efforts. In the long run, violent ideologies are ultimately discredited and defeated when a secure population chooses to reject extremism and violence in favor of more peaceful pursuits."<sup>11</sup> Counter-genocide and counter-mass atrocity responsibilities more often than not remain express rather than implied.

Recent presidential guidance points the way, once again, towards a strategic requirement for the armed forces to counter genocide and mass atrocities specifically, and not as an implied subset of other humanitarian challenges. On August 4, 2011, the White House issued Presidential Study Directive/PSD-10 on Mass Atrocities.

PDA-10 has as its objective "Creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review." The directive leaves no room for doubt of President Obama's intentions. The Board will be established "within 120 days from the date of this Presidential Study Directive." The Board's purpose is to "coordinate a whole of government approach to preventing

mass atrocities and genocide. By institutionalizing the coordination of atrocity prevention, we can ensure (1) that our national security apparatus recognizes and is responsive to early indicators of potential atrocities; (2) that departments and agencies develop and implement comprehensive atrocity prevention and response strategies in a manner that allows ‘red flags’ and dissent to be raised to decision makers; (3) that we increase the capacity and develop doctrine for our foreign service, armed services, development professionals, and other actors to engage in the full spectrum of smart prevention activities; and (4) that we are optimally positioned to work with our allies in order to ensure that the burdens of atrocity prevention and response are appropriately shared.”<sup>12</sup>

Further guidance will be required specifying responsibilities facing the U.S. armed forces. The U.S. Army is taking a close look at the institutional and personal requirements facing a profession of arms. The kind of counter-genocide and mass atrocity responsibilities set out in the last two National Security Strategies and PSD-10 have not been ignored in this process.

## **MOVING FORWARD**

On December 6, 2010 the U.S. Army Training and Doctrine Command issued a white paper entitled “The Profession of Arms.” This paper was issued to initiate dialogue on what it means for the Army to be a profession of arms. Human rights are an important focus in the White Paper, and the counter-genocide and mass atrocities mission is identified as well. “The defense of basic human rights from threat is the primary service that the Army provides the Republic...The Army is also called upon to defend other nations and peoples from aggression, massacre, or genocide.”<sup>13</sup>

Several footnotes to the White Paper furnish excellent-in fact superb- analysis on the scope of human rights subject to professional concern and action by the Army.<sup>14</sup> The paper accurately recognizes the definition of human rights as “contentious”<sup>15</sup> and takes the practical approach of leaving the concept of human rights open in the paper with “some ambiguity regarding what rights under what conditions should be defended by military force.”<sup>16</sup> However, the same footnote series also states that “the rights that matter most in military operations are a small set of basic human rights consisting of the rights against torture, rape, unjustified killing, arbitrary imprisonment, access to basic subsistence, and personal liberty.”<sup>17</sup> Presidential Study Directive 10, along with the growing informational and diplomatic focus on international human rights law and the law of armed conflict, point towards a requirement to shape Army and joint capabilities taking account of such rights, their protection, and the role that military professionals will be called upon to play in enforcing them.

If these obligations are not met the consequences can be almost unimaginable. At this point, it is useful to consider a cautionary tale about genocide, professional inattention and the absence of political accountability. This story is a source of bitterness and controversy almost 70 years later. It will likely remain so for centuries.

## **A CAUTIONARY TALE-THE NON DECISION NOT TO BOMB AUSCHWITZ**

In 1944, the allies received urgent appeals to bomb Auschwitz in order to stop the systematic mass murder taking place in the gas chambers there. The request was denied. Debate continues on whether that mission should have been taken on and whether it had any chance for success. That debate will not be addressed here.<sup>18</sup> Rather, we will consider another question that has not received much consideration. Did the allies even attempt to determine likely success for this mission and whether it should have been carried out?

In 1944 reports reached England and the United States confirming that Auschwitz was a mass killing center. Appeals from Jewish organizations and the U.S. government’s War Refugee Board met a bureaucratic wall.<sup>19</sup> There was actually no planner at the strategic level who “owned” the issue.

War Department planners were well organized but always challenged in their efforts to maintain strategic focus. “By the end of 1943 the whole military staff system was so well established and in such good running order that the critical problem was to monitor a thousand proposed military

actions through the complicated Army and JCS organization without losing control of the thread of strategic and operational logic that tied them all together.”<sup>20</sup> Along with the improbability that anyone on the overworked War Department staff would have taken on the issue of bombing Auschwitz at their own initiative was the added fact that staff relations and coordination between the U.S. Army and the Army Air Forces was still uncertain and evolving.<sup>21</sup>

Ultimately, this challenge involved important political, operational and logistical dimensions that were bound to involve political leaders as well as military planners and commanders. Civilian leadership did not want the armed forces to take on this mission. On 3 July 1944 a military aid to Assistant Secretary of War John J. McCloy sent him the following memo with a recommendation for action on one of these requests.

“I know that you told me to ‘kill’ this but since those instructions, we have received the attached letter from Mr. Pehle.

I suggest that the attached reply be sent.”<sup>22</sup>

Mr. McCloy sent his reply to Mr. Pehle at the War Refugee Board the following day. “I refer to your letter of June 29, enclosing a cable from your representative in Bern, Switzerland, proposing that certain sections of railway lines between Hungary and Poland be bombed to interrupt the transportation of Jews from Hungary.

The War Department is of the opinion that the suggested air operation is impracticable. It could be executed only by the diversion of considerable air support essential to the success of our forces now engaged in decisive operations and would in any case be of such very doubtful efficacy that it would not amount to a practical project.

The War Department fully appreciates the humanitarian motives which prompted the suggested operation but for the reasons stated above the operation suggested does not appear justified.”<sup>23</sup>

Overworked planners, fluid staff relations between air and ground component planners, an “orphan” threat and, most importantly, firm senior level political opposition to any attempt to bomb Auschwitz doomed the appeal from the start. There is no evidence that anyone in a position of authority made the slightest effort to assess this situation or direct War Department evaluation and recommendations. Had they done so, the other challenges would not have prevented action. However, McCloy’s active political direction to “kill” this appeal certainly would have quashed any staff level initiative that might have emerged.

Perhaps this non-decision has less resonance today in that early 21st century national leadership has identified genocide and mass atrocities as a national security challenge requiring military and interagency planning and initiative. It still means a great deal, however, in that it leaves open the question of how the Army and the Joint Force will meet express and implied professional responsibilities to counter-genocide and mass atrocities.

## **PREPARING FOR PROFESSIONAL RESPONSIBILITIES**

The U.S. Army and Joint Force must address the following challenges in order to meet professional responsibilities in countering genocide and mass atrocities.

1. The Army must develop its own vocabulary to threats of genocide and mass atrocities requiring operational response. Legal definitions are essential for diplomatic and informational initiatives. They are also essential when military professionals provide support for investigation and prosecution of breaches of international law. They are not useful to identify emerging and matured threats requiring operational planning and response. For example, PSD-10 requires interagency response to prevent atrocities, but there is no historical guidance on what constitutes an atrocity for purposes of military planning and response.

2. Doctrine for counter-genocide and mass atrocity operations does not exist. Any guidance

is incidental to civilian protection in other operations. An important pioneering initiative is the MARO Handbook developed by the U.S. Army Peacekeeping and Stability Operations Institute and the Carr Center for Human Rights Policy, Harvard Kennedy School.<sup>24</sup> But this informed and thought provoking initiative is just the start. Development of doctrine will be made all the more challenging by the lack of much historical precedent for military or interagency operations conducted to prevent or terminate genocide or mass atrocities.

3. Training and education programs are essential to operational effectiveness in this field just as they are for every military task and mission. Professional development goals should be set for field grade officers to ensure that planners and commanders are competent to meet these challenges. The U.S. Army Command and General Staff College offers electives on genocide prevention at its main campus and the Fort Belvoir satellite campus. The U.S. Army War College offers an elective on Mass Atrocity Response Operations. These course and other initiatives need to be integrated into systematic professional development plans for officers in all branches of the armed forces. Military planners and leaders need to understand such threats before they are tasked to defeat them. Education and familiarization should begin in the process of professional education and development. Officers and Non-commissioned officers should understand what they are looking at when they see mass human rights violations shaping up and already have some experience addressing the threat through prior training and education.

Ten years ago, Army and Joint Force officers would have faced a tough professional question precedent to conducting counter-genocide planning and operations. What would be the appropriate course of action if political leaders told them to “kill” appeals for counter-genocide action? Presidential guidance since 2006 broadly establishes responsibilities in the armed forces. The White Paper of 2010 on the Profession of Arms further identifies inherent Army responsibilities in this field. The challenge now before us is to identify those objectives best meeting the direction of civilian leadership and then achieve them.

---

## References

### Primary Sources

Albright, Madeline and Cohen, William S., report co-chairs, *Preventing Genocide: A Blueprint for U.S. Policymakers*. U.S., 2008.

Carr Center for Human Rights and the U.S. Army Peacekeeping and Stability Operations Institute, *MARO: Mass Atrocity Response Operations: A Military Planning Handbook*, Harvard, 2010.

Department of the Army Pamphlet (DA Pam) 27-161-2, *International Law, Vol. 2*. (October 1962.)

National Security Strategy, May 2010.

National Security Strategy of the United States of America, March 2006.  
Presidential Study Directive/PSD-10, August 2011.

Quadrennial Defense Review Report, February 2010.

The National Military Strategy of the United States of America 2011.

The Profession of Arms, White Paper, U.S. Army Training and Doctrine Command, December 2010.

### **Secondary Sources**

Cline, Ray S., *The United States Army in World War II, The War Department Washington Command Post: The Operations Division*. Washington, D.C.:U.S. Government Printing Office, 1990.

Hartigan, Richard S., *Lieber's Code and the Law of War*. Chicago, Precedent, 1983.

Huntington, Samuel P., *The Soldier and the State*, Cambridge, MA., The Belknap Press of Harvard University Press, 1985.

Neufeld, Michael J. and Berenbaum, Michael, editors, *The Bombing of Auschwitz: Should the Allies Have Attempted It?*, Lawrence, Kansas, University Press of Kansas, 2003.

Schindler, Dietrich and Toman, Jiri, editors, *The Laws of Armed Conflicts*. Dordrecht, The Netherlands, Martinus Nijhoff Publishers, 1988.

---

### **Endnotes**

1. DAM Pam 27-161-2, *International Law*, vol.2 (October 1962), p. 6
2. For the full text of the Lieber Code and background on this important document, see Richard Shelly Hartigan, *Lieber's Code and the Law of War*, (Chicago, Ill: Precedent,1983).
3. For background on positive application of the law in order to prevent such crimes, see, Id, 1, at 39-52, 76-85, 130-134.
4. Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, article 6(c), August 1945. Dietrich Schindler and Jiri Toman, eds., *The Laws of Armed Conflicts* (Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1988.) p. 914.
5. Ibid, Convention on the Prevention and Punishment of the Crime of Genocide, article 3. Page 232.
6. The National Security Strategy of the United States of America March 2006, section IV.C.4.
7. See Madeline Albright and William S. Cohen, Co-Chairs, *Preventing Genocide: A Blueprint for U.S. Policymakers* (U.S., 2008.)
8. National Security Strategy May 2010, p.48.
9. Quadrennial Defense Review Report, February 2010, 15.
10. The National Military Strategy of the United States of America 2011, p.15.
11. Ibid, p. 6.
12. Presidential Study Directive /PSD-10 (August 4, 2011).

13. The Profession of Arms, U.S. Army Training and Doctrine Command, (8 December 2010), section 3.
14. Ibid, footnotes 27, 28, and 29.
15. Ibid, footnote 27.
16. Ibid, footnote 29.
17. Ibid, footnote 27.
18. For a thought provoking collection of essays on this still raw subject, see Michael J. Neufeld and Michael Berenbaum., editors, *The Bombing of Auschwitz: Should the Allies Have Attempted It?* (Lawrence, Kansas: University Press of Kansas published in association with the U.S. Holocaust Memorial Museum, 2003.)
19. Ibid, pp. 249-260, 271-280 for correspondence relating to requests for U.S. military action.
20. Ray S. Cline, United States Army In World War II, The War Department, *Washington Command Post: The Operations Division* (Washington, D.C.: U.S. Government Printing Office, 1990.), p.209.
21. Ibid, pp. 249-250.
22. Supra, footnote 18, p.260.
23. Supra, footnote 18, p.260.
24. See *MARO: Mass Atrocity Response Operations: A Military Planning Handbook*, (Harvard, 2010), Executive Summary pp. 27-21.

# **Far From Nuremberg: The United States, War Crimes, and the International Criminal Court**

**by Mark M. Hull, Ph.D., J.D., FRHistS**

Commitment to the rule of law, the idea that both persons and nations are responsible for their conduct, is generally seen as the dividing line between civilized behavior and barbarism. Flowing from the mass atrocities that occurred during World War II, the United Nations – led by the United States – championed an international forum intended to define crimes and enforce justice in an effort to insure that there would never again be a situation where the guilty could escape punishment for crimes that offend the most basic concepts of humanity. Despite the proven success of that approach since 1945, various domestic political agendas and nationalistic concepts have cast the United States in the role of a country that actively seeks to evade the same application of international justice.

Concepts of international criminal law have an uneven history. Largely originating in the middle of the 19th century, the earliest efforts (ex. St. Petersburg Declaration in 1868) were treaties aimed at mitigating unnecessary suffering and later expanded to cover the minimum acceptable conduct of belligerents in areas such as naval war, the protection of civilian populations, treatment of prisoners of war, and limitations on the use of unnecessarily destructive ordnance. The Hague Convention (1899) and the Geneva Convention (1929) hammered out the essential prohibitions but failed to agree on an enforcement mechanism. Perhaps naively, the parties believed that a common spirit of basic humanity would suffice and that a treaty signed in good faith was binding in and of itself. Honest self-regulation would obviate the need for an external international arbiter.

A factor, too, was the new-found sense of nationalism which was more powerful than the nascent idea that justice is a problem best confronted by nations acting in concert. Citizens were first responsible to their own systems of law and order, and the idea that – for example – a Frenchman could be fairly judged by a panel consisting of Italians, Germans, and English would have seemed patently absurd. The horrific nature of World War One started to change this attitude. The Versailles Treaty (Articles 227-230) provided for war crimes trials of the defeated Central Powers – certainly with an element of victor’s justice – by ill-defined Allied tribunals (Article 227). A separate commission charged to study the matter recommended that a “High Tribunal” be created, with judges appointed by the Allied governments. This tribunal could determine its own procedures and apply “the principles of the law of nations as they result from the usages established among civilized peoples, from the laws of humanity and from the dictates of public conscience.” Punishments could be imposed in accordance with what is customary “in any country represented on the tribunal or in the country of the convicted person.”

The drafters of the Versailles Treaty rejected this recommendation. Along with the Japanese, the Americans were uncomfortable with the idea of international enforcement, for which “a precedent is lacking, and which appears to be unknown in the practice of nations.”<sup>1</sup> They were likewise lukewarm on the idea of trying a head of state and the precedent that might set. Accordingly, after intense wrangling with the Weimar government (the Allies initially presented a list of 900 war crimes suspects), the Allies decided to allow German courts to try German citizens for violations of international law. A series of such trials were held in Leipzig in 1921.<sup>2</sup> And the results were unimpressive: of 45 named individuals, only twelve were brought to trial. Of these, six were judged guilty, with longest sentence being one of four years imprisonment. Two of the convicted soon escaped from custody under suspicious circumstances and were later pardoned.<sup>3</sup> Clearly, despite the best intentions by some – and the worst intentions by others – all the king’s horses and all the king’s men could not bring forward a binding sense of international justice. Resolution of this point would have to wait for another twenty years and crimes so shocking that neither the Allies nor Germans in 1921 could have possibly envisioned them.

The brief window of optimism in the 1920s expressed itself in the Kellogg-Briand Pact, which outlawed war as an instrument of national policy. A tiger without teeth, this well-intentioned attempt at international also lack any means of enforcement, although fifteen nations (including the United States, Britain, France, Germany and Japan) ratified it. While subsequent events demonstrated that Kellogg-Briand did not in any way dissuade nations from going to war to further their individual national interests, the violation of this agreement provided an important legal basis for what came next. It also shows the willingness, at least for this moment in time, of the United States to act in concert with other nations in the realm of international accords.

It is unnecessary at this point to review the specifics of mass murder, deportation, slave labor, and other atrocities that characterized World War Two – these are well known and beyond the need of additional evidence. As early as 1941, Roosevelt and Churchill issued warnings of “fearful retribution” to be visited upon Nazi leaders for the murders in Eastern Europe known to have been committed at that stage. The Soviet Union joined this chorus a month later. The first meaningful steps toward fulfilling this promise originated from the St. James Palace Declaration in January 1942, where the representatives of nine occupied nations jointly stated that postwar criminal trials would take place, based upon violations of the Hague and Geneva Conventions. Later that same year, Roosevelt and Churchill directed the creation of a United Nations War Crimes Commission to investigate German (and Japanese) atrocities. Joseph Stalin joined the other two Allied leaders in November 1943 in Moscow, calling for international criminal trials for those Nazi leaders who committed crimes which went beyond the borders of any one nation.<sup>4</sup> The intent, though still vague on specifics, was to avoid a repetition of the Leipzig Trials where the accused were subject to the variable justice of their own country. Crimes of this magnitude were a matter for the community of nations.

However, this realization was not as natural and immediate as it might seem. In fact, until the spring of 1945, “justice” in an Allied sense meant the capture and execution, without trial, of the Nazis considered responsible for war crimes. Ironically, the Soviets – no strangers to war crimes themselves – pushed hardest for an international judicial forum. Britain’s view was more draconian:

*His Majesty’s Government is deeply impressed with the dangers and difficulties of this course judicial proceedings, and they think that execution without trial is the preferable course. A trial would be exceedingly long and elaborate, many of the Nazis’ deeds are not war crimes in the ordinary sense, nor is it at all clear that they can properly be described as crimes under international law.<sup>5</sup>*

Perhaps the most significant yet least well-known individual in the development of international law was a US Army lawyer named Murray Bernays. Almost single-handedly, he charted the course that led to the creation of the International Military Tribunals in Nuremberg and Tokyo, and by extension, to the Rome Statute and International Criminal Court of today. Despite the preference of his superiors for “executive action,” Bernays made the compelling argument that it was possible to navigate around the functional gaps in contemporary international criminal law and still achieve a measure of justice for victims of crimes that were not clearly defined. His solution paved the way for what is perhaps the most distinct difference between the methods of the Allies and the Axis: international justice done in concert with other nations. An imperfect process, to be sure, and one which opens up charges of the victorious merely punishing the vanquished, but it recognized that the nature of Axis crimes – the Holocaust chief among them – were of an altogether different character, of a special class of evil. The only means of achieving practical justice was an international trial; open to the world, with the defendant’s permitted to deny the charges and present evidence on their own behalf.

Roosevelt accepted these arguments, writing in January 1945 that “While executive action has the advantage of sure and swift disposition, it would be violative of the most fundamental principles of justice, common to all the United Nations.” These principles, enshrined in both the London Declaration in June 1945 and the indictments of the Nuremberg defendants, consisted of four separate, yet related points: planning and conspiring to wage aggressive war (in violation of the

Kellogg-Briand Pact); waging aggressive war; war crimes; and crimes against humanity.<sup>6</sup> These remain the bedrock of international criminal law as expressed in the Rome Statute. There was likewise a specific rejection of two earlier objections – the head of state defense and acting under order of a government or superior. Any person, chief of state or army private, was equally culpable if the evidence so indicated.

These same principles were translated into permanent international law in August 1946 when the United Nations General Assembly adopted the “Nuremberg Principles.” Principle VI carried forward the categories of criminal conduct from the IMT: Crimes Against Peace, War Crimes (violations of the laws and customs of war, including murder, ill-treatment, or deportation to slave labor of the civilian population; murder or ill-treatment of prisoners of war; wanton destruction of towns not justified by military necessity); Crimes Against Humanity (murder, extermination, enslavement, deportation, or persecution based on political, racial, or religious grounds). Related parts of the Nuremberg Principles took the concept a step further: individual responsibility for war crimes, individual responsibility in international law regardless of whether domestic law prohibits the conduct, rejection of the head of state defense, rejection of the superior orders defense, right to a fair trial for those accused, and complicity/conspiracy as a separate criminal offense punishable by the international community. The United States voted in favor of adopting these principles.

Unfortunately for the cause of international criminal law, this expression of intent was not soon translated into meaningful action. Despite many instances of war crimes in the decades after 1945, the first international tribunal under UN auspices was not created until 1993 (International Criminal Tribunal for the former Yugoslavia), followed soon thereafter by the International Criminal Tribunal for Rwanda, in response to the overwhelmingly brutal genocide in that country.

The creation of a UN criminal court to punish those responsible for the Cambodian genocide serves as a useful example. The United Nations adopted the Genocide Convention in 1948, which both defined the crime and mandated international efforts to stop it once identified as such. Despite abundant evidence to the murder of 2 million people and the forced deportation under slave labor conditions of millions more carried out at the direction of Pol Pot and his Khmer Rouge between 1975 and 1979, the promised international justice was slow to come. Despite being at the forefront of the effort to quantify to define genocide, it took the United States forty years to ratify the treaty which aimed to punish the crime. President Harry Truman first sent the treaty to the Senate in 1949; Ronald Reagan deposited the ratified document (with reservations) at the UN in 1988.<sup>7</sup>

The principal reason for the four decades’ long delay was domestic American conservative opposition to some of the key principles in international enforcement: that the Genocide Convention would subordinate US domestic law with international concepts, causing a constitutional crisis. The United States, they argued, would forfeit sovereignty if American citizens were subject to foreign entities and foreign laws without specific US consent. This same line of argument continues today in connection with US ratification of the Rome Statute and participation in the International Criminal Court. It is worth noting that American citizens are routinely tried, convicted, and sentenced in foreign courts, without prior US consent, just as foreign citizens are prosecuted and convicted in the American judicial system.

Finally, in 1994, almost twenty years after the Khmer Rouge murders began, the US Congress passed the Cambodian Genocide Justice Act, which stated, in part

*Consistent with international law, it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975 and January 7, 1979.*

It was not a general endorsement of international criminal law principles, and the nature of the crime (Cambodian nationals murdering other Cambodian nationals) precluded touching upon the thorny issue of an international tribunal trying Americans for crimes committed elsewhere.

US support for global endeavors has a checkered history. Although instrumental in the creation of the idea of international justice, American international priorities are often determined with a

home audience in mind. The unfortunate results of US intervention in Somalia in 1993 – 19 US servicemen killed during the course of a humanitarian relief mission – destroyed support for international intervention. In the wake of Mogadishu, moves to create a permanent UN rapid reaction force were effectively killed by a Clinton administration under public pressure. When, following the genocidal tragedies in the Balkans, Cambodia, and Rwanda, the UN gathered enough momentum to pursue the idea of an International Court, the US balked.

US military opposition to an International Criminal Court was both predictable and influential. Both President Clinton and his Secretary of State Madeleine Albright championed the idea of the ICC well into 1998, perhaps most poignantly during a visit to Rwanda, sight of the humanitarian tragedy where the US and the rest of the civilized world did nothing to intervene. The Pentagon's fears were grounded on the possibility of "frivolous prosecutions of commanders and ordinary soldiers that are politically motivated by opposition to U.S. military actions." The Pentagon had powerful friends in the US Senate, where any negotiated treaty must be submitted for advice and consent. In a *New York Times* article, journalist Eric Schmitt offered that

*The Pentagon has a key ally in the Senate, which must approve United States membership in the court. Senator Jesse Helms, the North Carolina Republican who heads the Senate Foreign Relations Committee, vowed last month that any international criminal court would be 'dead on arrival' in the Senate unless Washington had veto power over it.*<sup>8</sup>

Helms spokesman clarified his master's intent: that the US Senate Foreign Relations Committee (specifically the Subcommittee on International Operations) "considers the ICC to be the most dangerous threat to national sovereignty since the League of Nations."<sup>9</sup> Other comments were even more direct. One US senator was reported as saying, "this court (the ICC) is a monster, and it is a monster that must be slain."<sup>10</sup>

Despite ominous rumblings from the US, representatives from 161 UN member states attended the June-July 1998 conference in Rome with the aim of establishing the ICC. US representatives attended but remained firm on certain positions, such as the insistence on the veto power of the five permanent members of the UN Security Council as to any prosecution by the ICC. More of an impediment was the clear message that the American government would not likely surrender Americans to face an ICC tribunal; US military and civilians "will always remain beyond the conceivable reach of such an international criminal court."<sup>11</sup> US delegates likewise demanded that before an investigation could proceed, the ICC must obtain the consent of any state that had an interest in the case, thereby effectively insuring that Americans could never be prosecuted unless the American government pointedly agreed. This same line of reasoning would also protect US allies and interests – of whatever nature – from any adverse judgments by the tribunals.

American concerns were not entirely specious. The US provides the bulk of the funding (and often essential military support) for UN-sanctioned peacekeeping around the globe. These same missions were often politically contentious and it was reasonable to have some system of protecting soldiers and leaders from arrest and trial for merely carrying out their assigned tasks. "It is in our collective interest that the personnel of our militaries and civilian commands be able to fulfill their many legitimate responsibilities without unjustified exposure to criminal legal proceedings."

However, the key issue was (and remains) one of national sovereignty. Is not the very nature of the ICC one where the US laws would be superseded by international laws? If that happens, how can the United States hope to maintain the constitutional guarantees afforded to all American citizens? Isn't it likely that some prosecutions could be politically motivated by individuals, groups, or states which are ideologically opposed to the US? The alternative – and one which no one wanted to consider – was that the move toward the ICC without such protections would result in the US withdrawing from its peacekeeping role in an effort to reduce potential criminal liability.

Ambassador William Richardson spoke to the drafting group:

*The ICC will not act in a political vacuum. Experience teaches us that we must carefully distinguish between what looks good on paper and what works in the real world...the US believes that the Security Council must play an important role in the work of a permanent court...the ICC must work in coordination, not in conflict, with other states. The Court must complement national jurisdiction and encourage national state action wherever possible...We must not turn the ICC – or its Prosecutor – into a human rights ombudsman, open to, and responsible for responding to, any and all complaints from any source.*<sup>12</sup>

American fears about both trampled national sovereignty and a rogue prosecutor created an impasse. These were lines beyond which the US would not go. “If the Prosecutor has sole discretion to initiate investigations and file complaints – as some delegates have sought...the results could be more idiosyncratic and possibly even more political, than the decisions of the Security Council.” In short, unless the US had the right to veto any prosecution, particularly those involving US citizens or interests, it would not be a signatory to an International Criminal Court, not feel itself bound by ICC decisions, and certainly not surrender Americans to ICC jurisdiction. In what is perhaps a telling event, Muammar Qaddafi’s Libya, Saddam Hussein’s Iraq, and China supported the American position.

The final version of the Rome Statute contained a number of compromises, which the assembly of delegates hoped would be sufficiently moderate to generate American support, despite clear indications of an all-or-nothing approach from the US. Article 124 provided that a nation could “opt out” of ICC jurisdiction for a period of seven years following the entry into force of the statute for the party concerned. However, Article 12 (2) stipulated that the ICC can take up a case when submitted to it by the Security Council or a state party or initiated by the prosecutor when either the state on whose territory the crime was committed or the state of the defendant’s nationality is a state party or has accepted the ICC’s jurisdiction over the crime on an ad hoc basis. The obvious problem for the Americans is that their citizens could still face trial if the nation where the crimes took place had ratified the Rome Statute and could not or would not prosecute themselves.<sup>13</sup>

The Americans fared less well when it came to the issue of an independent prosecutor. Article 15 allows the Prosecutor to investigate and initiate prosecutions, in addition to cases referred from the Security Council or state party to the treaty under Article 13. By way of balance, the Security Council can defer a case brought by any entity for one year. The Americans argued for ICC jurisdiction only over the crime of genocide; the majority of other delegates voted to include – as exemplified by the earlier Nuremberg Principles to which the US approved – the additional crimes of aggression, war crimes, and crimes against humanity.

US opposition notwithstanding, when the sixtieth nation ratified the Rome Statute in 2002, it became international law. In the first of a series of contradictory actions, the US voted against the Rome Statute in the UN general assembly but President Clinton nevertheless signed it in 2000...and then announced he would not submit it to the Senate for advice and consent until the US had observed the functioning of the court and “until our fundamental concerns are satisfied.” Clinton continued

*Nonetheless, signature is the right action to take at this point. I believe that a properly constituted and structured International Criminal Court would make a profound contribution in deterring egregious human rights abuses worldwide, and that signature increases the chances for productive discussions with other governments to advance those goals in the months and years ahead.*<sup>14</sup>

The presidency of George W. Bush served only to highlight the dysfunctional relationship between the United States and the ICC, as well as to politicize the already polarizing issues to a significant degree. On 6 May 2002, Bush sent a formal note to the UN Secretary General, “suspending” Clinton’s signature on the still un-ratified treaty – an unprecedented act in international relations – and stated that the US recognized no formal obligation to the Rome Statute. Bush’s point, apparently, was that he considered the signature – while not binding – to be symbolic that the US was in the process of even considering ratifying the Statute, and in fact, under the Vienna Convention (1969) states which have signed international treaties but not yet ratified them are still

obligated to do nothing in contravention. Bush was unwilling to accept this.

The Bush administration went still further. In what could be seen as a logical follow-on to an entrenched them vs. us mentality, Bush actively sought to weaken what he viewed as an anti-American movement (establishment of the ICC) – a somewhat perverse point of view, considering the American role in the IMT and Nuremberg Principles. In 2002, the administration introduced legislation – the American Servicemembers’ Protection Act – which prohibited US cooperation with the ICC unless/until the US ratifies the Rome Statute, something Bush never wished to do. Section 2008 of the ASPA authorized the President to use “all means necessary and appropriate” to free any US military personnel held by any nation on behalf of the ICC there has been no instance of this ever happening and to make the punitive point crystal clear, the specific language of the ASPA forbade the US from providing military aid to any country which ratified the Rome Statute. Exceptions were made for NATO members, non-NATO allies, and countries which were coerced into entering what were called “Article 98 agreements” with the United States. The ASPA reflected the hawkish mood of not just the President in a post-9/11 world, but the Congress and segments of the population, as well. International cooperation with anything outside the “coalition of the willing” in Iraq and Afghanistan was seen as undesirable, and possibly hazardous.<sup>15</sup> Bush and the Congress later reduced or effectively neutralized many of the anti-ICC provisions in the ASPA, starting in 2006.<sup>16</sup>

The Article 98 Agreements, or Bilateral Immunity Agreements, are problematic. Interpreting the language of Article 98 of the Rome Statute which prohibits the ICC from requesting the surrender of a defendant if to do so would force the state to “act inconsistently” in its agreements with other states, the US embarked on an ambitious program to avoid ICC jurisdiction. The American position is quite clear: a state which has signed a bilateral immunity agreement with the US cannot surrender a US citizen to the ICC – and vice versa. Governments refusing the BIA were punished - with some exceptions – by having US military support and Economic Support Fund assistance suspended.<sup>17</sup> Between 2002 and 2005, over a hundred such agreements were negotiated and signed between the United States and nations which are signatory to the Rome Statute. It also put the US in the position of engaging in active measures to shield accused war criminals for fear of having American nationals face international justice. The last BIA was signed in 2005, and most punitive enforcement provisions have since been removed.

Although the Obama administration has significantly improved cooperation with the ICC – participating in the 2010 Kampala Conference, for example – and promising to end what Secretary of State Hillary Clinton called a history of hostility to the Court, there are no immediate signs that the United States is ready to consider re-signing the Rome Statute and submitting it for Senate ratification.

As a Congressional study phrased it,

*Perspectives differ on the impact of the ICC on U.S. interests, as it begins to operate. Some see the ICC as a fundamental threat to the U.S. armed forces, civilian policy makers, and U.S. defense and foreign policy. Others see it as a valuable foreign policy tool for defining and deterring crimes against humanity, a step forward in the decades-long U.S. effort to end impunity for egregious mass crimes. Debate over the ICC has brought out a tension between enhancing the international legal justice system and encroaching on what some countries perceive as their legitimate use of force.<sup>18</sup>*

Americans agree, at least in the abstract, that deterring war crimes and punishing the offenders is worthwhile but there is a singular lack of urgency when it comes to putting that into practice. Concepts of international law do not resonate with the domestic electorate, particularly in an increasingly polarized political climate. Even suggesting that fellow Americans could become answerable to a “foreign” court is an almost unacceptable political position and it is unlikely that any administration can afford the losing battle which would result from supporting ratification of the Rome Statute. Until such time as effectively prosecuting war criminals in concert with the world

community again becomes a priority, there is almost no chance of the United States resuming the leadership role it embraced at Nuremberg - a role it has relinquished in the decades since.

---

### Endnotes

1. *Treaty of Peace with Germany: Hearings Before the Committee on Foreign Relations, United States Senate* (Government Printing Office, 1919), p. 372.
2. The Allies' principal villain, Kaiser Wilhelm II, was in exile in the Netherlands, and the Dutch refused requests for his extradition. The Weimar government likewise refused to surrender German nationals; an Allied desire for justice on this point was insufficient to overcome their reluctance to return to war.
3. James Willis, *Prologue to Nuremberg: The Politics and Diplomacy of Punishing War Criminals of the First World War* (Greenwood Press, Westport CN, 1982), p. 138ff.
4. Howard Ball, *Prosecuting War Crimes and Genocide* (University of Kansas Press, 1999), p. 43.
5. Richard H. Minear, *Victor's Justice: The Tokyo War Crimes Trial* (Princeton University Press, 1971), pp. 8-9.
6. This was slightly modified in the Nuremberg indictments to Crimes Against Peace, War Crimes, and Crimes Against Humanity.
7. The Reagan administration had an idiosyncratic relationship with the Pol Pot dictatorship, on the one hand engaging in covert efforts against it, while on the other voting to allow the Khmer Rouge representative to hold the Cambodian seat in the UN for many years after the fall of Pol Pot and rebuffing efforts to label the mass murders as Genocide. <http://www.yale.edu/cgp/KiernanCambodia30thAnniversaryEssay.doc>.
8. "Pentagon Battle Plans for International War Crimes Tribunal," *NYT*, April 14, 1998, p. A7,
9. "Creating a World Criminal Court Is Like Making Sausage – Except it Takes Longer," *Texas Observer*, June 30, 1998, pp. 7-8.
10. James Podgers, "War Crimes Court under Fire," 84 *American Bar Association Journal* 64 (September 1998).
11. Joe Stork, "The ICC in Focus," *International Criminal Court* 3, No. 4 (1998): 1.
12. N. Douglas Lewis, *Global Governance and the Quest for Justice: Human Rights*, p. 148.
13. This is an important point: the Rome Statute specifically states that it intends jurisdiction ONLY in those cases where the host nation is unable or unwilling to prosecute (Rome Statute, Art. 17). Likewise, jurisdiction is only exercised over persons, not nations (Art. 25).
14. Rebecca Frey, *Global Issues: Genocide and International Justice* (Infobase Publishing, NY 2009), p. 144.

15. In a related move, On June 30, 2002, the United States vetoed a draft U.N. resolution to extend the peacekeeping mission in Bosnia because the members of the Security Council refused to add a guarantee of full immunity for U.S. personnel from the jurisdiction of the ICC.
16. N.B., The War Crimes Act of 1996, for example, establishes U.S. federal jurisdiction to punish war crimes, as defined in international treaties to which the United States is a party, but only when perpetrated by or against U.S. nationals.
17. Among other things, the ESF provides funds for counternarcotics efforts, counterterrorism, and HIV/AIDS education.
18. Jennifer Elsea, *US Policy Regarding the International Criminal Court, Report for Congress* (Congressional Research Service, Library of Congress), p. 26.

# The Combatant's Life and Human Dignity

by Dr. Asa Kasher\*

For the Just War Doctrine the Principle of Distinction (or of Discrimination) is one of the principles that ought to be adhered to in a war for it to be regarded as a just war, a war that is properly waged and then properly conducted<sup>1</sup>. It is the principle of Distinction, in its current ethical and legal form that we would like to discuss in the sequel. Most of our discussion will be a critique of aspects of the principle, but

Some constructive suggestions for improvement are also going to be made.

The Principle of Distinction introduces an obligation to discriminate during an armed conflict between two kinds of circumstance of military activity. Under circumstances of one kind, combatants of one state encounter noncombatants of an enemy state, while under circumstances of the other kind, combatants of one state encounter combatants of an enemy state. Strictly speaking, the required discrimination is not between persons who are combatants and persons who are not, but rather between standards of justification of military actions against combatants and standards of justification of military actions against noncombatants. Roughly speaking, immunity as well as military necessity and proportionality are the major conceptual ingredients of the standards of justification pertaining to noncombatants, while expediency in pursuit of victory and proportionality are the major conceptual ingredients of the standards pertaining to combatants<sup>2</sup>.

Much attention has been given in philosophical discussion and legal practice to the idea of the immunity of noncombatants. Issues of who is immune and under what circumstances have been thoroughly discussed<sup>3</sup>. Much less attention has been paid to the idea of regarding, during an armed conflict, every person in military uniform of an enemy state as a legitimate target of attack. In parts I-IV of the present paper we will review several aspects of the commonly held permissive attitude towards combatants. In parts V-VI we outline a proposal for an alternative conception and make some constructive suggestions.

## PART I

Our natural starting point is the commonly held definition of the notion of "combatant". According to international laws of international armed conflict, there are two categories of combatants: one consists of "members of armed forces of a belligerent party (except medical and religious personnel)", the second one of "any other persons who take an active part in the hostilities"<sup>4</sup>.

There is a major conceptual difference between the two categories. Whereas persons who are not members of armed forces of a belligerent party are regarded as combatants only if they take an active part in hostilities, persons who are members of armed forces of a belligerent party are regarded as combatants whether they do take active part in hostilities or not.

This is a puzzling difference. For persons who are not members of an armed force of a belligerent party, suffice it that they do not take active part in hostilities for them to be protected, immune from military attack, while for persons in military uniform of a belligerent party it is not sufficient that they do not take part in hostilities for them to be immune from military attack. Generally speaking, it is morally puzzling that what counts as a compelling reason for protecting persons who are not in military uniform from jeopardy to their life, health and wellbeing, does not count as a compelling reason for protecting persons in military uniform from the same jeopardy, as caused by the same enemy.

An attempt to resolve the puzzle has to rest on a morally significant difference between a person in military uniform and a person not in military uniform, when both are not taking active part in the hostilities.

One alleged difference is related to a possible future deployment of such persons in military uniform in a front line, thus turning them into persons who do take part in hostilities. As much as such a future deployment is possible or even probable, it does not help to resolve the puzzle. Assume there are persons not in military uniform who do not take part in present hostilities for whom it is possible or even probable that at some point in the future they will take part in hostilities. The latter persons who are not in military uniform are not regarded as combatants, while the former persons who are in military uniform are regarded as combatants, even though for the time being they do not take part in hostilities. Thus, the puzzle has just been removed, so to speak, from the difference in attitude towards persons in military uniform and towards persons not in military uniform, all of whom do not take part in hostilities, to the parallel difference in attitude towards persons in military uniform and persons not in military uniform, for all of whom it is possible or even probable that in the future they will take part in hostilities.

Another alleged difference that can be used in an attempt to resolve that puzzle is that every person in military uniform, who does not take active part in hostilities, presumably supports in some indirect way military activity related to the hostilities, whereas a person not in military uniform who does not take active part in hostilities is usually not presumed to support in some indirect way military activity related to the hostilities.

Again, such an attempt to resolve the puzzle just removes the puzzle from one difference to another one. Assume there are persons not in military uniform who do not take part in hostilities but support in some indirect way military activity related to the hostilities. A police officer whose duty is to facilitate military traffic through towns and villages is an example of such a person. The new puzzling difference is between a person in uniform of military police, who is a combatant and may be attacked, and a person in a police uniform, who is not a combatant and should not be attacked, though both have strictly parallel missions of facilitating military traffic through towns and villages.

Similar puzzling differences emerge from other delineations of combatants or of civilians. The Christian tradition of Just War, since Augustine, through Thomas Aquinas, to Francisco de Vitoria, the distinction between combatants and civilians was depicted in terms of guilt and innocence. According to Vitoria, for example, “The deliberate slaughter of the innocent is never lawful in itself... [w]rong is not done by an innocent person. Therefore war may not be employed against him.”<sup>5</sup> Guilt and innocence were not understood in the strict religious sense of having or not having sinned, but rather in the sense of doing harm or being harmless.<sup>6</sup> However, if being harmless is the criterion of being immune from military attack, then it is not reasonable to assume that no person in uniform deserves immunity. Numerous persons in uniform do no harm and are even harmless, given the nature of their military missions. In a strict sense of doing harm, persons in military uniform who support combat operations but do not take active part in them, such as intelligence officers, are harmless. In a broader sense of doing harm, lending crucial support to persons who do harm is also regarded as doing harm, but there are persons in uniform whose mission is neither in combat nor in lending crucial support to combat. An example would be a JAG (Judge Advocate General) officer whose duty is to prosecute persons in military uniform on grounds of the US Uniform Code of Military Justice or a parallel code. Such an officer does no harm, even in the broad sense of the term. Again, if one regards what such a JAG officer does as indirect support of combat, by means of indirect support of obedience, then what is the difference between a JAG prosecution officer and a prosecutor in a District Attorney office?<sup>7</sup>

Yet another similar puzzle emerges from the ICRC interpretation of the delineation of the category of combatants not in military uniform in terms of “taking a direct part in hostilities”. According to the ICRC interpretation, direct participation in hostilities “implies a direct causal relationship between the activity engaged in and the harm done to the enemy at the time and the place where the activity takes place”<sup>8</sup>. This is indeed a narrow delineation of persons who should be regarded as combatants, even though they are not members of a military force, and it provides with immunity from military attack many persons whose activities are related to military activity or war effort, who nevertheless are not members of a military force. The present puzzle is similar to

the previous ones. Regular activities of numerous men and women in uniform do not have a “direct causal relationship with harm done to the enemy” in general, “at the time and the place where the activity takes place”, in particular. Interesting examples would be officers in charge of

the home front defense, who are never involved in doing harm to the enemy, and officers in charge of planning military operations, who are never involved in doing harm to the enemy “at the time and the place” of their activity<sup>9</sup>.

## PART II

The puzzles we have discussed show that the common distinction between two kinds of persons who are not members of a military force, namely those who take active part in hostilities and those who do not, cannot justify the broader distinction between those who are members of a military force and those who are not. Hence, attempts to justify the Principle of Distinction have to employ some conceptual element in addition to the distinction between those who do and those who do not take active part in hostilities.

A natural starting point would be what Thomas Nagel described as an “absolutist... principle that hostile treatment of any person must be justified in terms of something *about that person* which makes the treatment appropriate”<sup>10</sup>. According to this principle, if hostile treatment of a member of a military force is morally justified, there must be something about that person being a member of a military force which makes hostile treatment of that person morally appropriate. We turn now to some attempts to show that the very fact that a person is in military uniform justifies hostile treatment of him or her, unless they are POWs, wounded and helpless or members of medical or religious personnel.

The first view that should be mentioned is expressed by Augustine and later by Hugo Grotius and Emmerich de Vattel who all described soldiers as “instruments” in the hand of their sovereign<sup>11</sup>. Thus, if a person in military uniform is, as a person in military uniform, just a sword, it seems justified to treat him differently than a person who is not a member of a military force. Peasants and swords should not be treated in the same way. Even if a description of a person in military uniform as an “instrument” is taken to be metaphorical, conveying the idea that their actions do not reflect their own will but rather the sovereign’s, the difference between them and the peasants does not justify the difference between the permission to freely shed the blood of the former and the obligation to always protect the life and welfare of the latter. Why should a person in military uniform be treated differently than a person in police uniform who is also an obedient subordinate of the sovereign but is not taken to justify by his or her being in police uniform a regular hostile treatment. Nothing warrants a conceptual step of moving from being a subordinate to being a regular legitimate target.

In a recent discussion of the Principle of Double Effect, I read that “[enemy] civilians ought not to be killed as a side-effect of an action to save one’s own combatants, for combatants may be treated as instruments, but civilians remain persons; it is not the case that two combatant lives saved outweigh one civilian life lost”<sup>12</sup>. Leaving aside the topic of the Principle of Double Effect and the utilitarian comparison of lives saved and lives lost, we focus on the claim that “combatants may be treated as instruments, but civilians remain persons”. We reject this claim on grounds of a moral principle that we would like to introduce into our discussion at this point: Human dignity is inalienable. Protection of human dignity may vary with circumstances, within a framework that rests on moral principles or is at least compatible with them, such as an ideal democracy. However, human dignity is inherent and respect for human dignity may never be violated, even though it may take different forms under different circumstances. Respect for the human dignity of combatants should never be violated, even if they are targeted when it is morally permissible to attack them. Combatants are never instruments. They are persons to exactly the same extent that civilians are persons.

From now on, we will take that moral principle to be a constraint imposed on any attempt to justify the Principle of Distinction in terms of some morally significant trait of every person in

military uniform, as such.

An interesting attempt to justify that principle is the theory of forfeiture. A brief presentation of this theory appears in Walzer's *Just and Unjust Wars* where it takes the form of two principles. First, "[N]o one can be forced to fight or to risk his life, no one can be threatened with war or warred against, unless through some act of his own he has surrendered or lost his rights for life and liberty"<sup>13</sup>. Secondly, the act through which combatants forfeit their rights [for life and liberty] is "simply by fighting... even though they have committed no crime"<sup>14</sup>.

However, the theory of forfeiture does not justify the Principle of Distinction on any moral grounds. First of all, even if we accept the two principles as stated, they do not apply to persons in military uniform who cannot be described as "fighting", that is to say, most of the persons in uniform, who may all be attacked, because they are members of a military force.

Secondly, there is no reason to assume that even combatants, in the strict sense, i.e. those who are engaged in fighting or about to be engaged in it, ever experience a mental state, let alone participate in a ritual or a procedure of forfeiture. Every combatant knows that by willingly being a person in military uniform one has undertaken a commitment to obey legal orders and thereby imposing on one's liberty special restrictions, not shared by persons not in military uniform. Every combatant is well aware of the fact that by willingly being a combatant in the strict sense one has undertaken a commitment to risk one's life under certain combat circumstances. However, there is a huge conceptual and moral gap between undertaking risk and forfeiting right to life and similarly between undertaking obedience and forfeiting right to liberty<sup>15</sup>.

The gap is manifest, for example, in the prevalent attitude of combatants and military forces in general to casualties. In a democratic setting, combatants have the ethical and moral right to be rescued when wounded, if a rescue operation is practically possible. This is incompatible with a conception of forfeiture. Moreover, combatants have an ethical and moral right to be treated by their commanders as subjects of an attempt to minimize casualties during hostilities. In a democratic setting, commanders will try to accomplish their missions while doing their best in trying to minimize casualties, not for an instrumental reason of their force protection, but for the fundamental reason of human dignity protection, of respect to the lives of their troops, as a major part of the due respect to the human dignity of their subordinates.

Finally, even if we assume that forfeiture takes place, the way Walzer presents it in terms of two principles, there is no reason to assume that it is self-evidently morally justified. What could justify, in the moral setting of a democracy, tolerance of an institution that essentially rests on forfeiture of the most basic rights of life and liberty? A democratic regime will not tolerate voluntary slavery, but military service under conditions of forfeiture seems worse than voluntary slavery, which does not involve a loss of the right to life<sup>16</sup>.

### **PART III**

We turn now to an attempt to justify the Principle of Distinction not on grounds of a personal portrayal as instrument or a personal act of forfeiture, but on grounds of the combatant typical form of life.

Hugo Grotius used an interesting expression when he delineated persons who should not be attacked. He spoke about "males, whose modes of life are entirely remote from the use of arms"<sup>17</sup>. Although Grotius regarded "modes of life" as reasons for immunity from military attack, it would be reasonable to assume that modes of life that are not "entirely remote" but rather directly related to "the use of arms" are also relevant to justification of practical attitudes during war. There is, however, an obvious moral difference between a presumption of immunity from attack, on grounds of one "mode of life", and a presumption of being freely attackable, on grounds of another "mode of life". On ordinary conditions, one does not need morally strong arguments for granting immunity from attack, while one ought to have morally compelling arguments for freely attacking persons. Whereas a "mode of life" can provide us with sufficient reason for a presumption of immunity from attack, a "mode of life" usually does not provide us with a morally compelling presumption

of persons being freely attackable.

Such a conceptual difference is often disregarded when attempts to justify the Principle of Distinction are made. An interesting example is the Convention Theory of the immunity of noncombatants from attack<sup>18</sup>. According to this theory, norms of immunity are norms of a convention of combat as a method of conflict resolution. George Mavrodes mentions the famous cases of the fight between David and Goliath in the Bible and the proposed fight between Menelaus and Paris in Homer's Iliad as simple examples of conventional combat<sup>19</sup>. According to such conventions, a victory of a person in a single fight against another one counts as a victory of the party of the former over the party of the latter, because this is the combat convention under the circumstances. Similarly, according to the Convention Theory, POWs are not killed after they surrender, even if they are combatants in the strictest sense. Another conventional norm that pertains to POWs is that they may try to escape and rejoin their comrades during war<sup>20</sup>.

The idea of a convention involves three conceptual elements, which are of interest. First, conventions are in some sense arbitrary. The traffic convention of riding cars on the right lane of the road is not in any respect better than the traffic convention of riding cars on the left lane. Secondly, though a convention seems arbitrary, actually it constitutes an optimal solution of some background coordination problem<sup>21</sup>. We have to coordinate car and pedestrian movements. Both the right lane convention and the left lane convention are optimal solutions of that coordination problem. Thirdly, though a conventional norm can be of no independent moral significance, a commonly held convention is often of some moral significance. It does not morally matter whether we have instituted the right lane convention or the left lane convention, but if one of these conventions has been instituted and is commonly held, observing it is of moral significance, for various obvious reasons.

The Convention Theory of war has one merit. It explains the symmetric nature of the norms of *jus in bello*. Military activities with respect to POWs, for example, are coordinated. Each belligerent party is required by norms of a POW convention to treat POWs, who are members of a military force of an enemy belligerent party, in a certain way, common to all belligerent parties. A system of norms that would try to introduce a differential treatment of POWs according to their, say, national identity, will never be commonly held by all belligerent parties to the same conflict.

However, there is no reason to assume that the Principle of Distinction can be an element of a system of norms that constitute an *optimal* solution of a military conflict coordination problem, given the attitude it manifests to the lives of persons in military uniform. Think, for example, of an alternative system of norms of armed conflict that would include a Military Academy norm instituting immunity from military attack of military novices and their instructors, as long as their activities are confined to their clearly designated academies. Such a norm would be of value both from the moral point of view of minimizing casualties and enhancing respect to human dignity, in particular human life, and from the point of view of military expediency. Now, a Principle of Distinction that does not include a Military Academy norm is not on a par with a Principle of Distinction that does include such a norm. The choice between them is not arbitrary. There are good moral and expediency reasons for preferring one of them over the other. Hence, the Principle of Distinction in its present form is not conventional.

Assume, however, just for the sake of argument, that the Principle of Distinction is conventional. Would it, then, be of moral significance, because it is commonly held? The answer must be cautious. Since the principle introduces a distinction between two groups and two separate standards of proper conduct, the distinction and the standards should each be considered on its own. Whereas the standard of immunity of noncombatants is of some moral significance<sup>22</sup>, the standard of persons in military uniform being freely attackable has seemed so far to be morally indefensible.

It seems now plausible to assume that when the Principle of Distinction is captured as a combat convention, the notion of "convention" is not meant in its deep, philosophical sense, but in a simpler sense that exempts some elements of it from requirements of moral justification or expediency considerations. This explains Walzer's important remark: "The historical specifications of the principle are, however, conventional in character, and the war rights and obligations of soldiers

follow from conventions and not (directly) from the principle, whatever its force... Exactly like law in domestic society, [the rules] will often represent an incomplete or distorted embodiment of the relevant moral principle.”<sup>23</sup> Walzer’s observation moves us from the Convention theory, which cannot explain and justify the Principle of Distinction, to an Approximation Theory, to which we return in the last part of the paper.

#### PART IV

We conclude the present survey of conceptions by briefly discussing an ethical conception. Paul Gilbert views the “principle of civilian immunity not as a general moral principle but as a principle governing the proper performance of a certain role: viz. that of a soldier (or member of the other armed forces)”<sup>24</sup>. Accordingly, the role of combatants as those who have exclusive access to the use of lethal force in conflict between groups “requires general respect for the distinction.”<sup>25</sup>

Put differently, the Principle of Distinction can be claimed to be part of Military Ethics, which includes a professional ethics of combatants as well as an organizational ethics of persons in uniform in general. Military Ethics, however, is not an arbitrary pile of principles but rather a conception of proper behavior of persons in uniform, combatants in particular, and it has a deep structure. It has parts of different kinds. One part is a conception of proper conduct of a person as a member of a profession and as a member of an organization. A second part is a conception of proper conduct of a person as a member of a community of a *certain* professional identity and a certain organizational identity. A third part is a conception of proper conduct of a person as a citizen of a state that has a regime of a *certain* nature, such as a democratic one.

Now, to which of these parts does the Principle of Distinction belong? Obviously, it does not belong to a conception of being a member of a profession in general or an organization in general. Is it related to the professional or organizational identity of persons in military uniform (the second part) or to the nature of democracy (the third part)?

We start with the latter possibility, which is simpler. As much as the Principle of Distinction requires practical protection of noncombatants, i.e. their life of in particular and their human dignity in general it is part and parcel of democracy<sup>26</sup>. However, the standard of conduct the Principle of Distinction applies to persons in military uniform, according to which they are freely attackable during war, does not seem to be an instance of any principle of respect for the human dignity and life of members of military forces, in the absence of a moral justification of it.

Gilbert’s claim is that the principle is related to the professional and organizational identity of people in military uniform. It is related to their professional identity as combatants or their organizational identity as members of a military force. Such an identity can be characterized in terms of values of certain types<sup>27</sup>: end values, which characterize the nature of the missions of the professional or organizational activity, such as loyalty; means values, which characterize the ways in which the end values are embodied, such as courage and perseverance, discipline and comradeship, in the case of the military forces; and other ones. Is the standard of conduct with respect to persons in military uniform reflected in the end values or means values of military forces, with which we are familiar? The answer is in the negative. On the contrary, if we consider, for example, the *Spirit of the IDF: Values and Basic Principles*, the code of ethics of the IDF, which is, from a moral point of view, a most explicit code of ethics, we encounter the values of Human Life and the “Purity of Arms”, which is a value of restraint of force, the idea of enemy members of military force being freely attackable turns out to be incompatible with the code of ethics, in particular with its moral elements. Consequently, whereas the immunity from military attack of noncombatants should be a conceptual element of every military ethics in a democratic setting, the Principle of Distinction, which induces a permissive attitude toward the life and dignity of persons in military uniform cannot be a conceptual part of any military ethics in a democratic setting, unless it is shown to be morally justified on grounds of some conception that so far we have not been able to discover.

## PART V

We turn now to our brief presentation of an alternative conception, one that does not morally justify the Principle of Distinction, when it is taken to imply that persons in uniform are freely attackable, with a few exceptions<sup>28</sup>, but nevertheless does ascribe some moral significance.

As our starting point we use the following moral principles we have already mentioned:

1. Human dignity is inalienable.
2. Hostile treatment of any person must be morally justified in terms of something *about that person* which makes the treatment appropriate.
3. Moral decisions concerning combatants should be compatible not only with a morally justifiable version of the Just War Doctrine, which guides activities between the parties to the armed conflict, but first and foremost with a moral conception of how a democracy ought to treat its own citizens, when in military uniform, particularly when they are conscripts.

According to these principles, when applied to persons in military uniform, for a policy pertaining to persons in military uniform, during a war, to be morally justified, it must be a policy about individuals rather than collectives. Most often it is assumed that in a war “it is nations’ armed forces which are the agents of the jeopardy”<sup>29</sup>. In a war, the armed forces of a nation stand to the armed forces of an opponent nation as aggressor and defender in a conflict between two individuals. Thus, an ordinary justification of a hostile treatment of a person in a military uniform will include steps that justify a hostile treatment of the armed force in which that person is a member, and then no additional step that justifies a hostile action against an armed force taking the form of a hostile action against a certain member of that armed force. Our starting point principles require that the final step in a moral justification of a hostile action against a person in military uniform be also morally justifiable. Our previous discussion has shown that the fact a person is in military uniform does not, as such, morally justify hostile actions against him or her.

To put it differently, a person in military uniform is always morally justified in taking it for granted that one’s commanders, armed force and state owe one a moral justification of whatever happens as a result of one’s being a person in military uniform. Commands, missions, operations and wars should all be morally justified. Every instance of jeopardy to one’s life and every restriction imposed on one’s liberties have to be morally justifiable. If the state is a party to some international accord or convention that sanctions or tolerates jeopardy to the life or restriction of liberties of persons in military in uniform, they should all be morally justifiable. To the extent that a state considers itself committed to some variant of the Principle of Distinction it owes its members of armed forces a binding presentation of it, which is morally justifiable.

Here is an outline of the principles a democratic state may use in answering its members of armed forces these questions of moral justification. Some of them are self-evidently acceptable and some will be briefly explained and justified.

4. The state builds, maintains and develops a military force, as a necessary means of its major duty of defending its citizens and its regime, in particular the citizens’ lives and liberties. Size and nature of the military force varies with circumstances of threat.
5. The state imposes on a person in military uniform ethical values and principles and legal regulations that are compatible with protection of human dignity. They will all be justifiable in terms of the necessity to have a military force of the nature specified by ethics and law<sup>30</sup>.
6. The state determines membership in a state military force, under certain circumstances of threat, by fair arrangements of conscription and voluntary service.
7. The state is a belligerent party in an armed conflict, whether it is an international conflict or one that involves non-state opponents, only under circumstances of self-defense<sup>31</sup>.
8. The state becomes a belligerent party only as last resort of a conflict resolution.
9. The state is committed to pursuit of peace with its enemies, if it has any, one of its reasons

for it being the protection peace provides to persons in military uniform. The commitment is practically manifest, keenly, regularly and effectively.

We move now to more detailed principles related to the operation of a military force in a democracy, during war, which will get us closer to issues related to the Principle of Distinction. Presently, we draw a distinction between principles that apply to what a state owes its own persons in military uniform and what it owes enemy persons in military uniform<sup>32</sup>. We start with several self-oriented principles.

10. The armed forces of the state explicitly endorse and practically implement an ethical principle that allows jeopardizing the life of a person in uniform, whether oneself or one's subordinates, only in combat or in an attempt to save life of comrades or other citizens.

This principle is actually a necessity principle. There is no moral justification of jeopardizing the life of a person in uniform during military drills or any other military activity, except when it is necessary to face an enemy force or to make an effective attempt to save the life of a citizen in jeopardy, whether in military uniform or not.

11. The armed forces of the state explicitly formulate and practically implement an ethical principle that requires military planning and operation to make all efforts possible in an attempt to minimize casualties among the troops, without compromising accomplishment of the given missions.

Such a principle can be justified on grounds of expediency considerations, but we put it forward as a human dignity protection principle. The difference between the two types of consideration is between a relative consideration that may be overridden by other expediency considerations, such as commander time, and an absolute consideration, which may never be overridden.

12. The armed forces of the state explicitly emphasize and practically nurture the ethical value of comradeship in a way that enhances the commitment on the part of persons in uniform to assist their comrades when they are unable to rescue themselves.

Comradeship is, indeed, a value of military ethics nurtures in one way or another by all military forces, because it enhances the cohesion of units, which is a psychological necessary condition for the existence and operation of combatant units<sup>33</sup>. However, we put it on the list of human dignity protection principles, because comradeship manifests an exemplary humane relationship of care and devotion<sup>34</sup>.

13. The armed forces, together with related agencies of the state, are committed to a policy of providing combatants with effective protection equipment.

The Israeli Markava tank is famous for its construction novelty meant for the protection of the crew. Coalition vehicles in Iraq have a device installed in them to detect and short-circuit explosive devices hidden at road sides with infrared trips attached to the charges. These are just two examples of what can be done in implementation of the principle.

Since distribution of equipment must be preceded by research, development and production, budgetary obstacles abound on the ways of protection equipment. Our present point is that considerations related to such equipment should be regarded as pertaining to fundamental issues of human dignity protection rather than ordinary policies of financial resource allocation.

We turn now to a single enemy-oriented principle that we propose.

14. The armed forces confine their military activities against members of an enemy military force to what is, under the circumstances, justifiable on grounds of military necessity.

Traditional usage of the notion of “military necessity” has had two interesting properties that have weakened its moral significance. First, it was used as a reason for exempting commanders of military forces from the obligation to respect the immunity of civilians or sites of particular importance. In other words, it was used only under extraordinary circumstances. Secondly, the meaning of the notion of “military necessity” has never been fixed in a morally justifiable and militarily practical way. A military lawyer wrote as recently as 1979 that “like obscenity, military necessity has escaped definition”<sup>35</sup>. The suggested principle proposes not an extraordinary, but an ordinary, actually an obligatory application of a conception of “military necessity”<sup>36</sup>.

In order to reach an adequate conception of “military necessity” that would be ordinarily applicable and morally justified, we have to use elements that appear in current usages of the notion and incorporate them into an adequate conception. Our starting point would be Rule 8 of the ICRC IHL list: “In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”<sup>37</sup>. Although this is a delineation of legitimately attackable objects, we can use it for delineating military units. It is a military necessity, so we propose, to attack a military unit, first and foremost its members, *only if* by its nature, location, purpose or use it makes a contribution to military action and whose destruction, capture or neutralization, under the circumstances, would be “a definite military advantage”.

Secondly, we have to refine the notion of “a definite military advantage”. Here we would like to introduce an element taken from an otherwise inadequate definition of “military necessity” as whatever facilitates victory<sup>38</sup>. A military accomplishment is a military necessity, *only if* it facilitates victory, or in other words, it significantly contributes to the enemy’s submission or a conclusive end of hostile activity.

Finally, we would like to take seriously the notion of “necessity” itself. Showing that a certain action is necessary for a certain purpose involves showing that it is a rational action, in the sense of being most effective and at least cost. The action has to be shown to be better than its alternatives in fully accomplishing the mission and in doing it with less casualties among one’s comrades, less collateral damage, and also less casualties among persons in enemy military uniform whose death is needless, both on the way to victory and when removing from it all foreseeable, significant military obstacles<sup>39</sup>.

## PART VI

In our concluding section we would like to briefly offer a few suggestions.

First, we should consider the possibility of qualifying the immunity of civilians when decreasing collateral damage means increasing jeopardy to combatants when they fight terrorists or other agents of unjust threats<sup>40</sup>. Secondly, we should consider the possibility of adding, between the category of civilians, who are immune from military attack, and combatants, who are freely attackable, additional categories of contractors who are not in military uniform, but make significant contributions to war efforts<sup>41</sup>. Finally, we should consider the possibility of redefining the notion of “combatant” to include members of military units of certain types, but not all persons in military uniform<sup>42</sup>. The moral regulative ideal is perhaps beyond the horizon, but significant steps toward it can be taken. In the present context, can implies ought.

*\* Laura Schwarz-Kipp Professor Emeritus of Professional Ethics and Philosophy of Practice and Professor Emeritus of Philosophy, Tel Aviv University, and Senior Research Associate, IDF College of National Defense.*

---

## Endnotes

1. Some of the major works on the Principle of Distinction will be mentioned and discussed in the sequel. For a general introduction, see Anthony Hartle, "Discrimination", in B. Coppieters and Nick Fotion (eds.), *Moral Constraints on War* (Oxford: Lexington Books, 2002) 141-158; see also Michael Walzer, *Just and Unjust Wars*, 4th ed. (New York: Basic Books, 2006) chapters 9-10.

2. For a detailed conceptual analysis of the Principle of Distinction, see Asa Kasher, "The Principle of Distinction", *Journal of Military Ethics*, Vol. 6, No. 2 (2007) 152-167.

3. See, for example, Igor Primoratz (ed.) *Civilian Immunity in War* (Oxford: Oxford University Press, 2007).

4. Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge: Cambridge University Press, 2004) 27.

5. Francisco de Vitoria, *De Indis de Jure Belli* (1557), translated by John Pawley Bate, for Carnegie Institute of Washington, 1917, Part 3, section 35. [http://en.wikisource.org/wiki/De\\_Indis\\_De\\_Jure\\_Belli/Part\\_3](http://en.wikisource.org/wiki/De_Indis_De_Jure_Belli/Part_3)

For a recent brief survey of this tradition, see Colm McKeogh, "Civil Immunity in War", in Igor Primoratz (ed.), *Op. Cit.* note 3, 62-83. See also the author's *Innocent Civilians: The Morality of Killing in War* (Basingstoke: Palgrave Macmillan, 2002).

6. See Thomas Nagel, "War and Massacre", *Philosophy and Public Affairs*, Vol. 1, No. 2 (1972) 123-144, 139. See also Henry Shue, "War", in H. LaFollette (ed.) *The Oxford Handbook of Practical Ethics* (Oxford: Oxford University Press, 2003) 734-761, 742; Jeff McMahan, "The Ethics of Killing in War", *Ethics*, Vol. 114 (2004) 693-733, 695.

7. According to S. L. A. Marshal, *Men Against Fire: The Problem of Battle Command in Future War* (New York: William Morrow, 1947) chapters 5-6 (as quoted by Michael Walzer, *Op. Cit.* note 1, 139), "the great majority of men on the front line never fired their guns." Even if it is unreasonable to assume that Marshal's observation holds for all wars, it is reasonable to hold a similar statement that would apply not to "men on the front line" but to persons in military uniform in general. Hence, our present argument against common delineations of "combatants" holds for a delineation of "non combatants" in terms of those who "take no direct part in the hostilities", used by Igor Primoratz, in his "Introduction" to Igor Primoratz (ed.), *Op. Cit.* note 3 4.

8. ICRC, *Commentary on the Additional Protocols to the Geneva Conventions, Protocol I, 8 June 1977*, Part III, article 43 (Armed Forces), paragraph 1679 (translated from French). <http://www.icrc.org/dih.nsf/COM/470-750053/OpenDocument>

9. For a related legal discussion of the ICRC delineation, see David Kretzmer, "Civilian Immunity in War: Legal Aspects", in Igor Primoratz (ed.), *Op. Cit.* note 3 84-112, in particular 90-94.

Walzer does not define "combatants" in terms of a causal relationship of doing harm "at the time and the place" of the activity, but rather in terms of being "currently engaged in the business of war", *Op. Cit.* note 1 43. This is an improved formulation, but our arguments hold against it as well.

10. Thomas Nagel, "War and Massacre", *Philosophy and Public Affairs*, Vol. 1, No. 2 (1972) 123-144, 133; emphasis in the original text.

11. See Colm McKeogh, Op. Cit. note 5, 74-75. It is, indeed, possible to point out a new puzzle of the same kind that we discussed earlier, but we leave it aside.
- Uniforms soldier wear are the “stamp of ownership the sovereign puts on his army”. Christopher Kutz, “The Difference Uniforms Make: Collective Violence in Criminal Law and War”, *Philosophy and Public Affairs*, Vol. 33, No. 2 (2005) 148-180.
12. Colm McKeogh, Op. Cit., 80.
13. Walzer, Op. Cit. note 1, 135.
14. Walzer, Op. Cit., 136.
15. On this point, see also Frederick Kaufman, “Just War Theory and Killing the Innocent”, in Michael W. Brough, John W. Lango, and Harry van der Linden (eds.) *Rethinking the Just War Tradition* (Albany: State University of New York Press, 2007) 99-114, 102.
16. Notice that forfeiture is tantamount to rendering oneself an instrument of the sovereign, be it a king or a state, but this is incompatible with the moral principle of human dignity being inalienable.
- Recall the Biblical attitude toward voluntary slavery. It was tolerated by strongly discouraged, probably on grounds of a religiously significant conception of human dignity.
17. Hugo Grotius, *On the Law of War and Peace*, translated by A. C. Campbell (1814), Book III, Chapter XI, section X. <http://www.constitution.org/gro/djbp.htm>
18. See George I. Mavrodes, “Conventions and the Morality of War”, *Philosophy and Public Affairs*, Vol. 4, No. 2 (1975) 117-131. Notice that Part III of Walzer’s *Just and Unjust Wars* is entitled “The War Convention”.
19. Op. cit., 125. The Biblical example is in I *Samuel* 17 and Homer’s example in *Iliad* Book 3.
20. Larry May discusses, in his “Killing Naked Soldiers: Distinguishing between Combatants and Noncombatants”, *Ethics and International Affairs*, Vol. 19, No. 3 (2005) 39-53, the similarities and differences between killing POWs and killing a naked soldier, an example Walzer had discussed, Op. Cit., 138-143. Notice that there is no combat convention that forbids killing naked soldiers, but there could have been one.
- For a discussion of the Convention Theory, see Uwe Steinhoff, “Civilians and Soldiers”, in Igor Primoratz (ed.), op. cit. note 3 42-61.
21. For a philosophical analysis of the notion of “convention” in terms of solutions of coordination problems, see David Lewis, *Convention: A Philosophical Study* (Oxford, Blackwell, 1969).
22. For a major discussion of the morally problematic aspects of the Principle of Distinction, see Jeff McMahan, op. cit. note 6. See also his exchanges with Walzer in *Philosophia*, Vol. 34, No. 1 (2006) (<http://www.springer.com/>) and in the *Journal of Military Ethics*, Vol. 6, No. 2 (2007).
23. Walzer, Op. Cit., 43. See also Allen Buchanan, “Institutionalizing the Just War”, *Philosophy and Public Affairs*, Vol. 34, No. 1 (2006), 2-38, where the principle that war is justified only in response to an actual or imminent attack is argued to be a “contingent moral rule, one whose validity may vary with institutional context”.
24. Paul Gilbert, “Civilian Immunity in the ‘New Wars’”, in Igor Primoratz (ed.), Op. Cit. note

3 201-216, 202.

25. Op. Cit., 203.

26. See Gerhold K. Becker, “In Search of Humanity: Human Dignity as a Basic Moral Attitude”, in Matti Hayry and Tuija Takala (eds.) *The Future of Value Inquiry* (Amsterdam and New York: Rodopi, 2001), 53-65.

27. On the structure of professional ethics in general and Military Ethics in particular, see Asa Kasher, “The Professional Identity of a Military Force”, in Arto Mutanen (ed.), *The Many Faces of Military Studies: A Search for Fundamental Questions* (Helsinki: Naval Academy, 2008).

28. Among the exceptions we take for granted in the sequel are POWs and wounded combatants (both as being *hors de combat*) and medical and religious personnel.

29. Robert K. Fullinwider, “War and Innocence”, *Philosophy and Public Affairs*, Vol. 5, No. 1 (1975), 90-97, 94. See also Walzer, op. cit., 144.

30. Restrictions imposed on liberties are required to be proportional. We take it be a consequence of the necessity requirement we mentioned.

31. Self-defense is here understood in a broad sense: self-defense operations can take place within the framework of an alliance of states, an attack on one of which being regarded as an attack of the allied as well.

32. At this point, we do not mean the division between self-oriented and enemy-oriented principles to convey a view about the much debated symmetrical nature of the principles of *jus in bello*. We will return to the symmetry issue in the sequel.

33. The relationships between unit cohesion and unit performance are debatable. For a recent round of the debate, see Leonard Wong, Thomas Kolditz, Raymond A. Millen and Terrence M. Potter, *Why They Fight: Combat Motivation in the Iraq War* (Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, 2003) and Robert MacCoun, Elizabeth Kier and Aaron Belkin, “Does Social Cohesion Determine Motivation in Combat? An Old Question with an Old Answer”, *Armed Forces and Society*, Vol. 32, No. 4 (2006) 646-654. See also James Connor, *The Sociology of Loyalty* (New York: Springer, 2007) and Arni Ahronson and James Cameron, “The Nature and Consequences of Group Cohesion in Military Sample”, *Military Psychology*, Vol. 19, No. 1 (2007), 9-25.

34. We do not include friendship in our account of comradeship, even though friendship does constitute part of military comradeship. There are two reasons for it. First, the value of comradeship should be implemented when comrades are in need, whether they are one’s friends or strangers. Secondly, friendship is commonly held to involve an emotional element; see Bennett Helm, “Friendship”, *Stanford Encyclopedia of Philosophy* (<http://plato.stanford.edu/entries/friendship/>).

However, such emotions, commendable as they are, do not belong to the realm of ethical values and norms.

35. Timothy J. Grendell, “Stop Look and Arrest ‘Em”, *The Army Lawyer*, U.S. Department of Army Pamphlet 27-50-81 (September 1979), 15-19, 16.

36. “Military necessity” as applied to types of weaponry that do not inflict “unnecessary suffering” will not be discussed in the sequel.

37. Jean-Marie Henckaerts, “Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict”, *International Review of the Red Cross*, Vol. 87, No. 857 (2005), 175-212, 198. (<http://www.icrc.org/eng/review>).

The full text is Jean-Marie Henckaerts and Louise Doswald-Beck (eds.), *ICRC Customary International Law Study* (Cambridge, Cambridge University Press, 2005).

38. For a discussion of this and other inadequate definitions of “military necessity”, see Paul Christopher, *The Ethics of War and Peace: An Introduction to Legal and Moral Issues*, 2nd edition (Upper Saddle River, NJ: Prentice Hall, 1999).

39. For a related principle of military necessity, developed in the context of fighting terrorism, see Asa Kasher and Amos Yadlin, “Military Ethics of Fighting Terror: An Israeli Perspective”, *Journal of Military Studies* Vol. 4, No. 1 (2005) 1-32.

40. See Kasher and Yadlin, *op. cit.*

41. Scales of involvement in hostile activities appear in Kasher and Yadlin, *op. cit.* and in Pauline Kaurin, “When Less Is Not more: Expanding the Combatant/Noncombatant Distinction”, in Michael W. Brough, John W. Lango and Harry van der Linden (eds.), *op. cit.*, 115-130. They are different from though related to our present suggestion.

42. We would suggest a delineation of combatants that includes (a) members of armed forces who are in direct military interaction with enemy armed forces, (b) those who are deployed in order to be in such military interaction, (c) those who facilitate the activities of groups (a) and (b) in a crucial way, and (d) those who are most probably going to join any of these groups in the foreseeable future.



# **Weapons of Mass Destruction: Communicating Ethical Solutions**

**by Andrew C. Kim, DO, MPH, MS(eq.)  
Lt. Col., Medical Corps, U.S. Army**

## **INTRODUCTION: COMMUNICATIONS AS KEY IN WMD EVENT MITIGATION**

Weapons of mass destruction (WMD) can come in different forms. Military physicians view WMD under the rubric of CBRNE (chemical, biological, radiological, nuclear, or high explosive) designed to maximize death, fear and disruption of societal normalcy. It has become a weapon of choice for politically motivated religious extremists, such as Al Qaeda and Afghanistan's Taliban, where organized stateless actors, well-funded by private capital, have declared war on the United States and its allies. Social networking/social media platforms (SN/SM), along with traditional media, provide a reliable medium for thought leaders, both in the public and private sector, to counter the messaging of extremist groups in preparation of another WMD attack that may occur in America again in our lifetime.

During domestic emergencies precipitated by terrorist acts using WMD's, from the World Trade Center bombing (1993) to Oklahoma City (1995) bombing to 9/11 eighteen years later, extremists have used mass media as a means of leveraging their lack of military power with terrorist tactics using WMD's to gain the spotlight for their political agenda. The extremists have developed expertise in their mass communications skills to provide a sympathetic narrative for the world audience in certain unstable regions of the globe. For example, after 9/11, news of the WMD attack resulted in celebrations on the streets of Palestine's West Bank and Gaza Strip.

Another terrorist-leveraged communications method is to provide a video narrative, using social media such as YouTube, as a pre-packaged broadcast content for further dissemination through the mainstream media. Terrorists disseminate videos on the jihadist websites while a copy is given to mass media outlets such as Al Jazeera for further amplification to sympathetic audiences. A recent example is when the Taliban attacked the US Embassy and NATO headquarters on September 13, 2011, which was preceded by the 10th anniversary of 9/11.<sup>1</sup> On September 12, Al Qaeda's current leader, Ayman Al Zawahiri, M.D., released a one hour video to jihadist web sites and Al Jazeera marking the 10th anniversary of 9/11.<sup>2</sup> Such coordination among the Taliban and al Qaeda is routine for organized trans-national extremists projecting their utopian theocracies and political advocacy in unstable regions of the world such as Pakistan and Yemen.

In this environment, the possibility of another WMD attack in the United States looms. Of particular concern is life-science mediated WMD, known as biological warfare (BW). It is incumbent on national leaders and crisis communicators to prepare for such an event. These preparations should include strategic and tactical communications plans developed prior to the WMD-BW attack through post-event strategies and plans. This essay seeks to suggest some discussion points where public health and public security professionals can lay a foundation for future study in the age of WMD-BW events. Specifically, *how can communications strategies develop to integrate Web 1.0 and 2.0 platforms to maximize credible information flow to the public in WMD-related crisis events?* Although traditional media will also play a significant role in WMD communications environments, this essay will focus primarily on the how one can use the Web platforms for credible crisis communications.

## BRIEF HISTORY OF WMD

Some historians consider the United States the 68th empire in known history.<sup>3</sup> As an empire, the United States has been committed to an open, secular and democratic society while respecting the religious freedom for all. Having harnessed the industrial revolution through science and technology's beneficence, this nation has prospered to the highest levels of civilization in recorded history. During the course of the 20th century through two world wars and the atomic age, and in particular, the study of life sciences, enabled American democracy to thrive through advancements in medical research that nearly doubled the life expectancy of its citizens.<sup>4</sup> In 1900, the life expectancy was 47 years among whites and 33 years among African-Americans. Today, they are 78 and 73 years, respectively.

In the midst of this spectacular epidemiological achievement, the same knowledge in the life sciences allows the threat of bioterrorism to loom over societies unsuspecting of its macroscopic potential for societal disruption and loss of life. The power of theo-political extremism is further enabled by the ease at which such horrific weapons can be brought to bear with relatively small capital expenditure, threatening hundreds of thousands of lives. Extremists advocate for a justified fanatical theology for mass atrocities under the flag of a global jihad, where some even deny the truth of the Holocaust or the genocide of Armenians.

For the past several years, there has been a disquieting conversation among public health professionals about the weapons of mass destruction (WMD) dilemma.<sup>5</sup> Since the collapse of the Soviet Union, the possibility of a state-sponsored research and threat of bioterrorism have diminished. Unfortunately, non-state actors now have the means to precipitate a type of Armageddon with biological organisms as their weapon of choice for mass terror. It is becoming more probable that terrorists are more able and willing to use bio-technology for WMD applications. The type of threat has transitioned from nuclear/radiological WMD's to bio-terrorism as the weapon of choice for jihadists.<sup>6,7</sup> For our adversaries, the "do-ability" of a biological WMD event is getting easier, not harder. The disastrous impact that an audacious WMD attack would have on the United States provides great incentive for organized extremists like Al Qaeda to use non-radiological WMD's. It can inflict lasting psychological and economic devastation to urbanized societies, and great challenges exist to defend societies against such stealthy attacks.

An example of such an attack occurred in 1995. Japanese cult Aum Shinrikyo (*Supreme Truth*) attacked the Tokyo subway system with a self-manufactured nerve agent (sarin). It was a chemical WMD.<sup>8</sup> This attack was the cult's second WMD attack. The first attack occurred in Matsumoto City nine months earlier, where seven Japanese citizens died and 58 were hospitalized.<sup>9</sup> This second attack in Tokyo resulted in twelve deaths and forced six thousand subway patrons to obtain emergent medical treatment.<sup>10</sup> Due to the rush of patients seeking emergency care, the public health system buckled under the strain in the Tokyo metropolitan area, a population of over 11 million.<sup>11</sup> Further, the long-term effects are apt to linger. Even after four years, 77% of the victims displayed neurological deficits, and 57% continued to suffer from post-traumatic stress disorder (PTSD), including panic attacks when near trains.<sup>12</sup>

Sixteen years later, WMD attacks continue. In 2004 terrorists used several bombs in Madrid, Spain, killing 191 and injuring several thousand.<sup>13</sup> Although biological or nuclear weapons were not used in the Madrid attacks, it was a clever use of high-explosives. This strategic use of large scale WMD high explosive (HE) attack was likely the goal of terrorists to disrupt the "Coalition of the Willing" in Iraq. The Madrid bombing may have changed the course of Spanish national elections, precipitating the unexpected victory of the Socialist Party (PSOE).<sup>14</sup> Shortly thereafter, the newly elected Spanish government abandoned the "Coalition of the Willing," reversing Spain's national policy with the United States, withdrawing their troops from Iraq.<sup>15</sup>

## CURRENT ADMINISTRATION'S POLICY ON WMD

It must be understood clearly that another WMD attack is likely, and our enemies are capable of more egregious atrocities because of enabling technologies continue to become more common and obtainable. No nation or society is immune. It is incumbent on today's thought leaders to prepare Americans for this eventuality. The Graham-Talent Commission reported to Congress in 2008:

*"The Commission believes that unless the world community acts decisively and with great urgency, it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013."*<sup>16</sup>

In 2008 following the recommendations of the 9/11 Commission, Congress funded the Graham-Talent Commission to (1) assess the nation's current activities and capabilities to prevent WMD proliferation and terrorism; and (2) detail recommendations for addressing these threats in the future.<sup>17</sup> This report received President Obama's attention, given the sense of its risk to national security. Recognizing this very real threat of WMD's to the United States, in the first year of his presidency, the White House made the following point in his National Security Council Policy Directive.

*"The effective dissemination of a lethal biological agent within an unprotected population could place at risk the lives of hundreds of thousands of people. The unmitigated consequences of such an event could overwhelm our public health capabilities, potentially causing an untold number of deaths. The economic cost could exceed one trillion dollars for each such incident. In addition, there could be significant societal and political consequences that would derive from the incident's direct impact on our way of life and the public's trust in government."*<sup>18</sup>

— Barack Obama

One year later, the Commission's report card, published in January of 2010, gave the US government a grade of F on the question of the US's posture on enhancing "the nation's capabilities for rapid response to prevent biological attacks from inflicting mass casualties."<sup>19</sup>

Given these vulnerabilities of our open society, and the real possibility and the ease of which terrorists can organize a WMD attack, Americans must recognize that all have a part in defending against and mitigating such mass atrocities. In turn, professional communicators have an obligation to prepare for rapid and accurate information generation and distribution in such WMD scenarios.

SN/SM technologies and content will be critical assets during national emergencies. The goal of the communicators and journalists is to provide maximal positive public health effects and relevancy while minimizing disruptions and information volatility that can quickly become misinformation. Through efficacious mediums and channels, information *reliability*, *credibility* and *accuracy* are the three functional criteria that will support mitigation efforts at all levels of society. Thus the overarching goal of crisis-related mass health communications campaign is to prevent generalized panic and civic unrest that could arise from poor strategic communications applications and ignorance of the affected institutions of society. Further, professional communicators and government leaders must help preserve the medical infrastructure that would be necessary to moderate and recover from a biological WMD attack. Ultimately, the public will accept the possibility of a WMD event and absorb it when it happens, because modern communications platforms allow for rapid, credible, and reasonable information conveyance to prepare and mitigate the consequences of a WMD attack.

It must be understood that public health communications systems and organizations must be adjusted to take into account the societal permutations that will arise from a biological WMD attack. Designs of such mass communications systems need not be from the ground up, however. Existing commercial communications mediums can be tapped easily as channels for officials and leaders to connect with the public in crisis scenarios. In national emergencies, effective and credible

strategic communications are of primacy, and any perceived loss in these two effects will require significant efforts to recoup and overcome subsequent failures of it. This point was one of the key lessons learned from the Tokyo sarin attacks in 1995.<sup>20</sup>

Crisis management is quite different from crisis communications, but without good crisis communications, crisis management becomes much more difficult. Thus, predictable adverse outcomes can be averted when the United States, as a nation, ensures well thought-out plans and deployment of mature communications strategies after a WMD attack. Given epidemic environments precipitated by biological WMD's, institutional stakeholders in and out of government must manage communications platforms attentively through pre-determined public and private collaborative agreements.

Such intergovernmental and public-private communications efforts would be designed to transcend preconceptions. Orthodox or sluggish "one-to-many" communications platforms like television, press conferences, and radio that may not reach all the targeted audiences in sufficient compactness of time in sufficient numbers to minimize societal risk to communicable weaponized diseases. In contrast, SN/SM platforms seem to provide contrasting fit and compelling alternatives to conventional mass communications mediums that would maximize information penetration and modify behavioral choices. SN/SM can also ascend rapidly the different strata of demographics and hierarchies that otherwise would marginalize effective communications efforts early in biological WMD crisis events. Specifically, reliability, speed, and synergisms for augmenting traditional communications channels would find traction and relevancy among various social economic strata (SES) that possess wireless devices or smartphones, including difficult to reach minorities and the younger generations who may not watch or listen to the news as a matter of routine.

Governmental leaders and communications intermediaries can engage SN/SM modalities adjunctively with traditional mass media to further penetrate and facilitate changes in public behavior when WMD attacks occur. With the goal of minimizing panic and mis-information, SN/SM technologies properly leveraged at the national level can contribute greatly to the speed at which mitigation efforts are deployed and employed and then communicated for maximum effectiveness.

## **SOCIAL NETWORKS/SOCIAL MEDIA**

One of these unique communications platforms is the social networks (SN) / social media (SM) paradigm that exist today. SN/SM has become ubiquitous in our society. It is efficient and effective for both visual and text messaging in a band-width independent manner. It has proven to be durable and universal. Social media in have the potential to moderate and facilitate the communications needs of a nation prior to and during national crisis situations when WMD events occur.

One of the health trends enabled by this modern technology is the public's use and consumption of health information as the internet-based medical knowledge became more convenient and credible.<sup>21</sup> Web sites such as Web MD provide a valuable resource for two way communications among health consumers. For medical professionals, expert practice guidelines are easily accessible from a fee-based usage sites. This access model allows cataloging and indexing of rapidly changing clinical practice guidelines from a number of leading clinical research centers. One of the more prominent clinical information sites is the "Up-To-Date" clinical decision website that allows professional contributors to canvas standard of medical care that medical specialties establish.<sup>22</sup> Clinicians also can refer their patients to the "Up-To-Date" sub-sites designed to allow their patients to follow-up after the medical encounter.

One can also view SN/SM technology as two-way communications channel that doubles as a "pre-deployed sensor array" that public health professionals can leverage to monitor WMD "disease plumes" over a large populated area in real time. As Tweets and Facebook messaging can be data-mined for key phrases that reflect a community's perceived wellness and health, appropriate data-mining algorithms can be designed with geo-location feature of the platform's hardware to develop plume models for potential disease wave propagation. SEARCH would also be another crucial

defensive technology, already used by the CDC in certain disease prevalence models.<sup>23</sup>

Other professionals will provide the technical content, but journalists will provide the intellectual medium to which this disease wave can be communicated to allay fears of the unknowns during a WMD attack. As public health issues are tracked closely by news organizations, journalists with health care credentials, such as Dr. Gupta of CNN, and Dr. Besser of ABC, medical reporters and journalists will play key roles in mediating information in WMD-related public health issues. Major print media outlets also employ medical journalists, assuming the role of information intermediaries in reporting the complexities of health information.<sup>24</sup> Given these roles, reporters and journalists will be able to leverage their experiences in moderating errors, falsities and uncertainties in a SMS, Facebook, and Twitter environment where individual-to-individual conversations would also have access to conventional media where credible medical journalists fulfill this critical role.

Given the broadness of the available technologies for crisis management, this essay suggests some of the efficiencies embedded in SN/SM technology. One of those efficiencies is the one-to-many texting feature allowing for broadcasting of critical and key health information to be disseminated quickly and permanently. Where television and radio mediums require its audience to view or listen at the time the program is aired, SN/SM does not. Corrections can be made in real-time iteratively. Further, SN/SM allows for recorded videos to be viewed repeatedly and wirelessly and then be re-broadcasted, in a nodal fashion, to established virtual communities by its users. In a way, SN/SM channels are unique in their ability to provide a medium for multi-nodal communications to pre-established virtual communities that allow a collective intelligence to form and maneuver, filtering and repackaging data and information efficiently.

Over a period of time, this information will invoke a collective knowledge which then will provoke a desired behavioral change among the virtual communities. Groups of people, facilitated by their trusted change agents and informal leaders, will promote behaviors that mitigate and de-conflict communications and governance challenges faced by that collective. In this manner, terror tactics will be less effective because the SN/SM platforms catalyzed and led by government leaders; will provide reliable “push-pull” communications balance that society would desire from its government. Because official and credible communications are the “*sinew*” that connects citizens and stakeholders to their government and to one another, this critical element of our national social fabric, is the focus of discussion for this essay. Leaders in crisis management can neutralize national fear of WMD’s through dialog within the SN/SM environments already pre-established commercially. Americans are a resilient people, and the SN/SM platforms will reinforce this resiliency when managed appropriately by our leaders well-versed in crisis communications. The scope of this research will be limited to bio-terrorism, but strategic communications concepts in a WMD environment are likely to apply in nuclear or chemical WMD attacks as well.

From the framework of maximizing efficient health risk communications in a WMD environment, health communicators have written extensively in academic journals to identify some of the best practices in communicating effectively with the target audiences. Covello identified seven cardinal considerations in crisis communications:<sup>25</sup>

1. Accept and involve stakeholders as legitimate partners
2. Listen to people
3. Be truthful, honest, frank, and open
4. Coordinate, collaborate, and partner with other credible sources
5. Meet the needs of the media
6. Communicate clearly and with compassion
7. Plan thoroughly and carefully

These best practice guidelines support an open and well-thought out framing of risk communications for known audiences and constituents. The guidelines involve respecting the sensitivities of the public’s needs in WMD environments while avoiding ambiguities and complexities in a likely complex environment. Although it is easier said than done, a major tenet of

risk communications is to maximize credibility and compassion that acknowledges the insecurities of the target audience when a WMD event occurs. The relationship between government officials, journalists, bloggers, and the citizenry will be vulnerable and strained, but by keeping the SN/SM medium dominated and open, government mitigation efforts will likely be maximized as a result of the technologically enhanced social dynamics and utility of the medium in national crisis situations.

## **AND THEN THERE IS MEDICAL ETHICS**

For physicians, the idea of triage is both a necessity and a burden. In war, the burden of triage can become very heavy. War precipitates mass casualty situations regularly and incessantly. Given limited resources in the battlefield, the need to do the most good with the resources-at-hand requires triage officers to make life and death decisions quickly and efficiently. This concept of wartime triage requires clinicians to maximize life-saving resources through active balancing of severity of injuries with the quantity of resources that would be consumed to care for the injured. The ethical rule in play is the concept of utilitarian ethics, where in mass casualty situations, precious medical resources are expected to be used to do the most good for the most people, regardless of rank or societal position. This concept of utilitarian fairness is applied consistently in mass casualty situations where the number of injured victims will number in the hundreds or thousands, such as epidemics, earthquakes, or WMD's. The utilitarian view of ethics was first suggested by philosophers like John Stuart Mill and Jeremy Bentham as a culmination of the western notion of promoting pleasure/value and minimizing pain/suffering.<sup>26</sup>

The utilitarian view of medical ethics contrasts sharply with the Kantian view of ethics that frames ethics in absolutes.<sup>27</sup> Recognizing that medical resources are finite, physicians are trained to practice medicine so that in mass casualty situations, the goal of treatment of a population is to save as many as possible without focusing on just the most severely injured. This utilitarian view supersedes the Kantian ethics of medical practice expected in normal situations.

In normal situations, the Hippocratic Oath requires the physician to first do no harm in treating their patients. The oath requires the physician to treat every patient to save their lives. This oath presumes that physicians are treating their patients one at a time and physicians have the luxury of resources to take care of all of his patients in due course according to their needs.

Ethics in mass casualty situations are in direct contrast to the Hippocratic perspective. In mass casualty situations, it is accepted that everyone cannot be saved. Consequently, the most severely injured are not necessarily the first ones to receive most of the care. The more severe the injury, the more time and resources would be required at the expense of the many less injured. Thus utilitarian ethical principles allow triage officers to segregate and prioritize patients according severity of the injury.

For example, if five trauma patients arrive at the same time, the physician may have to choose which one of the five, the most severely injured, would have to be segregated and be allowed die so that the other four less severely injured, but never-the-less mortally wounded, can be saved. This utilitarian decision is based on knowing that the four less injured can be saved at the expense of the one most severely injured, who would consume a disproportionate amount of limited medical resources if that one were to be treated first.

Otherwise known as proportionality of care, triage officers are trained to ensure that resources are consumed to maximize survival of the most number of people at the expense of the few most severely injured. Although this viewpoint is in contradiction to Kantian ethics, utilitarian ethical principles support the fairness and necessity of triage in mass casualty situations. This nuanced ethical perspective is part of the ethical aperture that would be required to be communicated and accepted by the publics in WMD situations.

## **CONCLUSION**

Through the medium of SN/SM, this essay suggests that developing a comprehensive

STRATCOM plan for WMD-BW events is essential and necessary in planning for the eventuality and mitigation efforts of such inevitable tragedies. Social networking, social media and the technology that enables rapid person-to-many-to-one communications are phenomena that can easily be leveraged by public health practitioners, journalists, and governmental institutions at the national level.

To public health professionals, it is well known that WMD attacks/events are survivable, and recovery is probable when modern medical and public health practices are integrated, taught, implemented, coordinated, and exercised. The journalist is the right professional to develop rational communications plans to diffuse these strategic points to the public aggressively and appropriately. To this end certain national consciousness about WMD's have to be nurtured through orthodox as well as emerging journalistic online platforms, leveraging existing and robust SN/SM platforms to both penetrate and permeate conversations between the government and the governed.

Fortunately, examples like Twitter and Facebook are commercial enterprises that offer great potential in allowing for rapid and credible government to/from the publics in pre-crisis and crisis communications scenarios that augment and supplement orthodox mediums such as television and radio. The medium itself is also reliable and credible when leaders of government institutions offer communications channels through this medium, given SN/SM's near-universal adaptation by multiple generations and socio-economic class. Its functions can be easily leveraged in crisis situations because of their ability to establish virtual and reliable communities for critical information exchange during national crisis events.

It is ironic that the same diffusion of life-science innovations that allowed Americans to double their life expectancies from a hundred years ago can be used by terrorists to harm so many so easily in the 21st century. Our nation's leaders have identified the WMD threat as both real and inevitable. It was just as inevitable that Americans had absorbed both 9/11 attack and the Katrina disaster in the first decade of the new millennium. Through these experiences, journalists, public health professionals, and elected officials can play critical roles of innovators and thought leaders in how well this nation handles and overcomes the next disaster, regardless of it being sourced by nature or by man. It is a strategy for all Americans to embrace. When achieved, the only thing that we Americans have to fear is fear itself.

*"I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised, for the preservation of freedom and happiness...Preach, my dear Sir, a crusade against ignorance; establish & improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils [tyranny, oppression, etc.] and that the tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests and nobles who will rise up among us if we leave the people in ignorance."*

— Thomas Jefferson" (1786)

---

## Appendix A: Definitions

**Biological Weapons:** Microbiological organisms used to infect, incapacitate, and kill human beings.

**Inductive Theory:** Qualitative research theory based on interpretive social sciences where inferences are made from observations of human behaviors that offer a perspective of probable truth.

**Media Relations:** A process in which organizations and institutions interact with the media and its institutions in such a way to offer an institutional point of view that is positive or least negative.

**Node:** In a virtual community, the Web 2.0 user who behaves as a “micro-broadcast” relay point for many other users in that community.

**Public Relations:** A process in which organizations and institutions interact with the general public in such a way to offer an institutional point of view that is positive or least negative.

**Publicity:** A process of attracting media attention for the purposes of gaining commercial or community notoriety.

**Social Media:** Technology-based medium that offers participatory communications modality for building relationships.

**Social Cognitive Theory:** Conceptual framework to analyze mass communications systems in the context of determinants and psychosocial mechanisms.

**Social Responsibility:** The obligation of the journalist as recommended in the Hutchins Commission Report of 1947 to report fair, complete, balanced, and intelligent stories of events relevant to the society.

**Social Networking:** Any process in which multiple digital technology-centered mediums are used to facilitate and organize communities and their agendas.

**WMD crisis-mediated Strategic Communications:** The deliberate process of strategic communications before, during and after a WMD event requiring national coordination and facilitation of policy, strategic and tactical information to be disseminated widely to organizations, institutions, subordinate governments, and citizens. This information flow would be multilateral and managed to maximize legitimacy and resiliency of affected civil society.

**Weapons of Mass Destruction (WMD):** Any man-made chemical, biological, nuclear, radiological, and high explosive (CBRNE) device designed for use in conflict, war, or terrorism.

**Web 1.0:** Any first generation communications technology that allows for unilateral one-way transfer of data and content from its creator to the consumer/receiver.

**Web 2.0:** Any second generation communications technology that allows for multi-nodal and multilateral real-time wired/wireless transfer and sharing of data and content to collaborate in a virtual community that allows any member to participate.

---

## Appendix B: Proposed Phases of Government Response

Phase	Definition	Attributes
I	Pre-WMD event	Communications/PR/News Letters
II	First 48 hours after WMD-BW event	Initial Who/What/Where/When/How
III	Shaping the federal STRATCOM response	Deter false and mis-information
IV	Dominate STRATCOM responses	Sustaining credibility/mitigation
V	Stabilization and begin to restore normalcy	Confidence in governance, institutions
VI	Restoration of pre-WMD event environment	Prepare for next WMD event

---

## Endnotes

1. Harooni & Shalizi, 2011
2. CBS News On Line, 2011
3. Furguson, 2004, 14.
4. CDC, 2011, 134.
5. Bhardwaj, Srivastava, & Karan, 2009.
6. Biosecurity 2.0-Enduring threats in the former Soviet Union, 2011, 78.
7. Bansak, 2010.
8. Fletcher, 2008.
9. Tokuda, Kikuchi, Takahashi, & Stein, 2006,196.
10. Tokuda, Kikuchi, Takahashi, & Stein, 2006, 196.
11. Tokuda, Kikuchi, Takahashi, & Stein, 2006, 196.
12. Watts, 1999, 569.
13. Algora-Weber, 2011, 216.
14. Bali, 2007
15. Berstein, 2004, A16.
16. Graham & Talent, World At Risk-The Report of the Commission on the Prevention of WMD Proliferation and Terrorism, 2008, xv.
17. Graham & Talent, Hearing on the Weapons of Mass Destruction Preventions and Preparedness Act of 2010, 2010.
18. National Security Council, 2009, 1.
19. Graham & Talent, Prevention of WMD-Proliferation and Terrorism Report Card, 2010, 6.
20. Beaton, Stergachis, Oberle, Bridges, Nemuth, & Thomas, 2005, 103.
21. Macario, Ednacot, Ullberg, & Reichel, 2011, 145.
22. Helping Clinicians Provide the Best Patient Care, 2011.
23. CDC, 2011.
24. Johnson, 2006.

25. Covello, 2003.
26. Christians, Fackler, Brittain-McKee, Kreshel, & Woods Jr., 2009, 18.
27. Christians, Fackler, Brittain-McKee, Kreshel, & Woods Jr., 2009, 15.
28. Bandura, 2001, 265.

---

## References

Biosecurity 2.0-Enduring threats in the former Soviet Union. (2011, Jul 1). *Bulletin of the Atomic Scientists*, 67(78).

*Helping Clinicians Provide the Best Patient Care*. (2011). Retrieved Oct 11, 2011, from Up-To-Date: <http://www.uptodate.com/index>

About DTRA / SCC-WMD. (n.d.). Retrieved 2011 йил 6-Sep from Defense Threat Reduction Agency: <http://www.dtra.mil/About.aspx>

Alexa. (n.d.). *Statistics Summary for facebook.com*. Retrieved Sep 2, 2011, from Alexa: <http://www.alexa.com/siteinfo/facebook.com>

Alexa. (n.d.). *Twitter.com Site Info*. Retrieved Sep 2, 2011, from Alexa: <http://www.alexa.com/siteinfo/twitter.com>

Algora-Weber, M. (2011). Madrid train bombings: what we have learnt from that sad event. *International Society of Blood Transfusion Science Series* , 6, 216-218.

Allbaugh, J. (2005 йил 4-Nov). 'Can I quit now?' FEMA chief wrote as Katrina raged. Retrieved 2011 йил 15-Sep from CNN - US: [http://articles.cnn.com/2005-11-03/us/brown.fema.emails\\_1\\_international-arabian-horse-association-marty-bahamonde-e-mails?\\_s=PM:US](http://articles.cnn.com/2005-11-03/us/brown.fema.emails_1_international-arabian-horse-association-marty-bahamonde-e-mails?_s=PM:US)

Altheide, D. L. (2006). Terrorism and the Politics of Fear. *Cultural Studies - Critical Methodologies*, 415-439.

Autism Speaks. (2009 йил 30-July). *An Interview with Dr. Geri Dawson, Chief Science Officer, Autism Speaks, about the Organization's Research Funding and Position on Vaccines and Autism*. Retrieved Sep йил 2011-6 from Autism Speaks: <http://www.autismspeaks.org/science/policy-statements/information-about-vaccines-and-autism/interview-dr-geri-dawson>

Balasco, A. (2011). *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*. Washington DC: Congressional Research Service.

Bali, V. A. (2007). Terror and elections: Lessons from Spain. *Electoral Studies*, 26, 669-687.

Bandura, A. (2001). Social Cognitive Theory of Mass Communication. *Media Psychology*, 3(3), 265-299.

Banipal, K. (2009). Strategic approach to disaster management: lessons learned from Hurricane Katrina. *Disaster Prevention and Management*, 15(3), 484-494.

Bansak, K. (2010, Jan 29). *Grading the Report Card: Assessing the WMD Commission Chairs' Biological Scoring*. Retrieved Oct 14, 2011, from James Martin Center for Nonproliferation Studies: [http://cns.miis.edu/stories/100129\\_bw\\_report\\_card.htm](http://cns.miis.edu/stories/100129_bw_report_card.htm)

Beaton, R., Stergachis, A., Oberle, M., Bridges, E., Nemuth, M., & Thomas, T. (2005). The Sarin Gas Attacks on the Tokyo Subway - 10 years later/Lessons Learned. *Traumatology*, 11(2), 103-119.

Benjamin, G. C., McGeary, M., & McCutchen, S. R. (2009). *Assessing medical preparedness to respond to a terrorist nuclear event : workshop report*. Institute of Medicine (IOM), National Academies of Sciences, Assessing medical preparedness to respond to a terrorist nuclear event, Board on Health Sciences Policy. Washington D.C.: National Academies Press.

Berstein, R. (2004, March 16). Nations With Troops in Iraq Make No Move to Join Spain. *New York Times*, p. A16.

Bhardwaj, P., Srivastava, J., & Karan, J. (2009). Bioterrorism: An Imminent Public Health Threat. *Internet Journal of Epidemiology*, 7(1), 2-2.

Canel, M. J., & Sanders, K. (2010). Crisis Communication and Terrorist Attacks: Framing a Response to the 2004 Madrid Bombings and 2005 London Bombings . In T. Coombs, & S. J. Holladay, *The Handbook of Crisis Communication* (pp. 449-466). West Sussex: Wiley-Blackwell.

CBS News On Line. (2011, Sep 12). *Monitoring group: Al Qaeda posts Sept. 11 video*. Retrieved Oct 13, 2011, from CBSNews.com: <http://www.cbsnews.com/stories/2011/09/12/501364/main20105176.shtml>

CDC. (2010 йил 11-Jan). *Vision, Mission, Core Values, and Pledge*. Retrieved 2011 йил 7-Sep from About CDC: <http://www.cdc.gov/about/organization/mission.htm>

CDC. (2011, May 20). *Fact Sheet SEARCH for Diabetes in Youth*. Retrieved Oct 13, 2011, from Diabetes Public Health Resource: <http://www.cdc.gov/diabetes/pubs/factsheets/search.htm>

CDC. (2011, Feb). *Health, United States, 2010*. Retrieved Aug 19, 2011, from <http://www.cdc.gov>: [http://www.cdc.gov/nchs/data/10.pdf#022](http://www.cdc.gov/nchs/data/hus/10.pdf#022)

Celso, A. N. (Spring 2009). Spanish Post-3/11 Antiterror Policy: Zapatero's Tyranny of Circumstance and the Dashing of Good Intentions. *Mediterranean Quarterly*, 20, 11-25.

Center for Disease Control and Prevention (CDC). (n.d.). *Bioterrorism Agents/Diseases*. Retrieved Sep 1, 2011, from Emergency Preparedness and Response: <http://www.bt.cdc.gov/agent/agentlist-category.asp>

Center for Disease Control and Prevention. (2009, December 8). *Forward*. Retrieved Sep 1, 2011, from Pandemic Influenza Storybook: <http://www.cdc.gov/about/panflu/>

Christians, C. G., Fackler, M., Brittain-McKee, K., Kreshel, P. J., & Woods Jr., R. H. (2009). *Media Ethics*. Boston: Pearson.

Covello, V. T. (2003). Best Practices in Public Health Risk and Crisis Communications. *Journal of Health Communication*, 8, 5-8.

- Das, A., & Efrati, A. (2011, Jan 4). Cash Keeps Facebook's Status Private. *The Wall Street Journal*, p. 1.
- Editors, NY Times. (2004, May 26). *Middle East: The Times and Iraq*. Retrieved May 8, 2011, from <http://www.nytimes.com/>: [http://www.nytimes.com/2004/05/26/international/middleeast/26FTE\\_NOTE.html](http://www.nytimes.com/2004/05/26/international/middleeast/26FTE_NOTE.html)
- Farmer, B. (2011 йил 16-Sep). *Kabul attack: Isaf and Taliban press officers attack each other on Twitter*. Retrieved 2011 йил 16-Sep from The Telegraph: <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/8763318/Kabul-attack-Isaf-and-Taliban-press-officers-attack-each-other-on-Twitter.html>
- FEMA. (2011 йил 1-Aug). *What We Do*. Retrieved 2011 йил 7-Sep from About FEMA: <http://www.fema.gov/about/>
- Fernholz, T., & Tankersley, J. (2011, May 7). *The Atlantic, Business section*. Retrieved May 7, 2011, from <http://www.theatlantic.com/business/>: <http://www.theatlantic.com/business/archive/2011/05/the-cost-of-bin-laden-3-trillion-over-15-years/238517/>
- Fischer III, H. W. (1999). Dimensions of biological terrorism: to what must we mitigate and respond? *Disaster Prevention and Management*, 27-34.
- Fletcher, H. (2008 йил 28-May). *Aum Shinrikyo (Japan, cultists, Aleph, Aum Supreme Truth)*. Retrieved 2011 йил 15-Sep from Council on Foreign Relations: <http://www.cfr.org/japan/aum-shinrikyo/p9238>
- Frerichs, R. R. (2008, August 24). *American Anthrax Outbreak of 2001*. Retrieved May 7, 2011, from <http://www.ph.ucla.edu/>: [http://www.ph.ucla.edu/epi/bioter/detect/antdetect\\_intro.html](http://www.ph.ucla.edu/epi/bioter/detect/antdetect_intro.html)
- Ferguson, N. (2004). *Colossus, The Rise and Fall of the American Empire*. London: Penguin Books.
- Furneaux, B. (2005, October 5). *Theories Used in Research-Difusion of Innovation*. Retrieved Aug 31, 2011, from <http://www.istheory.yorku.ca/>: <http://www.istheory.yorku.ca/diffusionofinnovations.htm>
- Garnett, J., & Kouzmin, A. (2009). Crisis Communication Post Katrina: What are we Learning. *Public Organization Review*, 385-398.
- Grabe, M. E., Kamhawi, R., & Yegiyan, N. (2009). Informing Citizens: How People with Different Levels of Education Process Television, Newspaper, and Web News. *Journal of Broadcasting & Electronic Media*, 20(56), 90-111.
- Graham, B., & Talent, J. (2008). *World At Risk-The Report of the Commission on the Prevention of WMD Proliferation and Terrorism*. New York: Vintage Books, Division of Random House.
- Graham, B., & Talent, J. (2010). *Prevention of WMD-Proliferation and Terrorism Report Card*. Washington DC: Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism .
- Hamblen, M. (2011, March 11). 'Massive damage' from Japan quake hits communications. Retrieved Sep 2, 2011, from Computerworld: [http://www.computerworld.com/s/article/9214203/\\_Massive\\_damage\\_from\\_Japan\\_quake\\_hits\\_communications](http://www.computerworld.com/s/article/9214203/_Massive_damage_from_Japan_quake_hits_communications)

Harooni, M., & Shalizi, H. (2011, Sep 13). *Taliban attack across Kabul, target US Embassy*. Retrieved Oct 13, 2011, from [www.reuters.com](http://www.reuters.com): <http://www.reuters.com/article/2011/09/13/us-afghanistan-blast-idUSTRE78B61S20110913>

Jefferson, T. (1786, August 13). *The Jefferson Monticello*. Retrieved May 8, 2011, from <http://www.monticello.org/>: <http://www.monticello.org/site/jefferson/quotations-education>

Jeffrey, S. (2004, March 15). <http://www.guardian.co.uk>: *New Spanish PM promises Iraq withdrawal*. Retrieved May 7, 2011, from <http://www.guardian.co.uk/world/>: <http://www.guardian.co.uk/world/2004/mar/15/spain.iraq>

Johnson, T. D. (2006, Oct). Graduate program brings public health, journalism together. *Nation's Health*, 36(8), p. 12.

Lengel, A. (2005, September 16). *Washington Post On Line*. Retrieved May 7, 2011, from <http://www.washingtonpost.com/>: [http://www.washingtonpost.com/wp-dyn/content/article/2005/09/15/AR2005091502456\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2005/09/15/AR2005091502456_pf.html)

Lewis, H. (1992). *history-world.org*. Retrieved April 30, 2011, from [http://history-world.org/age\\_of\\_enlightenment.htm](http://history-world.org/age_of_enlightenment.htm): [http://history-world.org/age\\_of\\_enlightenment.htm](http://history-world.org/age_of_enlightenment.htm)

Littlefield, R. S., & Quenette, A. M. (2007). Crisis Leadership and Hurricane Katrina: The Portrayal of Authority by the Media in Natural Disasters. *Journal of Applied Communications Research*, 35(1), 26-47.

Louisiana Department of Health and Hospitals. (2006 йил 6-Aug). *Hurricane Katrina*. Retrieved 2011 йил 13-Sep from Deceased Reports: <http://www.dhh.louisiana.gov/offices/page.asp?ID=192&Detail=5248>

Macario, E., Ednacot, E. M., Ullberg, L., & Reichel, J. (2011). The changing face and rapid pace of public health communication. *Journal of Communication in Healthcare*, 4(2), 145-150.

McQuail, D. (2010). *McQuail's Mass Communication Theory, 6th Edition* (6th ed.). London, GB: Sage Publications, Ltd.

Moore, S., & Faiez, R. (2011, May 1). *Yahoo News*. (Associated Press) Retrieved May 4, 2011, from <http://news.yahoo.com>: [http://news.yahoo.com/s/ap/20110501/ap\\_on\\_re\\_as/as\\_afghanistan](http://news.yahoo.com/s/ap/20110501/ap_on_re_as/as_afghanistan)

National Security Council. (2009). *National Strategy for Countering Biological Threats*. Washington DC: White House NSC.

Obama, B. H. (2011, May 2). *The White House Blog*. Retrieved May 4, 2011, from <http://www.whitehouse.gov>: <http://www.whitehouse.gov/blog/2011/05/02/osama-bin-laden-dead>

Orr, G. (2003, March 10). *Diffusion of Innovations, by Everett Rogers (1995)*. Retrieved Aug 31, 2011, from <http://www.stanford.edu/class/symbysys205/Diffusion%20of%20Innovations.htm>: <http://www.stanford.edu/class/symbysys205/Diffusion%20of%20Innovations.htm>

Price, C. S., Thompson, W. W., Goodson, B., Weintraub, E. S., Croen, L. A., Hinrichsen, V. L., et al. (2010). Prenatal and Infant Exposure to Thimerisol from Vaccines and Immunoglobulins and Risk of Autism. *Pediatrics*, 656-664.

- Quan-Haase, A., & Young, A. L. (2010). Uses and Gratifications of Social Media: A Comparison of Facebook and Instant Messaging. *Bulletin of Science, Technology & Society*, 30(5), 350-361.
- Rabasa, A. C. (2006). Rabasa, A., Chalk, P., Cragin, K., Daly, S., Gregg, H.S., Karasik, T.W., O'Brien Beyond al-Qaeda. Part 1. *The global jihadist movement*, Part 1. Rand Corporation. Washington DC: Rand Corporation.
- Rogers, E. M. (1995). *Diffusion of Innovations*. New York: Free Press.
- Rosengren, E., Wenner, L. A., & Palmgren, P. (1985). *Media gratifications research : current perspectives*. Beverly Hills: Sage.
- Ruggiero, T. E. (2009). Uses and Gratifications Theory in the 21st Century. *Mass Communication and Society*, 3(1), 3-27.
- Schifferes, S. (2003, March 18). *BBC News*. Retrieved May 5, 2011, from <http://news.bbc.co.uk: http://news.bbc.co.uk/2/hi/americas/2862343.stm>
- Schrag, S. J., Brooks, J. T., Van Beneden, C., Parashar, U. D., & Griffin, P. M. (2004). SARS Surveillance during Emergency Public Health Response, United States March July 2003. *Emerging Infectious Disease*, 185-194.
- Sellnow, T. L., Seeger, M. W., & Ulmer, R. R. (2002). Chaos theory, informational needs, and natural disasters. *Journal of Applied Communications Research*, 30(4), 269-292.
- Silberman, S. (2005 йил 13-Nov). *Hurricane Heroics*. Retrieved 2011 йил 13-Sep from Wired Magazine: <http://www.wired.com/wired/archive/13.11/posts.html?pg=2>
- Suskind, R. (2006). *The One Percent Doctrine: Deep Inside America's Pursuit of Its Enemies Since 9/11*. New York: Simon & Schuster.
- Thelwall, M., Buckley, K., & Paltoglou, G. (2011). Sentiment in Twitter Events. *Journal of the American Society for Information Society and Technology*, 62(2), 406-418.
- Tokuda, Y., Kikuchi, M., Takahashi, O., & Stein, G. H. (2006). Prehospital Management of sarin nerve gas terrorism in urban settings: 10 years of progress after the Tokyo subway sarin attack. *Resuscitation*, 68(2), 193-202.
- USAtoday.com. (2004, April 19). *World : Spain leads troop withdrawal from Iraq*. Retrieved May 7, 2011, from <http://www.usatoday.com/news/world/iraq/>: [http://www.usatoday.com/news/world/iraq/2004-04-19-spain-troops\\_x.htm](http://www.usatoday.com/news/world/iraq/2004-04-19-spain-troops_x.htm)
- Watts, J. (1999). Tokyo terrorist attack: effects still felt 4 years on. *The Lancet*, 353, 569.
- Weimann, G. (2008). The Psychology of Mass-Mediated Terrorism. *American Behavioral Scientist*, 52(69), 69-86.
- Weinberger, S. (2011). Is this the Start of Cyberwarfare? *Nature*, 474, 142-145.
- Wheelis, M. (2002, September 9). *Biological Warfare at the Siege of Caffa-Historical Review*. (Center for Disease Control) Retrieved May 7, 2011, from *Emerging Infectious Diseases*: <http://www.cdc.gov/ncidod/eid/vol8no9/01-0536.htm>

Wheelis, M. (2002 йил 9-September). *Biological Warfare at the Siege of Caffa-Historical Review*. (Center for Disease Control) Retrieved 2011 йил 7-May from <http://www.cdc.gov/>: <http://www.cdc.gov/ncidod/eid/vol18no9/01-0536.htm>

Winerman, L. (2009 йил Jan). Social networking: Crisis communication. *Nature*, 457(7228), 376-378.

Woodrow Wilson Center for Scholars. (2009, April 4). *International Security Studies-The 3/11 Madrid Bombings: An Assessment After 5 Years*. Retrieved May 7, 2011, from <https://www.wilsoncenter.org/>: [https://www.wilsoncenter.org/index.cfm?topic\\_id=1416&fuseaction=topics.item&news\\_id=518495](https://www.wilsoncenter.org/index.cfm?topic_id=1416&fuseaction=topics.item&news_id=518495)

World Bank, World Development Indicator's Database. (2011, April 14). *worldbank.org*. Retrieved May 7, 2011, from <http://siteresources.worldbank.org/DATASTATISTICS/>: <http://siteresources.worldbank.org/DATASTATISTICS/Resources/GDP.pdf>



# Risk, Liability and Fiduciary Relationships in the Profession of Arms

by Dr. Patrick Mileham

*‘One man’s safety is another man’s destruction’.*  
— Daniel Defoe

*A peace is in the nature of a conquest. For then both parties nobly are subdued,  
And neither party loser’.*

— William Shakespeare

*‘The true soldier is the enemy of the beast in man, and none other’.*  
— Field Marshal Montgomery

## MORAL DYNAMICS

The purpose of conferences, papers and published articles is to reflect on the perceived realities and dynamics of a subject – in our case, the military profession. From hypotheses that spring to mind, we seek to establish objective factors and truths that may be useful to guide participants in their work. This paper links together factors within the ‘moral component’ of ‘military power and capability’ which may be of use in the development of the Professional Military Ethic. Some of what I write may seem optimistic even idealistic; but there need be no shame in that.

The ‘moral component’, an expression found in recent British military doctrine, is one shared if not in name at least intuitively by all armed forces in the liberal democracies. It incorporates straightforward factors, principles and policies, as well as many complex dynamics. In our discussions, literature and teaching we sometimes fail to recognize the full power of our language, when the very words we chose have many useful associated meanings and applications. Alternatively, if not used with precision, their use can obscure our meaning. The word moral, chiefly in use as an adjective, is one such. Derived from Latin, it has a close counterpart from the Greek, ethical.<sup>1</sup> While many philosophers do so in general without restraint, the words should not be used interchangeably in the military context for very good reason. In the process of writing doctrine<sup>2</sup> on the moral component, I have concluded that moral can be used to explain three distinct dynamics of the profession, two normative and one descriptive. They are

- Inspiring our people to fight, while
- Stopping others from fighting, and
- Fighting justly.

The first and second are corollaries each of the other. Moral here means encouraging the fighting spirit or warrior ethos amongst our own military persons, with a superiority of motivation and means of fighting to discourage opponents<sup>3</sup> from fighting and defeat their intentions. Whether the strategy and tactics of ‘hard’ or ‘soft power’<sup>4</sup> are used, results are achieved by the force-multiplying effect of combining moral force<sup>5</sup> (determination, will-power) with the two other dynamics, or components, of fighting capability, being physical (numbers, weaponry, systems and logistics) and conceptual (cognitive substance, intellectual energy, planning and training). Earning opponents’ complicity successfully in coming round to our politico-military demands, brings about a cease fire, dispersal, surrender, greater security and a more just peace. That is the theory and the ideal of predominant moral strength. Fighting justly for a just cause, to achieve the greater good, is properly a matter of ethics, derived from the study of good and bad, right and wrong. The most

significant point is that moral-as-persuasive power and moral-as-probity<sup>6</sup> - the power good – have to be first separated and distinguished apart, then brought together for best effect<sup>7</sup> in all military endeavours. The three moral dynamics are reflected in the quotations from literature at the head of this paper.

The context of these moral dynamics is to be found Von Clausewitz's trinity of army, people and government, to which, since 1945 have been enjoined two more factors as the agenda of the United Nations in promoting the security of mankind. The first is the substance of liberal democracy, the recognition of which begins with 'usages established amongst civilized peoples, the laws of humanity and the dictates of the public conscience'.<sup>8</sup> 'Conscience' is noted Article 1 of the 1948 Universal Declaration of Human Rights. Secondly we have developed the capability of many global institutions and a number of joint enterprises intent in binding together former enemies in friendship. The hope is that once conflict ceases, security is assured and opportunities are presented for regimes to embrace, they will institute democratic ideals and practices as soon as possible, the ultimate teleological effect desired.

In international relations this is all highly idealistic and easier said than done. Modern-day geopolitical military complexities are enormous and the risks daunting, both now and into the future. In the forefront of a very dangerous world, armed forces live and work in the risk business like no other institutions, frequently dealing in matters of life and death.

In this paper the extent of risk in military affairs and international relations, as distinct from danger, will be examined; the substance of trust will be put forward as that of fiduciary obligation; and the link established between risk and fairness in military relationships, including with the 'enemy'. I shall bring in two hybrid themes into the discussion, the concept and practice of officership and what has come to be known as the military covenant.

On good days we can all agree on what should be done. On bad days we know things will go wrong, even with the best intentions. Therein lies the first consideration, risk.

## **COMBAT AND OPERATIONAL RISK**

The dynamics of danger and risk abound for individuals and nations alike in many fields of human life and enterprises. Armed force is an extreme manifestation of human and material competitive and coercive power. Armies, navies and air forces exist to be prepared to fight and, if called upon by the civil authority, to use deadly, injurious and destructive force in military operations and wars. The supposition or reality is that other persons are prepared to use, or are actually using, physical violence with force of arms against us and our vital<sup>9</sup> national interests. Such is the substance of national security and the survival of the nation and its democratic institutions. For example and looking at it both ways, the question of national survival and national recognition is at the heart of the Israel-Palestine conflict. Examples of states which currently (September 2011) feel their survival threatened for one reason or another, are Syria, Iran, Myanmar (Burma) and North Korea. Each named regime resists liberal democracy with violence against their own people.

Some nations often in coalitions, take it upon themselves to act as third parties when they witness large-scale violence or armed conflict occurring in other countries or regions. Their aim includes the intuitive desire to promote and extend the principles of human rights and liberal democratic rule. For nations like the USA, Britain and other NATO countries these are operations 'of choice' or 'discretionary wars', in contrast to that of 'national survival'. A war of choice for one party may well be a war of national survival for the other party or parties. The intervention of the US-led coalition in Iraq was discretionary, its purpose regime change. However so much damage - physical, institutional and moral - was done in seeking outright victory and unconditional surrender, that the re-establishment of national integrity is still in question eight years later. The percipient view of a safer peace with no losers, noted in the quotation at the start of this paper, was hardly considered.

When and where should a liberal democracy intervene as a third party, using its military professionals as agents? Does the use of force compromise the whole rationale and edifice of liberal

democracy and the liberal conscience it seeks to preserve? The UN Responsibility to Protect project<sup>10</sup> is gaining momentum through trial and error. Much military theory can only be gained heuristically. In such instances, arguably armed force is being used justly, in spirit and law, to reinforce the international consensus of ‘the public conscience’ against extensive war crimes, ethnic cleansing, crimes against humanity and genocide. In so doing, however, a nation intervening with armed force is jeopardizing not just its liberal principles, but also the lives of its own people. Too often physical military power does not work in human affairs because it is too physically and morally destructive, and the effort is wasted.

Armed force is a hugely hazardous enterprise, insofar as it is about the strength of moral force used by one side to defeat the moral force of the other – a mixture of moral will-power and physical force. It is also about risk in fighting justly and being seen to fight justly. So from the start the moral probity of such risk-taking has to be judged. A definition of risk is helpful. ‘The word risk’, writes Peter L. Bernstein, ‘derives from the early Italian *risicare*, which means to dare. In this sense, risk is a choice rather than a fate’.<sup>11</sup> Choice, if it is a true choice, has to be freely made.<sup>12</sup>

How does one measure risk against choice, with danger as a more random phenomenon? In one sense they are corollaries each of the other, depending on which side of a conflict you are fighting. What is danger to one side, seemingly random, passive and less than probable, is likely to be for the other side an opportunity, a choice, a hazard. We may be in danger of being attacked, being our opponents’ choice: taking pre-emptive action is for us a choice, be it a local, limited- or large-scale event. Obviously as many as possible of the calculations of danger and risk should be conducted beforehand. Risk assessment, the weighing of probabilities against random chance, is a constant preoccupation of military commanders of every rank, minute by minute, hour by hour and day by day. Risk and danger are dynamic realities whatever is found in the ultimate test of truth.

What or rather who is in danger during conflict? In the use of armed force people suffer. If prolonged, the suffering can increase exponentially. The use of deadly force, obviously and deliberately, has certain physical and psychological effects on our enemies, but peradventure also adversely against our own combatants. In a war of either national survival or choice, many in the population maybe in danger as well as combatants.

This list of consequences below, none of which can be said to be intrinsically good for anyone, works both ways for maybe very large numbers of individuals.

- Death - instantaneous or the moment prolonged though fatal injury, the result of opponents action, friendly fire or associated causes.
- Physical injury - short-lived, of long duration, delayed or life-long.
- Failure - the result of being overwhelmed by opponents force of arms or by incompetence, ill-discipline or cowardice of comrades. Litigation – alleged negligence or illegal acts, at worst followed by imprisonment.
- Capture - with interrogation, confinement, physical deprivation for short or long periods and possible, torture and execution by the enemy.
- Destruction of property - and peoples’ livelihoods.
- Subsequent ill-health -following physical injury or military-service attributable disease.
- Post-traumatic stress - instantaneous, recurrent, delayed, treatable or untreatable physical condition.
- Consequences for future livelihood- with possible or likely economic hardship.
- Moral damage and/or deterioration of conscious and unconscious faculties of the mind, which can be instantaneous, or delayed maybe for many years; or a troubled conscience causing damage to, or destruction of, the individual’s strength of character and inner life.

During hostilities in which lethal force is used, ‘we’ are attempting to induce these affects on ‘them’, ‘they’ on ‘us’. We cause deliberate suffering, hoping we will not suffer as much, or if at all. Equally our enemies are attempting to produce the same effects on ‘us’ at little or no cost to themselves. The principles of military urgency, proportionality, cognisance of double effect and

avoidance of collateral casualties, as well as the humanity of conduct in dealing with opponents, are all restraining influences. The legal and moral difficulties of using asymmetrical physical force and unequal ethical principles we also know about.

Simply put, each side heaps death injury and destruction on the other in order both to reduce the numbers of opponents able to continue fighting and simultaneously seeking to demoralise and break the other side's will-power. Final defeat, for whichever side, may be physically and psychologically catastrophic. The aim, it must be emphasised, is to bend or break the moral integrity (cohesive strength) as well as the physical integrity of opponents. Stabilisation and security, repair and restitution of national integrity and morale have to follow, with former enemies remaining in the position of 'loser' for as short a time as possible.

This is all part of the dynamic of risk as a personal moral choice amongst those in professional armed forces. The next question is, how far individuals, whether comrades or commanders, are obliged to make choices during operations, may be minute by minute, hour by hour and day by day? It is one thing to accept risk for oneself. Commanders are in the habit of choosing and ordering others to be in danger, and take both the moral (as persuasive force) and ethical (as moral probity) responsibility for all the consequences. Those subordinates they order to act may have little or no choice thereafter; alternatively they may have many choices in the detail of fighting. They frequently have comrades at their side in action and also take a double risk when choosing, maybe in a split second, what action to take for themselves and on behalf of each other.

One has to accept that people actually fight for their friends with great energy and will-power, perhaps more than they do for their theatre commander-in-chief or nation. Individuals on the battlefield, are sometimes utterly reliant on the choices which others make, which can mean the difference between life and death and any of the other consequences suggested above. By taking an action of choice an individual may reduce the danger to others on his side: alternatively the action may increase the danger. So what is the duty, obligation and liability both before and after a decision involving risk is made?

## **OBLIGATION, DEONTOLOGY AND THE 'UNLIMITED LIABILITY'**

'Unlimited liability', first used in a military context by General Sir John Hackett in 1962, was expressed more fully in his seminal 1983 book *The Profession of Arms*. He states that

*The essential basis of the military life is the ordered application of force under an unlimited liability. It is the unlimited liability which sets the man who embraces this life somewhat apart. He will be, (or should be) always a citizen. So long as he serves he will never be a civilian'.<sup>13</sup>*

Australian born cavalry officer, Arnhem airborne veteran, British Army general and university principal, Hackett clearly intended 'unlimited liability' as a defining characteristic of the profession of arms. Reading the paragraphs either side of this statement written in the first person, one can conclude that he was not writing normative doctrine or legal principle, but describing a hard to explain universal moral truth. This approach accords with John Searle's conception of the distinction between raw, natural or non-institutional phenomena, and those facts which 'require human institutions for their existence'.<sup>14</sup> Institutions often need recognisable, self-referencing, defining 'institutional facts', and appropriate language to express them, even if indirectly. These contentions are at the heart of the debate about the right or obligation for the military to conceive of themselves as being categorically different from other institutions.<sup>15</sup>

As likely as not the scholar in Hackett recognised he had chosen an analogous term from its opposite. 'Limited liability' is the concept in British Company law, dating from the second half of the 19th century. This which limits the liability of shareholders in the event of company collapse only to the value of their stock-holding. They cannot be held criminally responsible and sued for other moneys or goods against company losses and debts, unless criminal intent is proved. 'Unlimited liability' is the opposite legal position, leaving people including shareholders at personal financial

danger and litigation. It must be said that commercial company officers in liberal democracies are seldom likely to be placed personally in danger of injury or death through their own misjudgement, negligence or the actions of others. Neither do they face the death penalty for proven crimes, as they might do in repressive regimes. However we have to be careful in handling analogies and other figures of speech. Too often they are forgotten for what they are and obscure reality.

British doctrine acknowledges in passing the 'unlimited liability'<sup>16</sup> of armed forces personnel, while Canadian doctrine is more positive, claiming 'unlimited liability' is no less than a self-evident truth and of the nature of a categorical imperative, 'the military professional's philosophy of service'.<sup>17</sup> Military cultures and their socio-subjective dynamics, even in the liberal democracies, differ considerably, including ways of expressing eternal verities. Many nations have not tried to express such features of the military profession, either because the questions about risk and danger are not thought to be important or pressing, or that nations do not allow their soldiers to get much in harm's way.

The extent of liability, the duty to conduct tasks and accept what fate may bring, varies between military cultures. Many nations require their military personnel to take an oath of service in some form. Some nations have a neat, explicit and clear contract of service. Others spread the terms and conditions of service – applicable to both employees and employers – across many documents, which may or may not be comprehensive. There may be many unwitting gaps and vague or obscure understandings. How far citizen rights are removed, how far military personnel can refuse legally what might be asked of them – for instance, deployment on a specific campaign – are questions which often remain unanswered.

In regard to employment of modern, voluntary, professional armed forces, matters to be taken seriously include their governance, human resource management, duty of care, due diligence, corporate social responsibility, employer responsibilities both of military officers (commissioned and non-commissioned) and civilian officials with legal responsibility.. Can one rationally and truthfully state in a liberal democracy that the danger to individual citizens in uniform, be they soldiers, sailors or air personnel, that their duties, obligations and liability are absolutely 'unlimited'? The answer categorically must be no.

There are a number of considerations. The first duty of the state is to maintain the security and integrity of the nation's territory and its people, which may mean conscripting citizens for military service in times of national danger. If the profession of arms is a proper profession, one has to accept that it is in the definition of a profession that individuals should not be forced by government or any other agency to enter into that profession. Such must be a personal choice. Forced labour is morally against the spirit of human rights. All professions exist to meet the expectations of public trust. All governments need the trust of their populations. So it is in the nature of liberal democracy for service in the armed forces to be entirely voluntary and based entirely on goodwill, which according to Kant's reasoning, is the highest good.

However, once a person has voluntarily and formally joined for professional military service, his or her further choices immediately become limited, more so than in many other professions. Like all professions, there has to be a set of professional expectations, rules and constraints. This is what the current US Army Professional Military Ethic project (2011) is all about. Once a person has joined, the dynamics of risk and danger are already known to be part of the context of the profession and have been accepted in law and moral obligation, including the general duty not to refuse a particular action lawfully ordered. While professional military persons seldom consciously conduct personal probability, actuarial or risk assessments about their own actions or their possible fate, they understand about the voluntary choices which may place them in danger. On operations they live and work with the realities of choice and risk.

It has to be admitted that the extent of duty expected of armed forces persons in a liberal democracy is becoming very much more difficult to articulate. Military deontology, obligation, and particularly obedience are corporate predispositions, sometimes severely tested by the nature of modern operations, often with highly sophisticated political aims to be achieved by military means. Those means, which are still physically basic and often brutal, are to threaten, coerce,

injure, kill and destroy. Just war and humanity in war are taken extremely seriously by professional armed forces, as well they should be. Delegation of responsibility for military decisions, requiring legal and moral judgement is necessarily delegated to relatively junior ranks, informally with the recognition of the 'strategic corporal' and more formally with, for instance, the Mission Command process in Britain's armed forces. Whether they understand philosophical terms, junior ranks have to understand the actualities of consequentialism and of double effect, in regard say to avoidance of collateral civilian casualties, and also how far means justify ends and teleological arguments can be stretched. 'Virtuous consequentialism' may be the very essence of military ethics<sup>18</sup>, but it is not an easily understood and memorised catchphrase for an officer or soldier without philosophical training to repeat to himself when facing a difficult choice on operations. Such questions and answers are difficult to codify in Rules of Engagement and trainable drills. Practical wisdom, a pre-disposition which many people have irrespective of education, is one of the four classical virtues. Fortunately the vast majority of well-trained soldiers from liberal democracies make sensible ethical choices most of the time.

Throughout history military virtues and codes of conduct have been recognised. Under repressive regimes in the past and now, they have been and still are enforced with severity, including the death penalty.<sup>19</sup> The virtue ethics approach substantiates commendable military qualities in individuals, and is one of three main analytical methodologies that ethicists use, to make judgements about just war and conduct in war. Modern professional military forces, following the taking of an individual oath of service, as most do of one form or another, accept an explicit or implicit code, incurring legal duties, as well as moral obligations and liabilities. Military law, disciplinary regulations and understandings about the extent of obedience are more or less codified and published by nations, together with procedures and sanctions for failure or deviance, often much more severe than normal terms and conditions of contracted service in civilian organisations.

Military codes and disciplines, together with self-disciplinary expectations of individuals, incorporate and reinforce what G.F.R.Henderson describes as 'the great principle of moral force',<sup>20</sup> already alluded to. Moral force is engendered through the internal cohesion of military units, formations and armies, the force of human will binding together in well integrated<sup>21</sup> corporate bodies with substantial human cohesion.<sup>22</sup> The chief, accepted virtue of armed forces is variously expressed as 'self-sacrifice'<sup>23</sup>, 'selfless commitment', 'selfless service', 'service before self', and associated terms, such as 'integrity', 'solidarity', 'loyalty' (internally exercised, an intrinsic quality) and 'honour' (externally directed, extrinsic).<sup>24</sup> Courage (physical and moral), respect for others, perseverance, duty, professionalism and other terms are added in published military virtue lists, to bring moral strength and moral probity to the military organisation concerned. All these words are of course ways of expressing the vocational nature of service in the military, but also their spiritual character found in the frequent use of the word 'ethos' by military people about themselves.

In a word we find underlying all this conscious thinking the human attribute of 'altruism', the opposite of 'egoism'.<sup>26</sup> Altruism does not exist in a vacuum: arguably it depends for its strength on affiliation. Affiliation implies trust. It is strange that none of the lists (cited in the chart in footnote 23) include the superior virtue of 'trust', particularly as it can serve both as a noun and, more usefully, a verb. To trust another person is the currency of all human interaction, as fact and metaphor, the reciprocal and corollary of 'goodwill'. In the military context, strong affiliation means strongly cohesive units, being virtuous circles so to speak. The encouragement of all these attributes leading to fighting spirit, warrior spirit, *esprit de corps* and *innere Führung* (briefly, self-discipline), is a major preoccupation during selection, induction, education, training, personal development and promotion of all military professionals.

Without wishing to be cynical or diminish good intentions, what has to be taken account of is that all these abstract nouns are usually variables, within the actions and thoughts of individuals, seldom absolutes. They are variable between individuals and collectively with units, day by day, in context and environment, in peace and during operations. They are difficult to quantify and measure. It is not possible to say whether the variables are dependent on each other or independent, an important distinction. Cognitive, conative and affective factors cause such variations, as well as

the positive inspiration given by leaders in leading their groups and units to success, or pessimism as units disintegrate morally and physically.

To return to the limits of liability, it is the suspension of full citizen rights and internationally recognised human rights during military service, which make the supposition of 'unlimited liability' for individuals difficult to accept as an absolute in all truthfulness. I believe that Hackett knew that he was expressing something that was intangible, demanding a great stretch of the imagination. In liberal democracies trust may occasionally have to be given as an act of faith by military professionals in extreme circumstances, in immediate life and death moments. Corporately such moments were described by Tolstoy, as the 'moment of moral hesitation', which tests the strength of human determination and ultimately 'decides the fate of battles'.<sup>28</sup> It is reasonable to expect professionals always to act their duties with complete faith.

So while 'unlimited' implies dynamic trust as an absolute, Hackett knew there were limits. That is perhaps why he gave to the military leadership the obligation and duty of being persons 'endowed with the powers of coercion..' who should be of 'sufficient liberality and detachment of mind to use it wisely'.<sup>29</sup> Coercion of course means power over both subordinates and opponents, albeit it in different ways for different purposes. Wisdom requires the ability to choose. Choice is risk, and dealing with risk is the substance of military command, management and leadership. With leading as the officers' personal subjective performance, we need an objective term for those who hold military office.

### **FIDUCIARY ROLES. OFFICERSHIP.**

Having personally experienced - through heuristic awareness of professional responsibilities during a military career - and after more recent research, I have reached a firm conclusion about the position of military professionals in a liberal democracy. I believe the military officer fulfils or should fulfil, a true, significant and powerful fiduciary role<sup>30</sup> in a number of important, sometimes vital, ways. I further contend that the substance of fiduciary trust is at the very centre of what has come to be known as officership, which I define as the 'concept, character, practice and quality of the individual holding military role and office'.<sup>31</sup>

Appointments to hold a commission directly from the head of state or constitutional commander-in-chief, place military office holders, and indeed the complete hierarchy of ranks in the armed forces under an extreme obligation of service to the nation, as discussed in the sections above. Following the oath of allegiance to the head of state or constitution, a commission is granted to certain selected persons. It denotes a public office. It is a type of legal document granted only to special categories of public officials, including judges, diplomats and ministers. Taking for example the US officer's commission, the crucial words are

*'We reposing **special trust and confidence** in your patriotism, valor, fidelity and abilities do... appoint you ...' by name [my emphasis].*

Commissions for British, Canadian, Australian and New Zealand officers are very similar, not surprising from the provenance. They state

*'We reposing **especial trust and confidence** in your loyalty, courage, and good conduct, do... appoint you...' by name.*

'Fidelity', in the US commission, is clearly coterminous with the word 'fiduciary'. It is used to repeat, for emphasis, the especial expression 'confidence'. All three words come from the same Latin word, fides, meaning faith, faithfulness. So recipients of commissions are categorically 'especially' trusted, above and beyond ordinary standards of trust, because of their anticipated or proven qualities of patriotism / loyalty, courage/valor, fidelity/good conduct. They are required faithfully to perform tasks, sometimes of moral and legal dubiety, and of a stark and risky nature,

often without clear limits, on behalf of the nation. Officers are equally trustees or guardians of their military institution and their own and subordinates' consciences on behalf of the nation, as Martin Cook points out 'serving the state with integrity'.<sup>32</sup>

The word fiduciary needs examination. The law books state by way of definition that 'The distinguishing obligation of a fiduciary is the obligation of loyalty....' and that 'the fiduciary role gives rise to a relationship of trust and confidence' - those very same words expressed in commissioning documents. In essence these fiduciary roles and relationships bind individuals as trustees morally to place other people's interests above their own, being the substance of faith, **trust and confidence**.<sup>33</sup> That is why individuals are singled out for commissioned service, being fit and proper persons charged with generating and sustaining the highest levels of trust and good faith within military organisations, and personifying all other military virtues as far as humanly possible. Their fiduciary activities should equally be recognised as a matter of faith by those they serve - superiors and subordinates, governments and people, throughout their service, in everything they do.

Furthermore, while the fiduciary duties of a trustee of a trust in the law of equity are limited, I believe that every man and woman in professional armed forces, so constituted, is a formal office-holder nearly to the same extent nearly as commissioned officers. In Britain a Crown servant includes every member of the armed forces. By legal definition a Crown servant is a person who 'owes fiduciary duties to the Crown',<sup>34</sup> who as constitutional Commander-in-chief, like many heads of state, is the supreme military authority. Their oath of service is a legal procedure. Non-commissioned ranks in the chain of command and hierarchy are commanded to obey in law their superior officers, by the officers' commission and through the warrant officers' warrant. The documents thus give them all a special status and obligation in their profession, indicating that they are also in a fiduciary relationship with the public.

Fifty years after Samuel Huntington defined the position of the 'soldier in the state' as expressed in the responsibilities of officership, we can now extend this obligation to all members of professional armed forces, which some nations already do, notably Canada. At best, there is a fiduciary partnership between commissioned and non-commissioned ranks, the strength of which brings physical cohesion and moral integrity to military. The officer corps and NCO cadre, indeed all military persons define the civil-military relationship, of society and the armed forces. The general fiduciary duties so expressed also must be more or less consistent with practices within other liberal democracies and the relationships accord with profession of arms across the nations, from which military coalitions are formed. All are members of what should constitute an honourable institution and highly trusted profession. It is to a relatively novel term, expressing the civil-military professional relationship, that I now turn.

## **FIDUCIARY RELATIONSHIPS. MILITARY COVENANT.**

The expression 'military covenant' was incorporated into the British Army's formal doctrine *Soldiering. The Military Covenant*<sup>37</sup> in 2000. It was a brand new term. According to the chief author it was 'deliberately chosen on account of its not being as legalistic or binding as a contract, and at the same time conscious of its quasi-religious overtones'<sup>38</sup>. A sense of vocation is strong in Britain's armed forces. The absence of a formal and legal contract of service forces was becoming noticeable, hence this new 'institutional fact'<sup>39</sup> was needed to fill a gap. Briefly it was the way the British Army conceived of the civil-military relationship in 2000. The covenant was stated to consist in a three-way moral obligation between the Army, government and people, substantiating the power of Clausewitz's well-known trinity. The Army was, however, conscious of the fact that 'The nature of service is inherently unequal in that servicemen may have to contribute more than they receive'<sup>40</sup>. This accords with the altruistic criterion of 'self-less commitment' in the list of virtues commented on above.

After several years of uncertain status, explained in detail in my *JME* article (see article cited in foot note 38), the covenant became extended informally to act as a means of political leverage,

regarding the efforts and sacrifices of the armed forces when the Afghan campaign seized the public's imagination, via the press and television. Basically some senior officers and others used the military covenant as a means of lobbying government and engaging directly with the public. In the general election of 2010 the Conservative party incorporated honouring the military covenant in their manifesto, having realised its vote-winning potential, unusually as Defence seldom features in parliamentary elections. As the chief partner of the in-coming coalition government, they then had to do something about it. A task force was set up by the Prime Minister to recommend a whole range of new substantial initiatives to support the armed forces. In late 2010 *The Government's Response to the Report of the Task Force on the Military Covenant*, was published.

Essentially it is the formal recognition of a reciprocal 'moral obligation' of government and civilian population to recognise and recompense, with fair and just treatment, the extent of risk that members of the armed forces take, explained in the section above. It is termed the 'Armed Forces Covenant', the Royal Navy and Royal Air Force having been drawn into it belatedly. The obligation soon to be incorporated in the pending quinquennial Armed Forces Bill 2011, inducing the Secretary of State to report on the terms and conditions of their service and the material goods and services which show that the Armed Force, their dependants, injured members and veterans are being treated justly and fairly for the voluntary surrender of some significant rights and obligations. Without giving details, broadly the government's support includes what they consider fair provision for terms and conditions of service, housing, family support, reducing service mobility, support for the wounded and bereaved, reservists' support, ex-service resettlement, preparing for retirement and resettlement, together with veterans' issues and mental health. A new approach to service welfare is included in the 'Armed Forces Community Covenant'<sup>41</sup>, similar to that provided in law in the USA. In Britain, however, the armed forces and particularly veterans do not have as many rights as in the US, guaranteed by law.

From the British government's point of view, expressed in a book by Andrew Murrison MP, endorsed in the foreword by the Prime Minister, the political debate has indeed been useful to all parties. The question has been raised about the politicisation of something to do with professional, vocational and spiritual matters, the ethos of service. 'The politicisation...is the inevitable consequence in a democracy of an issue gaining currency... now...firmly entrenched in the public consciousness, a place of safety',<sup>42</sup> is Murrison's answer. Whether the covenant is really safe in politicians' hands remains to be seen. The life of a parliament is five years and politicians are held in considerably less public trust in Britain than are the armed forces.<sup>43</sup> With the Afghan war still in progress, the armed forces are much in the public eye and currently suffering substantial casualties, which may not be the case even before the end of the current parliament coinciding with withdrawal by 2015 at the latest. As Murrison, echoing Rudyard Kipling, admits 'It's Tommy this an' Tommy that and Tommy go away'..' But it's thin red line of heroes, when the guns begin to roll.'<sup>44</sup> Public and parliament have many priorities, always too many for the public purse to accommodate.

Governments might provide goods and services that they consider fair and sufficient. May be they are, and will continue to be accepted graciously by the armed forces' community for the time being at least. The covenant may be a means of generating trust as a moral obligation, but it does not absolutely guarantee trust. It cannot be 'enshrined in law', a false metaphor used in the debate. An Act of Parliament cannot make it so. The three-way fiduciary relationship of mutual moral obligation is likely to be of variable strength, dependent on many factors.

One has to ask does the package of money, goods and services on offer at any one time, now and in the future, materially affect the other side of the fiduciary relationship, the 'unlimited' extent of risk taken by those who have taken an oath of service, and thus in a fiduciary relationship? The adherence of serving soldiers sailors and air men and women to their military virtues, values and standards is less easy to quantify than the cost to the Defence budget of those items attributed to fair provision for the armed services community. The large number of dependants in the Armed Services Community have not personally bound themselves legally, so their trust has constantly to be maintained. So it is not cynical to say that the fiduciary relationship of the military covenant

may not always remain as strong as it is at present. There is danger in claiming too much for it, especially when expressed as the 'sacred military covenant'.<sup>45</sup> It is however likely to be replicated in other countries in their own way and comparisons will be interesting.

The truth is that military office holders, like it or not, will always be the immediate and true guardians of the profession, more so than politicians and the public. It is an unequal moral understanding. Whereas the 'fiduciary role' which military officers fulfil consists in the strength of commitment and trustworthiness of the military, the other 'fiduciary relationship' partners – the government and people – probably will not see their role as binding and equal. Good faith is the professional ideal. In truth the military will continue bear most of the direct, personal, physical and moral risks.

## **TRUST THE ENEMY?**

I hope to have argued successfully that the best institutions exist on the substance of goodwill, which by definition means individual members choosing to act with unselfishness and altruism towards others. Internal disciplines, physical, cognitive and moral are best as self-disciplines, which are based on choice and trust.

Finally the question of gaining the trust of opponents has to be raised, even if it is a far distant ideal foreseen in the Shakespeare quotation at the start of this paper, the resolution of war and conflict. In deadly combat one can hardly conceive of 'neither side loser'. Stretching the imagination to include the enemy combatants within the concept and practice of 'duty of care' during a deadly fire-fight seems unrealistic and counter-intuitive. Re-echoing Napoleon and Wellington, Michael Walzer has pointed out how important it is to fight well and win<sup>46</sup>, particularly to justify the justice of the cause and the morality of fighting. Shock and awe may have their place as moral force, but they should not be triumphal stratagems to destroy the losers' moral standing as humans, and deny them a better future in their eyes. Within operations at the softer<sup>47</sup> end of the sliding scale, and particularly counter-insurgency operations<sup>48</sup> which use fluctuating harder or softer methods as appropriate, the validity of 'no party loser' becomes more sensible and readily acceptable. However the huge difficulties faced in wars of the people and culture centric warfare makes the double effect questions immensely difficult to answer. Officership can fail, so can the military covenant from the soldiers' side, as witnessed in the shocking Baha Mousa case<sup>49</sup> (2002), the Abu Ghraib incidents (2003) and the Somali youth's torture and murder (2000), perpetrated by British, US and Canadian troops respectively.

The most difficult problem of all is how to deal with international terrorists. They know, but we tend to forget, that their violent physical and moral purpose (as persuasive force in the battle of wills) above all is utterly to destroy the intrinsic public faith and trust within the nations they target. Producing instant 'shock and awe' the 9/11 attacks exposed US vulnerability and anger. In a seemingly asymmetric world, that is just what the terrorists wanted. Ten years on we almost daily witness the 'unlimited liability' of suicide bombers to their cause. They see their salvation in our physical and moral destruction, those of us who feel we are their targets. It appears that what terrorists and suicide bombers fear above all is liberal democracy, whether for instance in Pakistan, as a nation struggling with liberal democracy, or in the actions of such a person as Anders Breivik, the lone Norwegian assassin of July 2011, in a similar struggle within himself.

But if there are no ideals, there is no hope for the future of humanity. Looking back in our lifetime, the democracies led by the USA enabled the Japanese and Germans to restore nationhood and bring geographical, constitutional, political and moral integrity in due course of time. In Northern Ireland 'with incredible patience and without budging an inch the British government dealt with attacks for decades', according to the Secretary of State for Defence of the Netherlands. 'Time and again a democratically elected authority showed the face of a state that subjects itself to human rights and to standards of propriety'<sup>50</sup>. Canadian peacekeeping efforts over many years have fostered confidence building between neighbours in conflict. Now Egypt has a chance of developing as a liberal democracy because its army held firm and refused to fire on the

people. Reportedly US authorities built up a relationship of trust directly with the Egyptian Army leadership<sup>51</sup> (replacing Soviet influence) over the years, together with substantial military financial aid. Will the Egyptians embrace liberal democracy and maintain their peace treaty with Israel as a genuine choice? We hope so. Democracy is built on freedom to choose, a moral force of both power and probity.

In concluding a lecture at the US Air Force Academy in 1970, General Hackett said ‘The highest service of the military to the state may well lie in the moral sphere’.<sup>52</sup> Little was said or written on the subject then, but much since. One man’s safety need not be another man’s destruction. Conscience being the ‘force that unites men’<sup>53</sup> is a matter of good faith and should reside in the universal public conscience and in the minds of all professionals in armed forces. Relationships of trust can grow, and limits to trust diminish within nations, between neighbours and in the consensus of civilised nations. Maybe one day universal peace will subdue human conflict and the beast in man. There is much to hope for.

---

### Endnotes

1. *Mos, mores* meaning custom(s), habit; and *ethos*, meaning character. This gives a significantly different nuance to morals and ethics, which I believe should not be considered as identical.
2. Ministry of Defence (MOD), *British Defence Doctrine* (3rd Edn.) 2008. This document is explicit about the first imperative named in the three bullet points, but not the other two. Work for the MOD is currently in hand by this author.
3. The words opponents, adversaries, antagonists and enemies, we traditionally use on a rising scale of hostile intent and action. The Shakespeare quotation, well-ahead of his time and presaging the Enlightenment, indicates the desire of a true peace is to see enmity subdued by mutual accord, with nobody the eventual loser. Hence I shall chiefly use the term opponents in this paper.
4. MOD, 2008, *ibid.*, p. 1-7.
5. As defined in the writing of Von Clausewitz, Colonel G.F.R Henderson and others. Napoleon is quoted variously as saying ‘the moral is as three to one’ or ‘three quarters’, in contradistinction with ‘the physical’ or ‘relative material strength’ which make up the remaining factors of successful force of arms. Wellington agreed in general, pointing out with characteristic directness at the start of the Peninsular campaign in 1808, ‘I suspect all the continental armies were more than half beaten before the battle was begun’.
6. *Roget’s Thesaurus*, associates probity with other nouns, namely integrity, constancy, trustworthiness, singleness of heart, rectitude, uprightness, honesty, good faith, bona fides, honour, loyalty, fairness, justice, principle, equity, impartiality and grace.
7. This distinction-convergence may involve the principle of ‘double effect’ in the actualities of military events.
8. This is the well-known Marten’s clause, used in the Preamble to the Hague Convention II of 1899, and repeated in other documents in the corpus of international law and understandings.
9. Vital meaning life of the nation and of individuals, is or should be the full definition. I

use the words ‘us’ and ‘our’ relating to the liberal democracies.

10. Security Council Resolution 1674 of 2006 marked the initial and authoritative acceptance of the principle of Responsibility to Protect. In 2009 the General Assembly Resolution 63/308 on the Responsibility to Protect was accepted.

11. Peter L. Bernstein, *Against the Gods. The Remarkable Story of Risk*, John Wiley, New York, 1996, p.8. .

12. Mary Warnock, *An Intelligent Person’s Guide to Ethics*, London, Duckworth., p 94.

13. Sir John Hackett, *The Profession of Arms*, Sidgwick and Jackson, 1983, p. 202. Cited in MOD British Defence Doctrine, 2008, p. 5-8.

14. John Searle, *The Construction of Social Reality*, Allan Lane, 1995, p.2.

15. Patrick Mileham, commissioned Report for MOD(Army), *The extent to which the Army has a right to be different*, 1996.

16. MOD, 2008, *ibid.*, p. 5-8, f. 5.

17. Canadian Defence Academy, *Duty With Honour*, 2003, p. 4 and 26.

18. As recommended in a new seminal book by David Foster, *Morality and War*, Oxford, University Press, 2011.

19. The soldier’s oath was, literally, a sacred trust. The Roman armies for collective and exemplary punishment sometimes used the practice of arbitrary selection of every tenth man for immediate execution, the literal meaning of decimation.

20. Colonel G.F.R.Henderson, *the Science of War*, London, Longmans, 1906, p. 173.

21. Integrate the verb has as its related noun ‘integrity’, being an expression of moral as well as physical, cognitive and moral dynamics. Military units can fall apart under pressure, for reasons of moral (both senses) as well as physical weakness or inferiority against opposing enemy units.

22. See William.D.Henderson, *Cohesion.The Human Element in Combat*, Washington DC, National Defense University Press, 1985 and 2003.

23. G.F.R.Henderson, 1906, *ibid.*, p. 412.

24. See Paul Robinson et al (eds.), *Ethics Education in the Military*, Ashgate, Aldershot, 2008, p.7.

25. ‘Ethos’ is an overused word, but from the dictionaries essentially means the character identity and spirit of an institution. While described by participants about the way they perceive themselves, more properly it is the reputation they have within a liberal democracy which validates the institution.

26. Bernard Williams, *The Problems of the Self*, Cambridge, University Press, 1973, pp. 250-265.

27. Lee. A.Dugatkin, *The Altruism Equation*, Princeton NJ, University Press, 2006.
28. Leo Tolstoy, *War and Peace*, edition by Vintage, Random House, London, 2007, p.190.
29. General Sir John Hackett, 'The Education of an Officer', in *Royal United Services Institute Journal*, 1961, Vol. 105, pp.32-51, p.33.
30. Independently Donald A. MacCuish reaches the same conclusion, although he places the commissioned officer's fiduciary duties specifically towards subordinates in human resource management terms. See p. 214 in Chapter 10. Daniel A. McCuish, 'Culpability. Senior Leaders Have Dirty Hands', in *The Moral Dimension of Asymmetric Warfare*, eds. Th. A. van Baarda and D.E.M. Verweijh, Matinus Nijhoff, Leiden, 2009, pp. 211-117.
31. Patrick Mileham, 'Naval Power, Ethos and Officership' in *Naval Review*, Vol 98, No.2, May 2010, pp.139-146, p.21. Also Patrick Mileham 'British Army Officership, Paradigm Evolution 1960-2001', Department of Politics doctoral thesis, University of Lancaster 2001.
32. Ministry of Defence (Army), *Operations*, 2010, p. 2-25 to 2-26 mentions 'the safeguarding role of officers', commissioned and non-commissioned, but fails to pick up the term 'officership' taught at the Royal military Academy sandhurst. US practice dictates that a commissioned officer has the moral obligations of officership for life. British officers are free from such obligation on retirement, but many choose to maintain the gravitas and moral standing of their former status. See also Daniel A. McCuish, *ibid.* p.214. quoting Martin Cook, 'Moral foundations of Military Service', in *Parameters*, 2001, p.4.
33. J. McGhee, *Snell's Equity*, 21st edn., Sweet and Maxwell, London 2005, pp., 148 and 150.
34. J. McGhee *ibid.*, p. 147
35. Samuel P. Huntington, *The Soldier and the State. Theory and Politics of Civil Military Relations*, Belknap Press, Harvard University, Cambridge MA, 1957. The word 'officership' in the Oxford English Dictionary, dates from 1856.
36. The position of Non-commissioned members (NCMs) of the Canadian Forces is explained in Daniel Lagacé-Roy 'The non-commissioned Members as members of the Profession of Arms: The Canadian example', in Patrick Mileham (ed), *Take me to Your Officer. Officership in the Army*, Strategic and Combat Studies Institute, Occasional Paper, no 54, 2008, pp.62-72. In the Foreword, the British Chief of General Staff, General Sir Richard Dannatt, endorses the position for the British Army. 'Officers, whether commissioned or non-commissioned, must be standard-bearers of the values and standards that define the British Army'. 'Standard-bearer' in this case is literal, not a metaphor.
37. MOD(Army), Army Doctrine Publication No. 5 (ADP5), *Soldiering the Military Covenant*, 2000
38. Interview with Major-General Sir Sebastian Roberts in Patrick Mileham, 'Unlimited Liability and the Military Covenant', in *Journal of Military Ethics (JME)*, Vol. 9, Issue 1, 2010, pp.23-40, p.32.
39. See footnote 14.
40. MOD(Army), *Operations*, 2010, p. 2-13.

41. MOD, *The Government's Response to the Report on the Task Force on the Military Covenant*, 2010, pp. 6.
42. Andrew Murrison, *Tommy this an' Tommy That. The Military Covenant*, Biteback Books, London 2011, p.277.
43. See Anthony Seldon, *Trust*, Biteback, London, 2009, pp. 69 and 114. Figures from various polls state British public trust in government was 29 per cent (EU average 34 per cent) in 2008, but trust in the armed forces has been consistently above 80 per cent for over four decades.
44. Andrew Murrison *ibid.* p. vii-viii.
45. An extravagant expression used by Brigadier General H.R.McMaster, US Army, during the ISME annual conference in January 2010, in San Diego.
46. Michael Walzer, *Just and Unjust Wars*, Pelican Books, London, 1978.
47. MOD, *British Military Doctrine*, 3rd Edn., 2008, p. 1-7.
48. The moral constraints and trust-building military techniques are well noted in US Headquarters, Department of the Army, *Counterinsurgency*, Field Manual 3-24, 2006
49. The US and Canadian cases are well documented. The *Baha Mousa Inquiry Report* was published on 8 September 2011. The Iraqi victim was found after death to have 93 external injuries and several internal ones as a consequence of 'an appalling episode of serious gratuitous violence', over two days in 2003, representing 'a very serious breach of discipline', in the words of the report.
50. C. van der Knaap, Opening the Amsterdam conference 'The Moral Dimension of asymmetrical warfare' 4 October, 2006.
51. BBC 2 TV 'How Facebook Changed the World; the Arab Spring', 5 September 2011.
52. General Sir John Hackett, *The Military in Service of the State*, Harmon Memorial Lecture No 19, USAF Academy, Colorado, 1970, p.19.
53. Lionel Curtis, quoted in *The Armed Forces Officer*, National Defense University Press, Washington DC, 2007, p.154.

# The Dilemma of Competing Loyalties in the Profession of Arms

by Capt, Walter J. Sowden &  
Sgt. Maj. David L. Stewart

## ABSTRACT

Over the past decade, the United States Military has been forced to account for, on average, one severely egregious and widely publicized ethical violation of the American Professional Military Ethic every year. Each of these incidents has had a profound and negative impact on the military's ability to accomplish its mission and conduct operations. We believe that the corruption of the social-moral emotion of loyalty in the profession of arms may engender this unethical behavior. The incongruence between the andragogy of loyalty and its socialization may create a psychological dissonance that serves as a catalyst for the creation / validation of false mental prototypes<sup>1</sup> which leave Soldiers vulnerable to an imperfect storm of psychological, social, and contextual moral hazards that set the conditions for these ethical transgressions to occur. In this paper, we offer our hypothesis on what loyalty is, discuss how it operates and examine some of the thinking traps that potentially feed into the corruption of loyalty in the profession of arms. We conclude by offering recommendations on how to increase awareness in loyalty's double-edge, offer ideas on how to prevent and negate its corruption, and develop measures – through loyalty – that strengthen, rather than weaken, the bond of trust between the American people and the Military.

*The two highest achievements of the human mind are the twin concepts of loyalty and duty. Whenever these twin concepts fall into disrepute, get out of there fast! You may possibly save yourself, but it is too late to save that society. It is doomed.*

– Robert A. Heinlein (1988)

## INTRODUCTION

“Yeah, an innocent dude. They planned and went through with it. I knew about it. Didn't believe they were going to do it. Then it happened. Pretty much the whole platoon knows about it. It's OK with all of them pretty much. Except me - I want to do something about it. The only problem is I don't feel safe here telling anyone. The guy who did it is the golden boy in the company who can never do anything wrong and it's my word against theirs.”<sup>2</sup>

This quote is from a February, 2010, private Facebook conversation between Specialist Adam Winfield and his father, Christopher Winfield. During the exchange, Specialist Winfield breaks to his father the horrifying story of how, a month prior, members of his platoon staged the killing of an innocent Afghan teenager. The younger Winfield bares his soul and breaks to his dad that he knew about the plan – vehemently disagreed with it – but simultaneously felt powerless to either confront his platoon mates, or to report the crime to his chain-of-command. In the following months after this conversation, Specialist Winfield's unit would go on to commit two other similarly contrived engagements, in one of which, Winfield would be directly involved.

Over the past decade, at a rate of one per year,<sup>3</sup> the United States Military has had to deal with several severely egregious and widely publicized violations of the American Professional Military Ethic (PME).<sup>4</sup> Each of these ethical<sup>5</sup> transgressions, in its own way, has had an enduring, comprehensive, and counterproductive impact on the military's ability to conduct operations and accomplish assigned missions. Moreover, because the many consequences of these actions are multifarious and extensive, the most severe and significant could be the erosion of trust between

the military and its client: the American people.

Looking closer at the Winfield quote, there is one particular clause that catches the eye: “It’s OK with all of them”. What possibly could convince the majority of the other Soldiers in the platoon that murdering an innocent civilian is acceptable? Could a sense of solidarity actually be trumping their sense of honor and duty? It is hard to believe that every Soldier who knew about the plan decided to turn a blind eye, or even participate, in the aforementioned murders; so, again what compels these Soldiers to behave this way?

It does not need to be stated that there are a myriad of theories, hypotheses and explanations which could help to explain the factors and antecedents that set the conditions for these unethical incidents. Most of the accepted explanations can be sorted into three theoretical categories: the personality or behavior of a toxic individual or group – “the bad apple(s) theory”; the ethical dilemma or moral conflict – “the bad case theory”; and the social / organizational culture and climate – “the bad barrel theory” (Kish-Gephart, Harrison & Trevino, 2010).

We acknowledge these theories, but we believe that there may be another contributor to unethical behavior in the complex context of the profession of arms: loyalty. In this paper, we focus on the relationships between individuals within the group through the social and moral emotion of loyalty. Loyalty, in the profession of arms, especially at the small unit level, is the paramount antecedent to group behavior – ethical or otherwise.

Ask a random group of one hundred people what loyalty means and you will probably get a hundred different answers. Ask that same question to one hundred Soldiers from the U.S. Army and you are more than likely to receive - in unison - a resounding: “bearing true faith and allegiance to the U.S. Constitution, the Army, your unit, and other Soldiers.”<sup>6</sup> If you asked that same group of Soldiers if they believed loyalty to be a virtue, many of them would answer with an emphatic: “Yes, of course - it’s one of seven Army values!”<sup>7</sup> But if you continued this question one step further and asked them – ‘what exactly does that statement mean?’ You should expect to get a variety of answers.<sup>8</sup> Why is the definition of loyalty universally agreed upon in the U.S. Army, but not its meaning? More importantly, what effect does this motley interpretation of loyalty have on the profession of arms?

There is little argument that loyalty is the marrow of small unit cohesion, which is accepted as one of, if not, the most valuable elements to an effective military unit. However, just as with any human phenomenon- there are two sides to the loyalty coin. On one side - the good: the interpersonal bonds that help Soldiers fight and endure the trials and tribulations of combat. On the other - the bad: the malevolent forces that perplex Soldiers to weigh the bond to an amoral individual or small group with more gravity than the values espoused in the various oaths, creeds and basic underlying assumptions<sup>9</sup> that define the profession of arms. Confronting this paradox in loyalty’s utility is important to establishing a universal understanding of the construct.

We believe that due to loyalty’s socially operationalized, moral-emotional nature, it is prone to corruption in the profession of arms. This is due to the incongruent inculcation of loyalty’s meaning between the andragogy of the institutional Army and the socialization of the operational Army. This incongruence creates psychological dissonance<sup>10</sup> which leads to the creation and validation of corrupt mental prototypes of loyalty that exacerbate psychological thinking traps<sup>11</sup> and collude with the other moral hazards of a Soldier’s ethical battlespace (Hannah & Doty, 2008). This creates an imperfect storm of psychological, social, and contextual elements that bind Soldiers together through unhealthy and toxic relationships which lead good organizations to commit bad acts.

In this paper we will attempt to illustrate what loyalty is, how it operates, and describe some of the psycho-social-contextual factors that contribute to the corruption of loyalty within the profession of arms. At the end of our discussion we will provide recommendations on how to identify and prevent corrupt loyalty from taking form. The challenge is to teach, socialize and build awareness in a uniform doctrine of loyalty throughout the profession. Our goal is to provide Soldiers and leaders with another tool to improve not only the effectiveness of small units within the profession of arms, but also prevent anti-social, unethical, and criminal behavior from occurring, and strengthen rather than weaken, the most valuable weapon in our arsenal – the Soldier.

## THE SOFTER SIDE OF LOYALTY

*We have the concepts of ancient morality of virtue, honor and goodness, but we no longer have a system by which to connect them.*

— Alasdair MacIntyre (2007)

We begin our discussion by challenging the contemporary wisdom that loyalty is an organizational value or virtue. After careful consideration, we have embraced (and built upon), the theoretical perspective of James Connor (2007 & 2010), who claims that loyalty is indeed both a social and moral emotion, and not merely a person's behavior, rational cognition, philosophical abstraction, contractual arrangement, or a metaphor for interconnectedness (2007, p. 14). We add that, contrary to its inclusion as one of the Professional Military Ethic's (PME) seven Army values, it is also not strictly a virtue, nor a description of a person's or an organization's character. We understand that this is a potentially controversial statement, but we make this claim, because describing loyalty as a virtue denotes that it is both invariably good, righteous, and morally excellent, as well as it being a rational, independent, and an explicit decision.

We propose that instead, loyalty is a complex emotion; more specifically, a social / moral emotion, that originates (and mainly operates) beneath the level of rational consciousness - the system-1 (Kahneman & Frederick, 2002, Chaiken & Trope, 1999)<sup>12</sup>, or x-system (Reynolds, 2006)<sup>13</sup> level of mental processing. It is intertwined with deliberate reason - the system-2 (Kahneman & Frederick, 2002, Chaiken & Trope, 1999) / c-system (Reynolds, 2006) level; but substantially and unconsciously influenced by social, contextual and cultural phenomenon (profound in the lethal<sup>14</sup> context of the profession of arms) that, at times, and under certain circumstances – may not be governed by conscious will and choice.

This theory of loyalty is a departure from its traditional and contextually accepted definition. Throughout its long but scant history loyalty has, for the most part, been examined philosophically through the prescriptive (ought to) lens and scientifically from the rationalist approach to cognition, judgment, and behavior. For our purposes, we have decided to substitute these conventional theoretical models with a more descriptive (vs. prescriptive) and emotional (vs. rational) approach in evaluating this rich and complex construct. We believe that with recent research in psychology, neuroscience, and behavioral economics the understanding of human decision making has evolved dramatically. In light of these scientific advances, we hope to uncover new ways to look at this important dimension of human dynamics, especially in terms of its operationalization, the factors that lead to its corruption, and what Soldiers / leaders can do to deny corrupt loyalty from negatively affecting the operational efficacy and people of the profession of arms.

However, in order to get to our divergent paradigm we must first briefly review the polar understanding of loyalty along two axes. The first axis of analysis is the valuation of loyalty and the second occurs along the psychological divide between rational cognition and emotional intuition. The idea of loyalty has been around since the dawn of modern civilization, but its value and meaning is decidedly inconstant, ambiguous and controversial. The written etymology of the word loyalty originates in the fifteenth century, during the feudal times in Western Europe (Kleining, 2008). The origin of the word helps us to ascertain loyalty's evolution and growth into its gamut of contemporary meaning.

Originally, loyalty was used to describe fidelity to a monarch, or state, and was employed to differentiate between those who operated within the law, and thus enjoyed the rights of citizens, and the lawless that did not (Connor, 2007, p. 12). From its very beginnings loyalty meant that you were in or out but never in-between. Since then, loyalty's definition has broadened to cover the widest spectrum of interpretation.

In his treatise, *The Philosophy of Loyalty*, Josiah Royce (1908) proclaims that loyalty is the “heart of all virtues, the central duty amongst all duties...the central spirit of the moral and reasonable life of man” (vii-viii). On the contrary, Simon Keller, another renowned philosopher, a century later posited that loyalty is “no virtue, and there is no virtue in loyalty” (Felten, 2011 p. 86).

These two philosophical bents accurately represent the robust polarity of opinions about loyalty. On one end of the value continuum, loyalty is seen as “the essence of ethics” (Felton, p. 84) and at the other end it’s described as an ethical vice. It is this wide range of value attribution that has caused for us to argue that loyalty, contextually pure and sterile, is neither positive nor negative, but rather value neutral<sup>15</sup> and should be examined with complete objectivity.

Just as loyalty should, as a construct, be seen as void of value, we also do not subscribe to the idea that it is strictly a controlled, rational decision a person makes. The traditional theory of loyalty follows the rationalist model of cognition and behavior which bifurcates, or compartmentalizes, reason and emotion in decision making. This premise is the basis for the rationalist model of moral processing: that moral reasoning causes moral judgment, but only after cognitive moral awareness occurs. We dismiss this, and instead adopt the attitude that loyalty is best explained through the lens of emotions, affect, and intuitions. This departure allows us to avoid the conventional theories of moral philosophy (i.e. ethics), the traditional social-economic theory of rational choice (Persky, 1995) and the neo-Kohlbergian (Rest et al, 1999) approach to ethical decision making. By taking this approach we are now: a) free from being bogged down in the ‘ought’ vs. ‘is’ argument that we feel is not germane, or within the scope of this discussion; b) able to examine how loyalty actually operates – as an emotion (through science), and c) shed new light on a construct that is both taken for granted and perplexing in the context of the profession of arms. With this, we propose that loyalty is a complex, social-moral emotion that weighs heavily in the identity formation of both individuals and social groups and thus severely impacts their functioning – but how exactly does it work?

## HOW LOYALTY OPERATES

*“We speak not strictly and philosophically when we talk of the combat of passion and reason. Reason is, and ought to be the slave of the passions, and can never pretend to any other office than to serve and obey them.”*

– David Hume (1739; 2010)

In order to understand the role loyalty plays in the profession of arms it is first important to understand some of the fundamental heuristics and functions of this emotional construct. This is important because without a good baseline understanding of how loyalty is “lived” (Connor, 2007, p. 278), it would be difficult to understand how this construct affects decision making, impossible to discuss loyalty’s potential volatility in the context of the profession of arms, and ultimately - to understand (and agree with) - how to prevent and confront any problems caused by loyalty’s confounding nature.

Similarly to the way we weighed in on the question of loyalty’s moral value, we again waded into an equally dichotomous (and polarizing) argument: the classic question - ‘what drives human decision making’ – is it Kantian reason (1781; 2004), or is it Humean emotion (1739; 2010)? However, unlike the valuation debate between the Roycian Loyalists and the Kantian Universalists, where we felt it prudent to stay above the fray and remain neutral - here we had to take a stance.

After reviewing the works of modern philosophers such as Jesse Prinz (2007), neuroscientists such as Antonio Damasio (1994), and social scientists like Jonathan Haidt (2001), James Connor, and Daniel Kahneman<sup>16</sup> (1974, 1984 & 2011) we have committed to the avant-garde (at least in the military) Humean ideal of emotion as the catalyst of cognition and judgment, represented scientifically by Jonathan Haidt’s (2001) social intuitionist model of moral judgment, the epistemic emotionist (Prinz, 2007) approach to loyalty championed by James Connor (2010), and (as an emotion) have determined that loyalty operates as a type of animal spirit.<sup>17</sup> It is not constructed, nor driven by rational thought, but rather through emotion. Loyalty is also moral. It’s based in our most visceral feelings of what’s right and wrong; is automatic, implicit and irrationally triggered.

To illustrate this, think about the opposite of loyalty: betrayal, unfaithfulness, treason, backstabbing. What do you immediately feel when you hear or read these words – disgust, anger, fear?

That is a visceral reaction, or better yet a morally emotional reaction. Now, if you were asked to describe why you experienced those particular feelings, more than likely, you would be able to provide a rational response to how you explicitly constructed that reaction, and furthermore you could, after convincing yourself, argue intelligently for why you felt the way you did to others. You would attempt to find whatever reasons you could to match up with your thoughts and feelings with your mental prototypes, or schemas, in order to avoid dissonance (Festinger, 1957) by explaining how you rationally came up with those feelings.<sup>18</sup>

And just like you do not choose what disgusts you, you also do not choose who, or what, you become loyal to. You first become emotionally attached, and then post hoc, you construct the rational argument as to why you have decided to be loyal to that person, group, or idea. Furthermore, the original attachment occurs below the level of consciousness and is influenced by everything from your own history, attitudes, identity, social relationships and the environmental context - everything that makes up your personal psychology. Thus loyalty is organically complex, unpredictable and malleable i.e. an ecosystem. However, its complexity is not limited to the myriad of psychological components that coalesce – it is also built from several of the most basic human emotions such as love, trust and fear.

Loyalty is a social emotion; it's shared, interpersonal, and dependent on relationships. These relationships can be between individuals, groups or ideals that represent individuals / groups. As a social emotion, loyalty is reciprocal in nature, based on attachment, and operates to mediate an actor's connection with other people in a group. This connection, or connections, helps to construct a person's identity position (Connor, 2007, p. 132).

Along with loyalty influencing the individual's identity, loyalty also plays a critical role in the dynamics of group identity. This explains why familial loyalty is the strongest, or most potent, form of loyalty we experience. As stated by the philosopher John Kleinig (2008): "a person's earliest formed and psychologically strongest loyalties are almost always to people, and that it is only later on that people come to abstract notions of values, causes, ideas, and ideals from such personal loyalties". Simply, we are our relationships; we are deeply interpenetrated with one another, so we naturally become attached to those who are attached to us: loyal to those who are loyal to us.

Loyalty is the emotion that allows us to sympathetically work in groups. It makes groups smarter than the sum of the component individuals. This is based on shared communication (verbal and nonverbal) – and most importantly it leads to the blending, or merging of identities. Loyalty is necessary to the proper functioning of a work team; it is a powerful tool that, when activated positively it can drive groups to achieve amazing feats, conversely when it's corrupted it can cause good people to behave horribly and groups of people to commit unthinkable acts.

Along with reciprocity, intensity is also very important, and how loyal are we to something - the intensity of our loyalty - is determined by proximity. Connor (2007) states this perfectly: "actors tend to be most loyal to what is closest to them, both emotionally and physically." (pg. 131) The key thing with the construction of loyalty is that there is always another person or object of the actor's loyalty. George Fletcher (1993) in his book, *Loyalty: An Essay on the Morality of Relationships* adds that there is no loyalty without a competitor. Without competition, there is no need for loyalty. There is always a competitor, lying in wait, waiting for the chance to capitalize on the actor's commitment of wane. It is this competition between the objects of loyalty that causes conflict within the actor. In conflict the actor's loyalty is likely to remain with the object that he or she has the strongest emotional ties to. No one can be loyal to all his or her objects of loyalty at the same time, its impossible. (Felten, 2011)

The reciprocal, proximal and competitive nature of loyalty is most critical in how it influences the identity formation and meaning making for individuals and groups. It is this ability that imbues loyalty with the universal quality of being one of, if not, the most important social emotions in terms of group dynamics, team building, and task accomplishment. Loyalty is what makes a leader a leader and a follower a follower (in the purest meaning of both). Without loyalty there is no team and there is definitely no victory. Further, the social, moral, and emotional construction of loyalty explains why it is easier to be loyal to someone than it is to be loyal to something. Loyalty is

influenced by proximity, intensity and threat. This explains the affinity for loyalty in the profession of arms. It also accounts for loyalty's double-edge: it can serve as moral feast or famine in the small unit cohesive culture of the profession of arms.

## **THE POWER OF LOYALTY IN THE PROFESSION OF ARMS**

*I hold it to be one of the simplest truths of war that the thing which enables an infantry soldier to keep going with his weapon is the near presence or the presumed presence of a comrade. He is sustained by his fellows primarily and by his weapon secondarily.*

— S.L.A. Marshall (1947)

*A loyal Soldier is one who supports his or her leader and stands up for fellow Soldiers.*

— *The Soldier's Blue Book (TRADOC PAM 600-4)*

*A cadet will not lie, cheat, steal or tolerate those who do.*

— *The United States Military Academy Cadet Honor Code  
(Cadet Leader Development System, 2002)*

The Army values: Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage form the acronym: LDRSHIP. Each Soldier upon entry into, and while a member of, the profession of arms pledges to “live the Army values” as part of the Soldier’s Creed. It is understood that, living these values means embodying all seven, all of the time. They are not to be separated or compartmentalized in anyway; fully integrated, they form the ethical compass that guides a Soldier’s moral behavior. A Soldier must be holistically dutiful, loyal and honorable (along with respectful, honest, selfless and courageous) 24 hours a day, 7 days a week, 365 days a year: always. We are not arguing against this. We wholeheartedly support and believe in the Soldier’s Creed and the Army values. We are only offering what we believe to be a better way to examine and explain the essence of loyalty, as one of these values, in the profession of arms. This alternative understanding will help to illustrate how loyalty interacts, or fits, with the other six values, the Soldier’s Creed, the profession of arms and the organizational culture of the U.S. Army.

One of the authors, served as a Tactical Officer, or TAC, at the United States Military Academy (USMA). As a TAC, one of his primary day-to-day responsibilities was to monitor and enforce the individual and collective discipline for a 130-person, cadet company. Frequently, he witnessed the dissonance cadets experienced as they balanced fidelity to fellow cadet(s) and their commitments to their institutional and professional codes of ethics. This reoccurring observation coincided with another of his responsibilities: to facilitate the Professional Military Ethic Education (PME2), of those same cadets, in accordance with the Cadet Leader Development System (CLDS). CLDS is the framework – or blueprint - for the ‘47-month’ experience that transforms civilian high school graduates into U.S. Army Second Lieutenants. CLDS states that upon graduation, newly commissioned Officers should “understand and demonstrate loyalty to the Constitution, the Army, the unit, superiors, subordinates, comrades and self and be able to explain the tension between loyalty to the Constitution, the Army, the unit, superiors, subordinates, and self and make rational decision on how to resolve a conflict of loyalties.” Sounds good on paper - but can you make a rational decision around something that is irrational?<sup>19</sup>

The Soldier’s creed, warrior ethos and Army values are the heart and soul of the Army’s organizational culture. These mottos and edicts are windows, or better yet – x-ray glasses – into the deepest levels of the Army’s culture. In the Army White Paper: The Profession of Arms (CAC, 2010), Army culture is described using Edgar Schein’s (1992) three levels of culture – artifacts, espoused values, and basic underlying assumptions, or BUAs. It can be argued (using Schein’s criteria) that the Soldier’s creed and Army values are cultural artifacts created to socialize and acculturate Soldiers in aligning personal and preexisting values with the Army’s organizational virtues. However, peering deeper, you can see that these statements are much more than mere

cultural artifacts.

Professionally, the Army's ultimate purpose is to fight and win America's wars, at the individual level this translates to every Soldier potentially being required to kill, or to be killed.<sup>20</sup> This provides a profound force behind the Soldier's creed and Army values. They are more than just corporate vision or value statements. Those edicts define the profession as well as the individual professionals within the profession of arms. The gravity is further augmented by the matter of socialization that occurs in the profession of arms. Due to the profession's devotional nature, Soldiers must be transformed from civilian to Soldier. There is a "total institutional" (Goffman, 1991) quality to the profession of arms that seeds the essence of the Soldier's creed and the Army values deep within the organizational culture – which permeates throughout the profession. The military must go about acculturating its members a little differently than how most organizations on-board new members and ensure compliance from their employees.

Throughout a Soldier's career, beginning with initial entry training (IET), all Soldiers, both enlisted and officer, are transformed at the level of individual identity. Through this identity transformation, among other things, a high premium is placed on loyalty. This is by design. Dating back to the ancient philosophers (both East and West) - people have postulated the meaning of loyalty and how it impacts human behavior. This discussion has percolated throughout history, often intermingling with another enduring topic of intrigue – what motivates a Soldier to fight?

In the spirit of brevity, we will forgo discussing the details of loyalty's long conjecture in the history books and instead focus on its study through empirical social scientific analysis applied in the military context. During World War II, several studies were conducted aiming to examine the attitudes of the Soldiers. S.L.A. Marshall (1947), looking at the effect of Soldier morale on motivation found that unity amongst Soldiers was important. Tasked to tackle the question, what causes non-combat related losses amongst American troops, the Army Research Branch, asked Soldiers: what makes you want to keep going? After querying over a half million Soldiers, they found that the second most common response (following only: getting the war over, so we can go home) was: "solidarity with the group" (Stouffer, 1949). Another study, looking at the same thing, but with a different sample population – German Wehrmacht prisoners of war - found that group cohesion, not Nazi ideology, was the primary factor in spurring them to continue to fight, even when the odds were stacked against them. (Shils & Janowitz, 1948)

Over the past half century, various military-sociological studies have positively linked emotionally based, interpersonal relationships (i.e. loyalty and cohesion) with small tactical unit survival (Little, 1964), effectiveness / performance (Moskos, 1970), and resolve (Grinker & Spiegel, 1945). If you have any doubt in the power of cohesion, look to see what happens when something else is the prime motivator. This was the case when Iraqi prisoners were surveyed after disgracefully surrendering to coalition forces during the initial phase of Operation Iraqi Freedom (Wong, 2003). The reason they quit – they were forced, or coerced, to fight. In fact, as recent as 2008, two economists (Costa & Kahn, 2008), using historical documents, statistically compared group loyalty, ideology and leadership to see what best explained a unit's effectiveness in the Civil War and World War II. They found that group loyalty was twice as important as ideology and six times as important as leadership during the Civil War and three times as important as ideology and fourteen times as important as leadership during World War II (Felton, 2011). In studies conducted on Soldier attitudes during the contemporary conflicts in Iraq and Afghanistan, loyalty has also been cited as being paramount to Soldiers.

In 2009, researchers looked at character and ethical leadership in Iraq (CAPE, 2010) one of the questions Soldiers were asked was: "what are the top moral / ethical challenges you believe Soldiers are facing in the current conflict?" Of the 1,700 responses, the most frequently mentioned challenges related to "adhering to their own personal values, perceiving others as lacking redeeming values, or ethical dilemmas" was loyalty, along with integrity, honesty, respect, and discipline (p. 51). According to the Mental Health Advisory Team (MHAT) V report (OTSG, 2008), when asked if they would report a unit member for the mistreatment of a noncombatant, 34% of Soldiers and Marines said they would. This question directly gets at the conflict, or completion, between loyalty

and duty – and according to the results, for a majority of the troops polled, the pull of loyalty to buddies was stronger than their sense of adhering to their sense of duty and honor.

Let us revisit the U.S. Army’s definition of loyalty: “Bear true faith and allegiance to the U.S. Constitution, the Army, your unit, and other Soldiers.” (HQDA, 2006, p. 4-3) This definition constitutes a hierarchy of sorts. The problem with this hierarchy is that it is inverted, or counterintuitive, to how the emotion of loyalty naturally operates. This contradiction helps to explain the psychological friction that is experienced where the rubber meets the road – inside the Soldier. Being placed between siding with your brothers/sisters-in-arms (the military family) and your professional values - could be confusing, to say the least. This is made more problematic because of how the Army places such a high premium on loyalty or small unit cohesion. Army doctrine espouses the importance of loyalty “to create strong organizations and tight-knit small-unit brotherhoods, all team members must embrace loyalty –to superiors, subordinates, peers, civilians, and Soldiers” (p. 4-4). This desire to emphasize loyalty dates back to before World War II, as noted by Samuel Huntington (1957) in *The Soldier and the State*: “The single most significant change in tone from the prewar years was the stress on loyalty as the cardinal military virtue. The prewar outlook held up the value of objective obedience; the postwar, that of subjective loyalty” (p. 304).

These bonds are strengthened by the Army’s culture and bureaucratic structure. However, there are some unintended second order effects: “group identities and loyalties tend to crowd out consideration for other interests, including the interests of the organization to which a group is nominally subordinate...people see loyalty to groups and group values as a good thing in their own right and are loathe to abandon them when they provide dysfunctional” (Fukuyama, 2004, p. 89).

Below is a two-column table comparatively depicts two different ‘hierarchy of loyalties’. The first column is a representation of how the hierarchy is constructed according to loyalty’s definition as an Army value. The second column is a characterization of how loyalty is lived as a social-moral emotion through the concepts of attachment, reciprocity, proximity, competition, and intensity.

U.S. Constitution	Family
The Army	Friends
Unit	Brotherhood (Small Unit Cohesion)
Other Soldiers	National

At first blush, when you look at this table, it appears the Army develops Soldiers to order loyalty in a diametrically opposed way to how it naturally operates. This assumption is only half true. In actuality, the Army is unknowingly inculcating loyalty via two competing vehicles - that are delivering two disparate messages - and to further complicate things, these disparate messages are being transmitted at the most critical times in a Soldier’s socialization life-cycle. This incoherent inculcation of loyalty creates an underlying, cognitively dissonant, understanding of what loyalty means in the organizational psychology of the profession of arms.

Further, where this dissonance manifests most profoundly is at the small unit level between the individual Soldier and small tactical unit leaders. This normative vs. lived difference is inculcated in a way that prototypes become corrupt, incongruence forms, and psychological dissonance occurs. Further, because this is occurring outside the psychological level of consciousness, this friction is unseen and only surfaces in times of moral hazard - when values collide - and ethical decision making and behavior hold the most weight. The andragogy of loyalty in the profession of arms must be homogeneous and account for its natural – lived – process. The current inconsistent understanding of loyalty leads to corrupt prototypes that when mixed with the imperfect storm of bad apples, cases and barrels (Kish-Gephart, Harrison & Trevino, 2010) what occurs is the proliferation of anti-social, toxic, unethical, and even criminal behavior in the profession of arms.

## LOYALTY'S LANDMINES

*“So convenient a thing it is to be a reasonable creature, since it enables one to find or make reason for everything one has a mind to do.”*

— Benjamin Franklin, from *Poor Richards Almanac (1732-1758; 2010)*

*“Everything in war is simple, but the simplest thing is difficult, the difficulties accumulate and end by producing a kind of friction”*

— Clausewitz (1983)

Cognitive (psychological) dissonance occurs when our actions don't match our values. When we challenge our values with our own behavior we disrupt the coherence between our beliefs, attitudes, thoughts, words, and actions. When our psychological associations are uncoupled, an internal disharmony ensues that leaves us vulnerable to psychological and social biases, toxic mental models (both intra and inter personal) and false understandings of reality. These biases, when unchecked, can cause us to make bad, and sometimes unethical, decisions.

When Soldiers shows up to their unit and they are told that the way they learned how to operate a traffic control point (TCP), conduct a patrol, or execute a relief-in-place (RIP) “at the school house” is wrong and the right way to do it is ‘how we do it out here in the real Army’ – the dissonance experienced is a matter of competency- and the Soldier is left with a few questions; but, those questions pertain to the accuracy of elemental or procedural knowledge: rationally epistemic reasoning, behavior and decision making. However, when this same conflict arises with an aspect of ones character - such as loyalty – the questions cut deeper in to the psyche and can distort existing schemas in such a way it creates perverse moral disorientation on the subconscious level of our psychological processing.

This disorientation, coupled with the institutional nature and potentially lethal context of the profession of arms, leaves Soldiers prone to socially constructed (Conner, 2010), implicit, psychological biases that are intrinsic to human nature. These processes prevent us from seeing things for what they are; they distort reality. This distortion leads Soldiers to make decisions and behave in ways that are not in accordance with their values. These cognitive biases have been widely theorized, researched and discussed in the scientific behavioral community for the past few decades. To help us examine the emotion of loyalty in the profession of arms, we have borrowed a few from the field of behavioral ethics. We understand that this may not be a perfect match and in some cases could be a contextual leap, but we feel that the risk is worth taking. The basic tenets of behavioral ethics: the psychology of how people behave in ethical situations, examined in the corporate setting, or observed in the sterile environment of a research lab are compatible enough for our purposes.

There is one caveat. As with any science that deals with the human psychology of decision making, we must take the concepts of motivation and incentives into consideration. Most of the research that we examined used money as the incentivizing vehicle to spur subject motivation. Acknowledging this, our assertion is that in the profession of arms – money, or financial gain - is not the prime incentive. We believe the chief motivator for a Soldier's behavior is the trust and respect of other Soldiers (superiors, peers and subordinates). It is this basic need that drives everything else that is important to Soldiers (in the context of the profession of arms): achievement, responsibility, recognition, promotion, autonomy, belonging, safety and power.

The need for trust and respect motivates a Soldier to accomplish the mission, care for fellow Soldiers (and family members), and fulfill his/her duty. This motivational drive, like loyalty, is not controlled solely by the rational mind; Soldiers do not have complete authority (or an understanding) of the hold this psychological need has on their thoughts and behavior. In the profession of arms, loyalty serves as the conduit to satisfy a Soldier's demand for the trust and respect of his/her comrades. However, loyalty's double edge also fuels these biases.

To best explain how these socially constructed psychological biases - i.e. thinking traps - are

operationalized by loyalty, we have decided to employ a few that best pertain to the relationships between Soldiers in the profession of arms. This was necessary because it would have been impossible for us to incorporate all of the psychological biases that could potentially explain unethical behavior in the profession of arms - this would be far beyond our paper's scope and purpose. With that in mind, we have focused in on some of the thinking traps that best highlight the complexity of the Soldier's ethical battlespace (Hannah & Doty, 2008) while simultaneously exposing some of the simple psychological processes that make Soldiers blind to their thoughts, decisions and behavior, which consequently leads to the malfunctioning of their ethical compass.

The elements of a Soldier's ethical battlespace is perpetually interconnected, extremely complex and fraught by randomness and uncertainty; but through it all a Soldier remains simply a person – a person who, although they've been expertly trained in the art and science of full spectrum warfare and operations, is still prone to thinking traps that plague people in every type of task oriented work-group or organization. At the center of these thinking traps is a simple fact – we are naturally egocentric. We perceive and make meaning of the world through ourselves; and although it's been argued, due to our sympathetic nature, that most of us are hard-wired for altruism (Keltner, 2009); it can also be posited that we are also naturally self-unaware, ethically blind, and prone to selfishness, hypocrisy and subjectivity. In a nut shell, we are all sympathetic egotists.

This sympathetic, but egotistical nature helps to explain why loyalty is both a powerful and perplexing emotion. Emotions, shaped by our identity, are the catalysts to behavior and because we have an intense need for attachment, the social-moral emotion of loyalty inexorably binds us to our family, friends, teammates and countrymen. It is this devotion to our own specific 'in-group' that can cause us to be moral hypocrites (Baston et al, 1997) – unknowingly judging other people, or members of the out-group's morality more stringently, and with more impunity, than we do ourselves or members of the group we belong too.

It is this inherent egotistical positioning that not only makes us ethical hypocrites, it can also make us unknowingly selfish, ignorant and overconfident in our own ethicality- and the ethicality of our in-group. The behavioral ethicist, Max Bazerman and his colleagues at Harvard, have coined the term bounded ethicality (Bazerman & Tenbrunsel, 2011), which refers to the way people systematically (and unknowingly) place constraints around their own moral decision making by excluding important and relevant information in favor of their own self-interest at the expense of others' interests, or simply – we only see what we want to see (Bazerman & Tenbrunsel, 2011). This is a sort of ethical confirmation bias (Wason, 1960). Egocentrism is one contributor to bounded ethicality; other examples that pertain to loyalty are implicit attitudes, ethical fading & moral disengagement, and motivated blindness.

Picture yourself on guard duty at your unit's combat out-post (COP), its dusk, that time in between day and night, when your senses are in as state of flux. As you scan your sector, you make out a silhouette of what appears to be an Afghan national carrying a flag attempting to get your attention. However, before you, or any of your teammates, have an opportunity to react, the person of interest begins to climb the outer security wall surrounding the COP. Under the rules of engagement (ROE) you should engage the intruder, yet there is something that tells you that the flag he is carrying is a sign of distress or surrender, but there is also an emotional pang that alerts you to the potential threat of a suicide bomber – in a flash, a decision must be made.<sup>21</sup>

In a split second, your brain will process several pieces of information. Of those bits of information, a few will stand out and you'll use them in deciding which course of action to take: to shoot, or don't shoot. However, recent psychological research has found evidence to support that there are other factors, outside the lucid system of conscious awareness, that have a profound impact the decision making process. These implicit attitudes (Bragh, 1984 & Greenwald et al, 2002) operate underneath conscious thought, within the automatic system (system 1/ x-system) of psychological processing and factor in to our thoughts, beliefs, judgments and behavior without us knowing. These are especially prevalent when we don't have a lot of time to think about a decision or situation. They are hard to suppress, have a profound effect on our decision making, and at times show that we don't necessarily believe what we think we believe about a particular subject.

Various research studies using a tool designed to measure these automatic attitudes, the implicit associations test (IAT), have repeatedly demonstrated that people possess ingrained and counter explicit associative relationships between qualitative value measures (good / bad) and racial (black / white) and gender (male / female) characteristics (Greenwald & Banaji, 1995).

This research was recently extended to take into account ethical decision making. In a recent study (Reynolds, Leavitt, & DeCelles, 2010), researchers looked at how the implicit attitudes pertaining to the moral nature of the generic construct ‘business’ can interact with contextual cues to shape moral behavior. They found that workers who believed business to be naturally ethical were more likely to employ unethical practices in their day-to-day dealings e.g. lie, cheat and steal. These employees erroneously assumed that if business is fundamentally ethical, then anything they do in the name of business must be ethical as well. This research helps to explain that our (moral) attitudes are affected by similar experiential and contextual influences that help to shape our emotions. The employees who felt business was inherently ethical bounded their own ethicality to the false precept that as long as they were behaving in the name of business, their unethical micro-behaviors were justified; another way of saying this is that they developed a false prototype, or schema of “business”, and more specifically businesses’ inherent ethicality.

This research touches on another set of mental traps that also draw from the ‘in-the-name-of-the-organization’ attitude. Soldiers are expected to accomplish their mission and complete their assigned duties; but because of the vocational gravity of the profession of arms, there are times when Soldiers unknowingly get trapped by their own false prototypes. When people narrow mindedly focus on task accomplishment there is a tendency to ‘strip-out’ the socio-emotional factors and components that impact the people and the organization – this includes the moral dimension. This mission focus leaves us vulnerable to biases such as ethical fading (Bazerman and Tenbrunsel, 2011); moral disengagement (Bandura, 1999) and motivated blindness (Bazerman and Tenbrunsel, 2011) and lead back to our assertion about incentives and motivation.

Ethical fading occurs when decision makers allow ethical implications to ‘fade away’ from their decisions. Moral disengagement is a process of freeing oneself from ethical restrictions via a set of cognitive mechanisms that separate the unethicity of one’s behavior from the ethical standards that are usually applicable to a particular situation and/or context. Motivated blindness is the failure to notice another person’s, or peoples, unethical behavior when “seeing” their behavior could cause the observer harm (Bazerman & Tenbrunsel, 2011, p. 81). All are related and together, through loyalty, converge to impose a powerful force in the cohesive and focused culture of the profession of arms.

We are motivated to ignore unethical behavior if it’s in our interest. Because of incentives, we are susceptible to ethical fading, moral disengagement and motivated blindness. People see what they want to see and easily miss contradictory information when it’s in their interest to remain ignorant. This ignorant, or corrupt, mind-set can occur when there is an aversion to information that detracts from task accomplishment or denies us from earning the trust and respect of our fellow Soldiers. This toxic combination of biases (ethical fading, moral disengagement and motivated blindness) can help us understand what occurred after the killings of 24 Iraqis (15 unarmed non-combatants), by Kilo Company, 3rd Battalion, 1st Marines on November 19, 2005 in the city of Haditha (Ricks, 2009).

On that day, an improvised explosive device (IED) detonated on a Kilo Company convoy that fatally wounded Marine Corporal Miguel Terrazas; as a result, the Marines immediately ‘counter-attacked’ leaving the 24 Iraqi casualties. After the incident, the report of the engagement traveled through the chain of command with, to quote the Regimental Commander, COL Davis “nothing out of the ordinary” (Ricks, 2009, p. 4). It was not until weeks later, after being questioned by reporters, that MG Peter Chiarelli, the Commander, Multi-National Corps – Iraq (MNC-I), ordered an investigation into the incident. Why did the entire Marine chain of command, including the division commander, fail to see that the killing of 24 Iraqi civilians needed to be - at a minimum – investigated by an unbiased third party? Could it be loyalty induced, bounded ethicality?

One of loyalty’s most salient qualities is its socialness. This ‘shared’ emotional quality, makes

reciprocity and intensity critical measurements in how relationships are built and maintained. It is the quality of these relationships that set the foundation of unit (and Soldier) effectiveness and health; but like egocentrism, implicit attitudes and bounded ethicality, the social aspect of loyalty can open a Pandora's Box of psychological bias. We deceive ourselves by implicitly skewing the value of our relationships in terms of their proximity and orientation. In his book, *A Tactical Ethic: Moral Conduct in the Insurgent Battlespace*, Dick Couch (2010) lays out his ten "Battlefield Rules of Ethics", amongst these rules, is rule #9 – "The Loyalty Rule". Couch's loyalty rule explains how loyalty, as a virtue, is only subordinate to honor, and that loyalty is "the strongest collective emotion within the small ground-combat unit." (p. 107) However, he cautions that because of the lethal nature of the profession of arms and the culture of the small tactical unit, Soldiers are susceptible to the charismatic corruption of a few "morally bankrupt pirates" (p. 4). This, supports the science of small group bonding and attachment, and highlights the power of toxic personality types – subclinical narcissism and psychopathy as well as Machiavellianism (Paulus & Williams, 2002) - that are especially dangerous due to the lethal and institutional nature of the profession of arms.

People are slaves to their own positioning in life. Rarely are our attitudes developed in absolute terms; instead everything is measured relative to our current position in space and time. It is this orientation (along with our past experiences) that heavily influences our implicit processes, which drive decision making – especially ethical decision making. This shapes who and what we are loyal too. This relative aspect of decision making has been studied by behavioral economists over the past several years and helps to understand loyalty's dark underbelly in the profession of arms. By exporting some of the tenets of these prominent theories and substituting trust and respect for financial gain (or loss) as the motivational incentive, we can see how our relative position can perpetuate our loyalty to the people, groups and culture of the here and now – at times leading to unethical behavior.

On March 12, 2006 in the Iraqi village of Yusufiya, a fourteen year old Iraqi girl was tortured, raped, and along with her family, murdered, by a group of Soldiers from Bravo Company, 1st Battalion, 502nd Infantry, 101st Airborne Division. What social-psychological factors contributed to this atrocity does not pertain to our argument. For our analysis we are more interested in the characterization of one of the other Soldiers who deployed with Bravo Company, the popular, tactically-competent, but morally flawed: SGT Tony Yribe. In his book *Black Hearts: One Platoon's Descent into Madness in Iraq's Triangle of Death* (Frederick, 2010), Jim Frederick describes SGT Yribe by juxtaposing his charisma against his questionable ethics. In the book, SGT Yribe is described as a "walking, talking G.I. Joe action figure" (p.73), "who radiates a confidence that cannot be learned...and to most of the younger guys in the platoon, he was practically a god" (p.5). This idolization is chronicled while SGT Yribe is simultaneously described covering up manslaughter (p.123); condoning alcohol abuse (p.255) abusing prisoners (p. 256) having to be restrained from killing an elderly Iraqi citizen (p.273); and failure to report the above mentioned murders after one Soldier confesses to him (p. 305).<sup>22</sup>

With all of that, why was SGT Yribe still looked up too? An answer: loyalty, or more specifically loyalty's flaws. Saliency bias, or fundamental attribution error (Jones & Harris, 1967) refers to a cognitive flaw where we base our judgment (erroneously) on a memorable past performance or event; this is similar to another cognitive quirk – the halo & horn effect (Thorndike, 1920; Nisbett & Wilson, 1977) - that occurs when we attempt to anticipate a person, or groups, traits and talents trans-trait/contextually. Because of a particularly strikingly significant quality i.e. qualified charisma, the Soldiers in Bravo Company felt that an attachment to SGT Yribe would help them achieve trust and respect within their platoon – however, they were not able to step back and see that due to SGT Yribe's actions they were losing trust and respect (as a unit) from the organizations they were imbedded with along with their footing on the ethical 'high ground'. The attachment to SGT Yribe was more important due to the relative proximity and saliency (intensity) to their position.

The nature of the small unit climate breeds loyalty – you must be loyal to the guys on your

left and right – it gets pretty tight in an MRAP or within a patrol base. It is a Soldier’s natural inclination and disposition to adopt the values and norms of the small immediate organization.<sup>23</sup> However, this becomes detrimental when the small imbedded group adopts corrosive, toxic and pirate like traits and doesn’t share the values or ethos of the larger institution. We become more attached to people than we do ideas, and of those people we are more likely, due to reciprocity, to become loyal to those who we are closer too e.g. our family, teammates, and fellow Soldiers. This helps to explain why (from a psychological perspective) cohesion is so important/powerful in the profession of arms.

The social-psychological thinking traps described above, bolstered by dissonance created by the incongruence nature of loyalty’s andragogy versus its socialization, converge together, with the other ‘ingredients’ of moral depravity: bad apples, bad cases, and bad barrels (Kish-Gephart, Harrison, & Trevino, 2010), to create the ‘imperfect alignment’ of toxicity which leaves the small team / unit prone to a ‘twisting’ of motivations and ultimately - unethical behavior. However, now that we have an understanding of what some of these psychological biases are, how they operate and what their connection is to loyalty, we now must use this knowledge to look critically and creatively at the profession of arms and see where there are ‘gaps’ in the organizational structure and culture that could be unknowingly aiding in the corruption of loyalty. There are ways in which we can change - big and small - that will make Soldiers and leaders more aware of loyalty’s landmines, and empower them with tools that can defeat corrupt loyalty and promote the healthy aspects of loyalty that strengthen positive relationships that make Soldiers and units more effective, stronger, and more resilient.

## **THE DILEMMA OF COMPETING LOYALTIES AND THEE RECOMMENDATIONS**

*“If passion drives, let reason hold the reins.”*

— Benjamin Franklin, from *Poor Richards Almanac (1732-1758; 2010)*

In December 2010, the US Army Training and Doctrine Command (TRADOC) published: *An Army White Paper: The Profession of Arms (TRADOC, 2010)*. The document was circulated throughout the Army to serve as a ‘start point’ for a year-long review of the Profession of Arms - coined the ‘Profession of Arms Campaign’. At the beginning of the white paper there are three big questions posed: 1) what does it mean for the Army to be a Profession of Arms; 2) what does it mean to be a professional Soldier; and 3) after nine years of war, how are we as individual professionals and as a profession meeting these aspirations? (p. 1) Over the past nine months (as of this writing), several surveys, focus groups, and conferences have been conducted in an attempt to answer these three questions. To shape the discussion, formulate recommendations, and ultimately determine what is produced from the campaign, there have been seven distinct ‘problem and opportunity’ sets identified. In one of those sets (leader development), Army leaders are described as being “strong in tactical skills and technical knowledge, yet lacking interpersonal skill development” (p.18). Interpersonal skill development is the tangible, systematic application of what we are championing here. Developing interpersonal skill should be a priority in every aspect of a Soldier’s training, education and development and incorporated into everything Soldiers must do: training, planning, preparing, and executing.

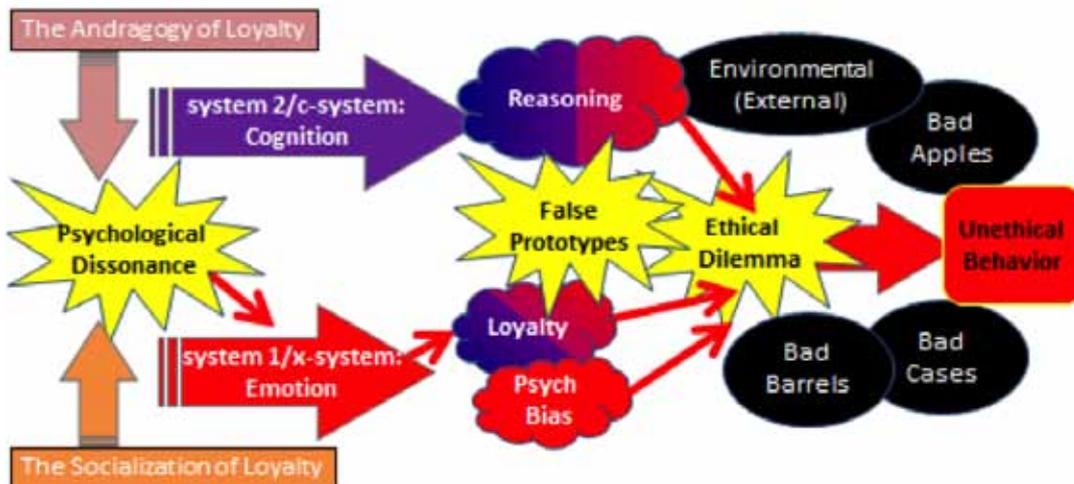
We believe that a key to developing interpersonal skill begins with building strong, positive and meaningful relationships. Strong positive relationships have been found to be one of the most effective weapons against post-traumatic stress disorder (PTSD) (Reis & Gable, 2003). This demonstrates the power of relationships and loyalty’s power. Just like positive loyalty strengthens a small unit to achieve fantastic results; and corrupt loyalty takes a unit down the dark path of unethical behavior – positive relationships help sustain a Soldier through the tempest of combat, but negative relationships can perpetuate psychological pain. This correlation supports the fundamental essence of our argument: building positive relationships not only protects against psychological injury, but through healthy relationships – positive loyalty is also promoted. However, in order to ensure

that positive loyalty is fortified, the andragogy of loyalty in the profession of arms needs to be reengineered. An honest infusion between the normative and lived meanings of loyalty should be captured in its meaning. Positive relationships and a congruent understanding of loyalty are our best weapons against the corruption of loyalty, the creation of false prototypes and the conduct of unethical behavior.

To explain our theory of loyalty in the profession of arms and to begin offering recommendations on how to prevent and protect against its corruption we developed a graphic model. The model begins by depicting how the two different embodiments of loyalty – the normatively taught (andragogy), and the lived emotional state collide during a Soldier’s developmental life-cycle. The collision between these two manifestations of loyalty is depicted by the first (yellow) friction point in the model. The two hierarchies clash and what ensues is psychological dissonance. Following the model from left to right we see the two levels of our psychological process at work: (system-2/c-system cognition & system-1/x-system emotion).

These two processes work in parallel, but because of loyalty’s emotional nature it is at the sub-conscious, automatic system 1/x-system of processing where loyalty becomes corrupt, and once corrupt it is prone to psychological bias e.g. egocentrism, bounded ethicality, implicit bias, ethical fading, moral disengagement and motivated blindness. This corrupted loyalty becomes a socially constructed, moral, emotional, neurological prototype (Reynolds, 2006). And once this ‘false prototype is ‘set’ – it becomes an automatic intuition that drive judgment and leave reason to only justify the implicit emotion post-hoc (Haidt, 2001). Once reason is tainted, and left ‘immobilized’ by corrupt loyalty the ethical decision making process becomes vulnerable to the other “multiple influences on unethical behavior” (Kish-Gephart, Harrison, & Trevino, 2010) within a Soldiers’ ethical battlespace i.e. toxic leadership (Williams, 2005 & Hatfield et al, 2011), The dark triad of personality: subclinical narcissism, Machiavellianism, and subclinical psychopathy (Paulhus and Williams, 2002); negative cohesion (Rielly, 2001), and morally intense situations (Jones, 1991) which leads to the final friction point: the ethical dilemma.

**Diagram 1: The theory of competing loyalties in the profession of arms**



Based on our theoretical model of corrupt loyalty in the profession of arms we see that there are three friction points (yellow stars). The first is the psychological dissonance that is experienced via the conflict between the andragogy of loyalty as a virtue and how it is lived as an emotion. These two diametrically opposed ‘meanings’ create psychological dissonance which serves as a catalyst for loyalty to be created as a corrupt ‘false’ neurological prototype (the second critical friction point) Once the prototype is set in it becomes an intuitive, automatic “thin-sliced” (Gladwell, 2006)

decision, which under the compressed decision making environment of the profession of arms leads to a moral guttural reaction in which reason is left to justify the reaction post-hoc. This attitude pertaining to a moral dilemma mixes together with other moral hazards of the Soldier's ethical battlespace to create the imperfect storm of psychological, social, and contextual toxicity which set the conditions for unethical behavior to occur. To prevent and combat this from occurring we've developed a 'defense-in-depth' strategy, developing three recommendations that we believe, if implemented, would serve to weaken corrupt loyalty, promote positive loyalty and reduce the acts of unethical behavior in the profession of arms.

Our first recommendation centers on the first of our three friction points – the psychological dissonance created by the incongruent meanings of loyalty. Although it will be impossible to completely solve this due to the natural conflict between our many loyalties, we believe that by making a subtle change to the defined meaning of loyalty as well as slightly rearranging the LDRSHIP acronym, awareness of this friction will increase and coherence between the normative and lived meanings of loyalty will materialize. This will help to prevent the psychological dissonance from taking shape that serves as the catalyst to the imperfect storm of unethical behavior.

In her 1993 Political Theory article, Judith Shklar (1993) makes a clear separation between the meanings of four distinct words: obligation, commitment, loyalty, and fidelity. She believes that over time, the distinctions between those four words have blurred, and in certain circumstances, they have almost become interchangeable, or at least improperly superimposed, with one another in our common vernacular. According to Shklar, obligation refers to "rule-governed" (p.183) conformity based on societal and organizational laws and rules. Different from an obligation, commitment is a "choosing of what you become obligated" to (p.183). However, voluntary obligation is not limited to only commitment – voluntary obligation also applies to "fidelity and loyalty" (p.184). This is not implied to mean voluntary, as in rational choice, but voluntary in the sense of the "the entire personality of an agent" (p. 184) vs. being dictated by an external entity. She goes on to state that loyalty is "deeply affective in character, not primarily rational, and generated by a great deal more of our personality than calculation or moral reasoning" (p. 184). Loyalty separates itself from obligation because where obligation is rule driven – loyalty is motivated by "– a deep social attachment", or in other words unlike commitment and obligation – loyalty is emotionally moral and social.

The last distinction, and probably the most relevant to our discussion and important to the profession of arms, is the one between loyalty and fidelity. According to Shklar, "loyalty is given to groups and demanded by causes, whereas friendships call for fidelity...of the two, fidelity is the most personal of all, the expressive of our personality and emotion life." (p.184) Fidelity, the emotional connection between individuals, is the missing link. It needs to be incorporated into the normative meaning of the Army value of loyalty. By incorporating an awareness of fidelity and how it interacts with loyalty, Soldiers will be better equipped to understand the natural friction between normative and lived loyalty.

As a Soldier recites, memorizes and internalizes the Army Value of loyalty: bear true faith and allegiance to the U.S. Constitution, the Army, your unit, and other Soldiers – there is little dissonance created by racking and stacking the first three – the unit is part of the Army which is guided by the Constitution. The rub comes between the fidelity a Soldier feels to another Soldier within his/her small group and the normative loyalty hierarchy that's been internalized. Soldiers must understand that loyalty is the idea of being committed to the profession (a good metaphor is marriage). This is different than being emotionally attached (fidelity) to an individual (which could be a leader). This simple distinction gets at the core of a Soldier's identity and works to solidify positive, accurate prototypes of loyalty and how loyalty fits with the rest of the Army values – especially duty.

The acronym LDRSHIP is a wonderful cultural artifact that helps Soldiers package and memorize the Army values and acculturate in to the profession of arms, but just as well as it may be serving cognitive recall and holistic inculcation of the Army's organizational values, it may also be implicitly sending the wrong message and imprinting false prototypes in the ordering of said

values. As a Soldier recalls, and commits to memory the LDRSHIP acronym they are validating (subconsciously) the prototype that loyalty is first. This isn't altogether a bad thing – going back to Royce, Huntington and Marshall (amongst others) loyalty has been hailed as a super virtue, superseding all other virtues, all but one - duty.

According to Schein (Schein, 1992), cultural artifacts make routine organizational culture “through major images and root metaphors” (p. 18) which shape both the members' psychology as well as the organization's culture. We propose that the acronym be changed from LDRSHIP to DLRSHIP. Although this would be slightly more difficult to memorize, this small change would properly place duty before leadership and create a talking point for the entire force to discuss the competing hierarchies of loyalty. I know this will be dismissed as superficial (vernacular) cultural nuance, but there is scientific evidence behind the impact of these small, but powerful, gestures. The literature on subtle psychological cues (colors, words, music) suggests that this simple acrostic formation of the letters can be telling Soldiers that loyalty supersedes duty.

It would be ignorant to think that by simply incorporating the word fidelity in the meaning of the Army value of loyalty and rearranging the Army values acronym that the corruption of loyalty would cease. Although we believe that these actions will increase the coherence in loyalty's meaning and reduce the psychological friction that Soldiers experience when conceptualizing loyalty, we also understand that due to the complexity of the profession of arms and the inherent nature of our competing loyalties, the development and proliferation of false loyalty prototypes is still a threat. Understanding this leads us to our next defensive measure, targeted at the second friction point on the model.

In order to guard against these false schematic prototypes from emerging we must target development at the implicit, emotional processes of our psychology vs. the cognitive, rational.

We propose that a doctrine / curriculum in developing self-awareness, empathy and emotional intelligence be developed. The Army defines self-awareness as being aware of oneself, including traits, feelings, and behaviors (HQDA, 2006, Chapter 8). As an organization, we put a premium on self-awareness. Under a previous version of the Army's leadership doctrine: Be, Know, Do (HQDA, 1999), included was 11 principles of leadership and the first of those principles were “know yourself and seek improvement”. In order to truly gain self-awareness, multiple perspectives need to be available and taken in consideration. We recommend the installation of an Army wide 360-degree/multi-rater evaluation system implemented for all leaders – team leader on up - with an emphasis on decision making and character. This could be accomplished by employing social scientific experts that possess the skills and abilities to develop an evaluation tool that taps into the rated Soldier's circle of influence (superiors, peers, subordinates) and requires them to evaluate (using psychometrically validated measures) the rated Soldier's commitment for the ideal of loyalty vs. fidelity (the emotional attachment to an individual). The raters could also be tasked to describe behaviors that are related to the emotional, automation system (system-1/ x-system) of psychological processing, the rated soldiers 'ethicality' and how aware they are of their 'thinking traps'. This would force all Soldiers to obtain a firm understanding of the system-1/x-system of psychological processing as well as specific indicators of the various thinking traps (egocentrism, bounded ethicality, motivated blindness, implicit attitudes, moral disengagement and ethical fading).

This is not a leap; this same methodology was employed by GEN George Casey, when he turned to Drs. Martin Seligman, Christopher Peterson, and Nansook Park (among others) to incorporate the science of positive psychology into addressing post-traumatic stress disorder (PTSD) and other psychological-social ailments that were plaguing Soldiers returning from combat. Just as their research in human character strengths and virtues (Seligman & Peterson, 2004) was operationalized and incorporated into the Global Assessment Tool (GAT) (Peterson, Park & Castro, 2011) - that same strategy could be applied to psychological, identity and personality tests and already existing, proven multi-rater feedback systems that create a multi-rater system that helps Soldiers gain true self-awareness that cuts below the surface (e.g. the tactical and technical skill sets of competence) and sheds light on the emotional, automatic, implicit feelings, attitudes, and behaviors that describe a Soldier's character.

Along with implementing a leader-wide multi-rater feedback system that targets the emotional processes of a Soldier's psychology we believe that the Officer and Non-Commissioned Officer Evaluation Reports (OER/NCOER) and supporting developmental counseling forms should be revised to facilitate deeper discussions pertaining to the officer / NCO's understanding of the loyalty construct. We must give more weight to the evaluation of our leaders in the emotional, social and moral dimensions of development and leadership. The current OER/NCOER system places evaluative measurements in these domains on the front of the reports, as apposed to the back of the report that is reserved more for quantifying concrete skills, abilities and accomplishments. The front side of the report rarely gets the attention that the back side does. Only in cases of severe moral depravity or incompetence, e.g. a driving under the influence (DUI) conviction or being caught in an inappropriate relationship with a subordinate is a block checked 'no' that represents an Officer or NCO who fails to live the Army values. Even when there is an opportunity for comment by the rater in this area of the evaluation most descriptions are of the 'cookie cutter' variety and do not offer much original thought. We recommend that this portion of the evaluation be given at least as much weight as the competency blocks that currently get most of the attention. This would help in not only making Soldiers more holistically self-aware, it would also begin to alter their incentive based motivations.

We need to give the emotional, social and moral side of the trust and respect incentive some teeth. By now, we can all agree that the corruption of loyalty in the profession or arms is not a good thing, and probably should be addressed. Now let's step outside the context and compare this to a larger societal problem that has been address systematically through incentives, or disincentives: smoking. Why do you think cigarettes are so expensive? The cost to produce, profits, or to increase tax revenue – no, no and no. Cigarettes are expensive to change behavior. It's simple: if cigarettes are too expensive, less people will smoke – basic economic theory - motivation and incentives. Now, let's apply that same logic to our incentives in the profession of arms by exploring ways to prevent corrupt loyalty from taking shape through motivation incentive. How do we incentivize Soldiers to stop becoming attached to an individual (fidelity) and instead be committed to the ideal of loyalty? Make it more expensive for leaders to ignore the emotional, social and moral aspects of behavior.

Our final recommendation takes us back to the beginning of the paper. If you recall, we proposed that the relationships between Soldiers was the fourth under-examined antecedent of unethical behavior, and together with toxic individuals, moral dilemmas, and corrosive environments, corrupt relationships represent the imperfect storm of unethical behavior. Up to now, our recommendations have focused on the creation and sustainment of those (positive) relationships. It is now time to look at how to protect those relationships form being sucked into the imperfect storm of unethical behavior.

Due to the nature of the modern warfare, a Soldier's ethical battlespace is extremely complex, unpredictable and dictated by the laws of randomness. Over the past several years the Army has embraced the concept of adaptability as a means to overcome these dynamics. Adaptability training is intended to prepare Soldiers and units for the ultra complex, ambiguous and ever changing context of the battlefield during full spectrum operations (FSO). We believe that this same attitude should be extended to the education and development programs directed at influencing the creation and sustainment of positive relationships. To do this we propose that loyalty, fidelity and thinking trap awareness be infused throughout the Army's training, education and development system.<sup>24</sup>

We must get away from the watchdog, compliance, surveillance, and sanctioning mentality for ethics training that is the current vehicle for the inculcation of the Army values. In its place we must design adaptive leader models (Vandergriff, 2006) that target loyalty lessons at the emotional level of development vs. the cognitive level. You cannot teach loyalty – it can only be lived – you can explain how loyalty naturally operates, how that can be problematic and subtly “steer the elephant”<sup>25</sup> by overcoming thinking traps, avoiding false prototypes and purifying the implicit, automatic ‘system-1/c-system of psychological processing. One way to do this would be to build realistic values based lessons into all formal professional military training and developmental

programs. Of those the lessons, one of them should be the dilemma of competing loyalties. Soldiers should be forced to experience the psychological dissonance that occurs when the two hierarchies of loyalty compete. They should be allowed to make decisions in real-time and without attribution, be made aware of their decision and behavior, asked to reflect on their mental processes (both emotional and rational) and then enter into a discussion with a qualified coach about natural friction between the normative vs. the natural hierarchies of loyalty that coexist in the profession of arms.

This is not as easy as it sounds. The key is ensuring that our instructors, mentors and leaders understand the emotional make-up of loyalty, how it operates, the associated thinking traps, how it is corrupted and fits into the imperfect storm of unethical behavior. One of the authors has witnessed how difficult of a task this is first hand. As the facilitator of eight Army Profession and Ethic Trainer (APET) courses at the United States Army Sergeants Major Academy (USASMA), he's seen at a very senior level, the misalignment of personal and organizational values. As we've seen in the previous portions of this paper – loyalty is a complex emotion. This is validated by the motley variety of responses the authors received when they asked the question: "what does loyalty mean?"<sup>26</sup>

The capacity for making moral decisions is innate – the sympathetic circuit is hard-wired – but it still requires the right kind of experience in order to develop. Teaching loyalty, sympathy, duty, etc... is not the same as changing a tire on an MRAP. Soldiers need to feel comfortable with, understanding, and articulating their emotions. They must be 'tested' on their emotional ability just as they are on their assigned weapon or their physical fitness. Using our theory of loyalty, its operationalization, and how its corruption contributes to the imperfect storm of unethical behavior alternative affect targeted methods to training, education and development must be adopted. Traditional training techniques used to build 'skill' based cognitive abilities that don't have a significant affective or emotional 'charge' to them i.e. PMCS of equipment or learning the proper way to communicate on the radio can't be adopted to 'teach' or develop abilities or attitudes that are emotional in nature and operated outside the system-2/c-system of conscious, rational thought.

## CONCLUSION

*"Knowing is not enough; we must apply. Willing is not enough, we must do"*

*– Johann Wolfgang von Goethe*

The behavior of the Marines of Kilo Company in Haditha, the Soldiers in Bravo Company in Yusufiya, and SPC Winfield's unit in Afghanistan, each in their own way, have had profound and negative impact on our military's ability to accomplish its mission and conduct operations. In this paper we've attempted to describe what we believe to be a key contributor to that behavior: the corruption of loyalty. By gaining a better understanding of what loyalty is and how it operates, we can appreciate loyalty's power as well as its double-edge. Due to the incongruent nature between the normative andragogy of loyalty (represented by its meaning as one of the seven Army values), and it's 'lived' socialization (as a social-moral emotion) we see that loyalty in the profession of arms is vulnerable to corruption. The friction that is created by these two disparate meanings of loyalty creates a psychological dissonance which serves as a catalyst for the development and validation of false neurological prototypes and more susceptible to psychological bias (thinking traps associated with the profession of arms). Once these prototypes are set, toxic relationships are solidified within the small teams / unit, and together they combine with the other psychological, social and contextual moral hazards of a Soldier's ethical battlespace, to create the 'imperfect storm' of unethical behavior.

We have concluded our paper by presenting our model of competing loyalties and used it to offer recommendations, both large and small, on how to prevent loyalty's corruption, and develop measures – through loyalty – that strengthen positive relationships and the bond of trust between the Soldiers in the profession of arms. Our first recommendation is to separate fidelity (the attachment to an individual) from the meaning of loyalty in the profession of arms, incorporate that separation into the meaning of loyalty as one of the seven Army values, and then rearrange

the Army Value acronym of LDRSHIP to better represent loyalty's place amongst the other six values – as vitally critical to the functioning of Soldiers and units – but never to supersede one's duty. Our second recommendation employs the prime motivational incentive for Soldiers (the trust and respect of comrades) to facilitate an organization-wide push for leaders to understand and appreciate the importance of emotional processing and thinking trap awareness. We feel the best way to accomplish this is to develop and implement multi-rater (360-degree) assessments for all leaders with an emphasis on emotional awareness and relationship building. This coincides with our recommendation to reengineer the OER and NCOERs to better develop and evaluate leaders in character based knowledge, skills and abilities.

This leads us to our third and final recommendation. Along with relationship building, the natural tension between normative and natural loyalty, and thinking trap awareness should be seamlessly integrated in to everything we do as Soldiers. They should not be stand-alone, compartmentalized blocks of instruction, but rather built-in, integral parts to all training and contingency planning and operations. It is through this methodology that Soldiers and units will truly develop strong bonds, healthy relationships and positive loyalty. Loyalty is a noble quality, so long as it is not blind and does not exclude the higher loyalty of truth and decency (Sir Basil Liddell Hart).<sup>27</sup>

---

### Endnotes

1. A term that Dr. Scott Reynolds (Reynolds, 2006) uses to describe neurological schemas that define phenomenon in the implicit system of psychological processing which help us 'make meaning' of the world and everything in it.
2. Obtained from the Harpers online article 'Status Update' located at <http://harpers.org/archive/2011/05/hbc-90008086>, downloaded on 5 MAY 2011.
3. E.g. the Guantanamo Bay (Gitmo), Abu Ghraib (2003), LTC West (2003), LTC Sassaman / Samarra (2004), Pat Tilman (2004); Haditha (US Marines in 2005), Bagram Airfield (2005), Hamdania (US Marines in 2006), Mahmudiyah / Black Hearts (2006), Operation Iron Triangle (2006), Baghdad Canal Killings (2007), 'Kill Team' (2010) incidents, and the rash of senior commanders (Army and Navy) being relieved over the past year (2011).
4. "Although the Army Ethic has not been fully codified" (CAPE/TRADOC, 2010) we use the meaning that is theoretically postulated through the large literary cannon written on the subject; of which, the essence is best captured in a collection of three essays (Snider et al, 2008; Hannah & Doty, 2008; and Moten, 2008) that together establish the framework for the American Professional Military Ethic.
5. Throughout this article we use the words ethical and moral interchangeably
6. This is the accepted definition of loyalty according to the Seven Army Values outlined throughout the Army's doctrinal cannon, beginning in FM 1, The Army (HQDA, 2005, it is also in FM 6-22, Leadership (HQDA, 2006) p. 20
7. FM 6-22, Leadership (HQDA, 2006, p. 20)
8. By using a small, unscientific, informal measurement – we found this to be true, that the meaning of loyalty is not universal in the profession of arms
9. Edgar H. Schein (1992) Organizational Culture and Leadership. California. And the Profession of Arms White Paper

10. The term ‘psychological dissonance’ is interchangeable with Cognitive Dissonance (Festinger, 1956) – however, for consistency purposes, we wanted to ensure the term ‘cognitive’ pertained to conscious, rational, reflective processes; as opposed to ‘emotional’, which for this paper, deal with the subconscious, implicit, reflexive processes; and the term ‘psychological’ that deals with the entire two system-as-a-whole process.

11. The term ‘thinking traps’ can be synonymously interchanged with ‘cognitive biases’ from the behavioral ethics literature; for a broad understanding of the science, the authors recommend: *Blind Spots: Why We Fail to Do What’s Right and What to Do about it*, by Max H. Bazerman and Ann E. Tenbrunsel (Bazerman & Tenbrunsel, 2011)

12. Over the past 20 years, research in psychology (cognitive and social) and neuroscience has led to the dual process system approach to thinking (cognition): system 1- the automatic / intuitive and system 2 – the reflective / rational.

13. Similar to the dual process approach, but colored slightly different – Scott Reynolds in his article *A Neurocognitive Model of the Ethical Decision Making Process: Implications for Study and Practice* (Reynolds, 2006) describes the two systems as system x – that employs brain regions such as the later temporal cortex, amygdala and basal ganglia and is most relevant to automatic processing, implicit learning, reflexive decision making and intuition; and the c-system that conducts rational, reflective, deliberate reasoning and decision making and incorporates the following parts of the brain – the anterior cingulate, the prefrontal cortex and the hippocampus

14. Relationships are heightened in the extreme context of the profession of arms – (Hannah, 2019 & 2010 and Sweeny, 2010)

15. Loyalty by itself has no value – like any human characteristic it resides on a continuum: and one end loyalty is; the king of all virtues and at the other end it’s an unethical vice. Keller (Keller, 2007) makes this statement for he subscribes to the doctrine presented centuries earlier by Immanuel Kant (Kant, 1781; 2011) according to his categorical imperative: that ethics should be universal. This juxtaposition, with the Kant / Keller camp of universalism on one end and the human ideal of particularism, of which constitutes loyalty.

16. Daniel Kahneman’s pioneering work in cognitive biases (which earned him a Nobel Prize in Economics in 2003) serves as the ‘start point’ to the voluminous material on irrational behavior in decision making, i.e. Malcolm Gladwell (*Blink*), Dan Ariely (*The Upside of Irrationality*), Levitt & Dubner (*Freakonomics*), and most importantly, for our purposes, Bazerman and Tenbrunsel (*Blindspots*)

17. A term that was originated by John Maynard Keynes (Keynes, 1936), and subsequently used in popular behavioral economic literature to describe ‘emotions which influence human behavior and can be measured in terms of consumer confidence’ (Wikipedia, 2011)

18. This is based on an ingenious experiment conducted by Jonathan Haidt and colleagues where participants were asked to read situations that included a bother and sister having sex, and man having intercourse with a chicken and the American Flag being used to clean the toilet, then to describe their feelings and after having their ‘reasons’ defeated by how the scenarios were constructed were left with just their affect. (Haidt, Bjorklund, & Murphy, 2000)

19. ([http://www.usma.edu/opa/clds/moral\\_ethical\\_domain.html](http://www.usma.edu/opa/clds/moral_ethical_domain.html))

20. This from a presentation by Dr. Don Snider that one of the authors attended at the 2010 AUSA Conference in Washington D.C.

21. This scenario is adapted from a Center for the Army Professional Ethic (CAPE) ethical case studies located at <<https://acpme.army.mil>>
22. We understand *Black Hearts* is a book – so, we’re not ignorant of the fact that the story may have been sensationalized in order to sell books, so we’re not endorsing the accuracy of his representation. We just wanted to use his characterization as antidotal evidence to some of our behavioral theories pertaining to loyalty. In the book he accidentally shoots an Iraqi women and then covers it up; completely loses his cool and has to be restrained from killing an elderly man who freaks out and shoots his weapon during a late night raid; and fails to turn PFC Green (the lead perpetrator of the killings) after he confesses to him.
23. This has been written about extensively, most pungently in LTC Robert Rielly’s Military Review Article “The Darker Side of the Force” (Rielly, 2001).
24. This is continuing theme from a previous paper one of the authors co-authored – “Character vs. Competency, it must be both” (Doty & Sowden, 2009)
25. A concept borrowed from Jonathan Haidt used in his book ‘The Happiness Hypothesis’ (Haidt, 2006) referring to attempting to control the unconscious mind.
26. On NCO Net the authors posted the question: “Besides the Army definition of loyalty what are your beliefs and thoughts on what it means?” of the more than 50 responses that were posted the range of answers was wide.
27. This quote was used in a memo from Sergeant Major of the Army Raymond F. Chandler III that addressed loyalty in the profession of arms.

---

## References

- Bandura, A. (1999). Moral disengagement in the perpetration of inhumanities. *Personality and Social Psychology Review* [Special Issue on Evil and Violence], 3, 193-209.
- Baston, C. Kobrynowicz, D., Dinnerstein, J., Kampf, H., & Wilson, A., (1997). In a very different voice: unmasking moral hypocrisy. *Journal of Personality and Social Psychology*, 72 (6): 1335-48
- Bazerman, M. & Tenbrunsel (2011). *Blind Spots: Why We Fail to Do What’s Right and What to do about it*. New York: Princeton University Press.
- Baumeister, R. F. & Vohs, K. D. (2004). *Four Roots of Evil*. In A. G. Miller (Ed.), *The Social Psychology of Good and Evil* (pp. 85-101). New York: The Guilford Press.
- Bragh, J. (1984). Automatic and conscious process of social information. In R.S. Wyer & T.K. Stull (Eds.), *Handbook of social cognition*, Vol. 3, pp. 1-44. Hillsdale, NJ: Erlbaum
- Center of the Army Professional Ethic (CAPE), (2010) *ACPME Technical Report 2010-01 MNF-I Excellence in Character and Ethical Leadership (EXCEL) Study*
- Center for the Army Profession and Ethic (CAPE), (2010). *An Army White Paper: The Profession of Arms, 2010*. Fort Leavenworth, Kansas: Combined Arms Center (CAC)

- Chaiken, S. & Trope, Y. (1999). *Dual Process Theories in Social Psychology*. New York: Guilford.
- Memorandum from Sergeant Major of the Army Chandler Originally posted on NCO Net the 16 Aug 11 at: <https://forums.army.mil/secure/communitybrowser.aspx?Id=1534148&lang=en-us>
- Comprehensive Soldier Fitness* (CSF), (2011). Developmental modules at: <https://www.sft.army.mil/>
- Conner, J. M., (2007). *The Sociology of Loyalty*. New York: Springer.
- Connor, J. M., (2010). 'Military Loyalty: A Functional Vice', *Criminal Justice Ethics*, 29:3, 278-290.
- Costa, D. & Kahn, M. (2008). *Heroes & Cowards: The Social Face of War*. Princeton, N.J.: Princeton University Press
- Couch, D. (2010). *A Tactical Ethic, Moral Conduct in the Insurgent Battlespace*. Annapolis, Maryland: Naval Institute Press
- Cottone, R. R. (2001). A Social Constructivism Model of Ethical Decision Making in Counseling. *Journal of Counseling & Development*, Vol. 79, Number 1/Winter 2001, 39-45.
- Damasio, A. R., (1994). *Descartes' Error: Emotion, Reason, and the Human Brain*. New York: Penguin.
- Doty, J. & Sowden, W. (2009) Character vs. Competency; it must be both! *Military Review*. November-December 2009
- Felton, Eric. (2011). *Loyalty: the Vexing Virtue*. New York: Simon & Schuster
- Festinger, L., (1957). *A theory of cognitive dissonance*. Stanford, CA: Stanford University Press
- Field Manual (FM) 1*, (2005). Washington D.C.: Headquarters, Department of the Army (HQDA)
- Field Manual (FM) 6-22, Army Leadership*, (2006). Washington D.C.: Headquarters, Department of the Army (HQDA)
- Field Manual (FM) 22-100, Army Leadership*, (1999). Washington D.C.: Headquarters, Department of the Army (HQDA)
- Filkins, D., (2005). The fall of the warrior king. *The New York Times* ([www.nytimes.com](http://www.nytimes.com)) accessed on 5 AUG 2011
- Fletcher, G. P., (1993). *Loyalty: An Essay on the Morality of Relationships*. Oxford University Press, New York, NY. On page 18 (digital/ebook).
- Franklin, B., (2010). *The Wit and Wisdom of Poor Richard's Almanac* (selections). New York: Createspan
- Frederick, J., (2010). *Black Hearts, One Platoon's Decent into Madness in Iraq's Triangle of Death*. New York: Harmony Books

- Fukuyama, F., (2004). *State-Building: Governance and World Order in the Twenty-First Century*. New York: Cornell University Press
- Goetz, J. 2011. Adam's War, the Good Boy and the 'Kill Team', *Spiegel Online International*. Retrieved: March, 31, 2011, <http://www.spiegel.de/international/world/0,1518,754141,00.html>
- Gladwell, M. (2006). *Blink*. New York: Penguin Books
- Grinker, R. & Spiegel, J., (1945). *Men under stress*. Philadelphia: Blakiston
- Goffman, E., (1991). Total Institutions, in P. Worsley (eds.) *The New Modern Sociology Reading*. London.
- Greenwald, A. & Banaji, M., (1995). Implicit social cognition: Attitudes, self-esteem, and stereotypes. *Psychological Review*, 102 (1), 4-27
- Greenwald, A., Banaji, M., Rudman, L. Farnham, S., Nosek, B. & Mellot, P., (2002). A unified theory of implicit attitudes stereotypes, self-esteem, and self-concept. *Psychological Review*, 109, (1), 3-25
- Haidt, J., Bjorkland, F., & Murphy, S., (2000). Moral dumbfounding: When intuition finds no reason. Unpublished manuscript, University of Virginia
- Haidt, J., (2001). The emotional dog and its rational tail: A social intuitionist approach to moral judgment. *Psychological Review*, 108, 814-834
- Haidt, J., (2006). *The Happiness Hypothesis*. New York: Basic Books
- Hannah, S. & Doty, D. (2008). Building Moral Resources in Leaders for an Era of Persistent Conflict and Beyond. Article presented at the United States Military Academy (USMA) Senior Conference, June 2008
- Hannah, S. T. et al. (2009). A Framework for Examining Leadership in Extreme Contexts. *The Leadership Quarterly*, 20, 897-919.
- Hannah, S. T. et al. (2010). Leadership in Military and Other Dangerous Contexts: Introduction to the Special Topic Issue. *Military Psychology*, 22; (Suppl. 1), pp. S1-S14.
- Hatfield, J., Steel, J., Riley, R., Keller-Glaze, H., and Fullersen, J., (2011). *Technical Report 2011-2, 2010 Center for Army Leadership Annual Survey of Army Leadership (CASAL) Fort Leavenworth, KS: Center for Army Leadership*
- Heinlein, Robert. (1988). *Time enough for love: the lives of Lazarus Long*. New York: Ace
- Howard, Michael (1983). *Clausewitz, a Very Short Introduction*. New York: Oxford.
- Hume, D. (1739; 2010). *A Treatise of Human Nature*. Ebook #4705. The Gutenberg Project
- Huntington S., (1957). *The Soldier and the State*. London, England: The Belknap Press of Harvard University Press.

Jaffe, G., (2011). Army worries about 'toxic' leaders in ranks. *Washington Post*, published on 25 June 2011, accessed via: [http://www.washingtonpost.com/national/national-security/army-worries-about-toxic-leaders-in-ranks/2011/06/25/AGThw4kH\\_story.html](http://www.washingtonpost.com/national/national-security/army-worries-about-toxic-leaders-in-ranks/2011/06/25/AGThw4kH_story.html) on 8 July 2011.

Johann Wolfgang von Goethe. (n.d.). *BrainyQuote.com*. Retrieved Oct 24, 2011, from Brainy Quote.com Web site: <http://www.brainyquote.com/quotes/quotes/j/johannwolf161315.html>

Jones, T., (1991). Ethical Decision Making by Individuals in Organizations: An Issue-Contingent Model. *The Academy of Management Review*, Vol. 16, No. 2, pp. 366-395

Kahneman, D. (2011). *Thinking, Fast and Slow*. New York: Farrar, Straus and Giroux.

Kahneman, D. & Frederick, S. (2002) *Representativeness revisited: attribute substitution in intuitive judgment*. In *Heuristics and Biases: The Psychology of Intuitive Judgment*, ed. T. Gilovich, D. Griffin, D. Kahneman, pp. 49-81. Cambridge, UK: Cambridge Univ. Press

Kant, E. (1781; 2004). *The Critique of Pure Reason*. Ebook #5683. The Gutenberg Project

Keller, S. (2007). *The Limits of Loyalty*. New York: Cambridge University Press.

Kellet, A. (1982). *Combat Motivation: The Behavior of Soldiers in Battle*

Keltner, D., (2009). *Born to be good: The science of a meaningful life*. New York: W.W. Norton & Company

Kish-Gephart, J., Harrison, D., & Trevino, L. (2010). Bad apples, bad cases, and bad barrels: Meta-analytic evidence about sources of unethical decisions at work. *Journal of Applied Psychology*, Vol. 95, No. 2, 1-31.

Kleining, John, "Loyalty", *The Standord Encyclopedia of Philosophy* (Fall 2008 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2008/entries/loyalty/>.

Leavitt, K. and Sowden, W. (2010). Automatic Ethics: What We Take for Granted Matters. *Military Review*, the Army Ethic 2010, 86-89.

Little, R., (1964). "Buddy relations and combat performance" in *The New Military: Changing Patterns of Organizations*, (ed.) Janowitz, M. New York: Russell Sage Foundation

MacIntyre, A., (2007). *After Virtue: A study in moral theory* (3rd Ed.). Indiana: University of Notre Dame Press

Office of the Surgeon General (OTSG), 2008. Mental Health Advisory Team (MHAT) Report V Operation Iraqi Freedom 06-08, and Operation Enduring Freedom 8 Final Reports. Office of the Surgeon General United States Army Medical Command

Marshall, S.L.A. (1947). *Men against fire*. New York: William Morrow

Moskos, C., (1970). *The American Enlisted Man: The Rank and File in Today's Military*. New York: Russell Sage Foundation

Moten, Matthew. (2008). *The Army's Professional Ethic – Past, Present, and Future*. Article presented at the USMA Senior Conference, June 2008.

- Nisbett, R. & Wilson, E., (1977). The halo effect: evidence for unconscious alteration of judgment. *Journal of Personality and Social Psychology*. 35 (4): 250-256
- Paulhus, D. and Williams, K. (2002). The Dark Triad of Personality: Narcissism, Machiavellianism, and Psychopath. *Journal of Research in Personality*, Vol. 36, No. 6, 556-563.
- Persky, J. (1995). Retrospectives: the ethology of homo economicus. *The Journal of Economic Perspectives*. vol. 9, No. 2, pp. 221-231.
- Peterson, C., Park, N., & Castro, C., (2011). Assessment for the U.S. Army Comprehensive Soldier Fitness Program. *American Psychologist*, Vol., 66, No. 1, pp. 10-18
- Peterson, C., & Seligman, M., (2004). *Character strengths and virtues: A handbook and classification*. New York: Oxford
- Prinz, J. J., (2007). *The Emotional Construction of Morals*. New York: Oxford University Press, 2007
- Profession of Arms Forum 11-3, 9 AUG 11. Mid-Campaign Results and Way-Ahead accessed from the Center for the Profession and Ethic (CAPE) website at: <http://cape.army.mil/>
- Reis, H., & Gable, S., (2003). Toward a positive psychology of relationships, in flourishing: positive psychology and the life well-lived, eds. C. Keys and J. Haidt. Washington D.C.: American Psychological Association, pp. 129-159
- Rest, J., Navaez, D., Bebeau, M. J., & Thoma, S. J. (1999). Postconventional moral thinking: A neo-Kohlbergian Approach. Mahwah, NJ: Lawrence Erlbaum.
- Reynolds, S., (2006). A Neurocognitive model of the ethical decision making process: Implications for study and practice. *Journal of Applied Psychology*, Vol. 91, No. 4, pp. 737-748
- Reynolds, S. J., Leavitt, K. & DeCelles, K.A. (2010) Implicit assumptions and organizational context – A recipe for immoral behavior? *Journal for Applied Psychology*.
- Ricks, T., (2009). *The Gamble: General David Petraeus and the Military Adventure in Iraq*. New York: The Penguin Press.
- Rielly, R., (2001). ‘The Darker Side of the Force, the Negative Influence of Cohesion’, *Military Review*, March-April 2001.
- Royce, J. (1908). *The Philosophy of Loyalty*. New York: the MacMillan Company.
- Schein, E., (1992). *Organizational Culture and Leadership* (2nd Ed.). California: Josey-Bass
- Shklar, J., (1993). Obligation, Loyalty, Exile. *Political Theory*, Vol. 21. No. 2. pp. 181-197
- Shils, E. & Janowitz, M. (1948). Cohesion and disintegration in the Wehrmacht in World War II. *Public Opinion Quarterly*. 12 (2): 280-315.
- Status update. Harpers online. <http://harpers.org/archive/2011/05/hbc-90008086>. downloaded on 5 May 2011.

Snider, D., & Matthews, L. (Ed.), (2005). *The Future of the Army Profession 2nd Edition* New York, NY: McGraw Hill Custom Publishing

Snider, D., Oh, P., & Toner, K. (2009). *The Army's Professional Military Ethic in an Era of Persistent Conflict*. The Strategic Studies Institute and The Army Center for the Professional Military Ethic.

Stouffer, S. A. et al. (1949). *Studies in Social Psychology in World War II: The American Soldier*. Vol. 1, Adjustment during Army Life. Princeton: Princeton University Press.

Sweeney, P. (2010). Do Soldiers reevaluate trust in their leaders prior to combat operations? *Military Psychology*. vol. 22, pp. S70-S88.

Thorndike, E., (1920) A constant error on psychological rating. *Journal of Applied Psychology*, IV, pp. 25-29

Training and Doctrine Command (TRADOC) Pamphlet (PAM) 600-4: Individual Entry Training (IET) *Soldier's Handbook*, 2008. Fort Monroe, Virginia: Headquarters, Department of the Army (HQDA)

Trevino, L.K., Weaver G.R., & Reynolds, S.J. (2006). Behavioral Ethics in Organizations: A Review. *Journal of Management*, Vol. 32 No. 6.

Tversky, A. & Kahneman, D. (1974) Judgment under uncertainty: heuristic and bias. *Science* 185 (4157). 1124-1131.

Tversky, A. & Kahneman, D. (1984) Choice, values and frames. *American Psychologist* 39 (4): 341-350.

Williams, D., (2005). Toxic Leaders in the U.S. Army, U.S. Army War College Research Project United States Military Academy (USMA) Circular: 1-101, (2002). Cadet Leader Development System. West Point, NY: USMA – from the USMA Website: [http://www.usma.edu/opa/clds/moral\\_ethical\\_domain.html](http://www.usma.edu/opa/clds/moral_ethical_domain.html)

Vandergriff, D. E. (2006). Raising the bar, creating and nurturing adaptability to deal with the changing face of war. Washington D.C.: Center for Defense Information

Wason, P., (1960). Reasoning about a rule. *Quarterly Journal of Experimental Psychology* (Psychology Press) 20 (3): 273-28

Wong, L., Kolditz, T., Millen, R., Potter, T. (2003). *Why they fight: Combat motivation in the Iraq war*. Carlisle Barracks, PA: Strategic Studies Institute

---

### Biography

CPT Sowden is currently a graduate student at the University of Michigan pursuing his Ph.D. in Psychology, he is the co-author of Competency vs. Character; It Must Be Both (Presented at the 2009 CGSC Ethics Symposium), and author of Trust, Empowerment and the Application of Discretionary Judgment; Force Multipliers in Decision Making on the Modern Battlefield (Presented at the 2010 CGSC Ethics Symposium). He was a Company Commander in the First

Cavalry Division during Operation Iraqi Freedom, a Tactical Officer at the United States Military Academy, and a Research Analyst at the Center for the Army Professional Ethic (CAPE). He holds a BA in Sociology from South Dakota State University and a MA in Organizational Psychology from Columbia University.

SGM Stewart is currently an instructor team leader for the Sergeants Major resident course at the United States Army Sergeants Major Academy (USASMA), Fort Bliss, Texas. He is an infantryman who has served in every position from team leader to operations sergeant major. He has deployed in support of Operation Desert Shield/Storm, Operation Iraqi Freedom, and Operation Enduring Freedom. He holds a BA and is currently working towards his MA in Liberal Arts from Excelsior College.



**“Whereby Peace May Be Restored:”**  
**Douglas MacArthur, Japanese Surrender, and the Efficacy of**  
**the Just War Tradition in the Twenty-First Century**

by **Lt. Col. Jeffrey S. Wilson, Ed. D.**  
**Assistant Professor of Philosophy**  
**United States Military Academy, West Point, New York**

**ABSTRACT**

In political and social philosophy, the just war tradition stands as an Aristotelian mean between the philosophical extremes of pacifism (which in its most extreme form holds that war in defense of values, beliefs, institutions, and significant others can never be morally justified), and political realism (which in its most extreme form holds that war is an amoral activity to which the language of moral discourse does not apply). As an intermediate position, the just war tradition is forever under duress from its more extreme contestants—the pacifist criticizing the moral permissions it grants in the name of self or other-defense, and the realist criticizing the moral prohibitions it posits which (in the realist view) inhibit the very self or other-defense activities that the tradition upholds as morally worthy.

There is some irony in the fact that some of the most virulent criticisms of the just war tradition appear from persons on the just side at the conclusion of a just war—a time where demands for retribution and recompense levied against the vanquished aggressors collide with efforts to use the end of the war as an opportunity to set a just and fair foundation for a lasting peace, in which former enemies are not merely grudging partners, but true friends. The just war tradition’s conceptual linkage of *jus ad bellum*, *jus in bello*, and *jus post bellum* provides a coherent framework for understanding why a soldier’s instantiated commitment to the *jus in bello* tenets of discrimination and proportionality is as critical to a lasting peace as it is to victory in war.

I argue in this essay that General of the Army Douglas MacArthur’s actions and words as Supreme Commander, Allied Powers in Japan at the end of the Second World War provide the material for a case study in moral clarity that affirms both the efficacy of the institutional Army Values and the efficacy of the just war tradition writ large, whether in just wars against other states or in just wars against combinations of state and non-state agents. The core of the argument is that Douglas MacArthur’s soldierly credentials established for the Japanese a *prima facie* basis from which to expect a relationship of mutual trust and respect. I argue further that it was this expectation—which centered on MacArthur’s character as a person and as a military professional firmly committed to the just war tradition—that, in turn, set the foundation for full Japanese cooperation with, and even embrace of, the Allied occupation and reconstruction efforts. Paraphrasing MacArthur’s own words, I contend that it is still these soldierly credentials that, “upon other fields, on other days, will bear the fruits” of lasting peace.

The aesthetic contrast between vanquished and victor could not have been more striking. The eleven men representing Emperor Hirohito stood in three rows on the quarterdeck of the USS *Missouri*, facing what they may have thought was a surprisingly Spartan setting for the ceremony which would end the most catastrophic conflict in human history. The Japanese military representatives wore dress uniforms replete with ribbons and other accoutrements, their knee-high brown boots polished to parade-ground shine. The Japanese civilian representatives looked as if they were about to be announced at a state dinner, with black top hats, black ties, and black tuxedo-like jackets offsetting their immaculate white shirts and gloves. In contrast, the scores of Allied officers crowding around the two plain U. S. Navy mess tables covered with green cloths that, along with

a single chair and a microphone stand alone comprised the surrender stage, for the most part emulated the master of ceremonies this second day of September, 1945 in their understated attire. When General of the Army Douglas MacArthur, newly appointed Supreme Commander Allied Powers (SCAP) in occupied Japan, stepped onto the quarterdeck from the Admiral's cabin in which he had been composing himself before the ceremony, he did so wearing brown shoes and khaki trousers topped by a long-sleeved khaki shirt, open at the neck and unadorned save for the metal wreath of five small stars pinned to each side of his collar. On his head he wore the battered peaked service cap with brown visor and embroidered insignia which had, along with his corn-cob pipe and large sunglasses, become signature props for this most thespian of generals since the dark days of early 1942, when he and the man standing behind him and to his right, Lieutenant General Jonathan Wainwright, stood together in the defense of the Philippine Islands. At the direct order of President Franklin Roosevelt, MacArthur had regretfully left Wainwright in command in order to assume higher level command in Australia—vowing to return as, soon after, the Japanese over-ran the Philippines, committed atrocities among which the Bataan Death March of American prisoners is the best chronicled, and took General Wainwright himself into brutal captivity.

However, the outward contrast between the Japanese delegation's formal appearance and the Allied Supreme Commander's spare utility of dress masked an inward camaraderie between MacArthur and the Japanese military delegates: one which was only about to become evident as MacArthur stepped to the lone microphone to begin the ceremony. "We are gathered here, representatives of the major warring powers," MacArthur began, "to conclude a solemn agreement whereby peace may be restored."<sup>1</sup> The foundation of that peace, MacArthur held, was only as firm as the willingness of the signatories to the documents on the table before him, "both victors and vanquished," to rise above "distrust, malice, [and] hatred"<sup>2</sup> and embrace "that higher dignity which alone befits the sacred purposes we are about to serve, committing all our people unreservedly to faithful compliance with the obligation they are here formally to assume."<sup>3</sup> MacArthur ended his opening remarks by stating that it was his "earnest hope, and indeed the hope of all mankind" that the end of the war would set the conditions for a "better world" in which all people would be "dedicated to the dignity of man and the fulfillment of his most cherished wish—for freedom, tolerance, and justice."<sup>4</sup> After all required signatures on both sides had been affixed to the surrender documents and the ceremony had concluded, MacArthur delivered a radio address in which he argued that humankind must renounce war itself as a method of resolving disputes, saying that the human race had been given its "last chance" at moral evolution, declaring that if "we do not now devise some greater and more equitable system [than war for solving problems], Armageddon will be at our door."<sup>5</sup>

No one was more surprised at and thankful for MacArthur's magnanimity in victory and occupation than the Japanese officials who would work most directly with him in the reconstruction of their political community—a reconstruction that was to be as ideological as it was physical. Although Emperor Hirohito exemplified what Japanese Prime Minister Yoshida would later describe as positive "attitude and sentiments" about the necessity to move forward together in a spirit of trust and enlightened pursuit of peaceful reconstruction that mirrored MacArthur's,<sup>6</sup> there were skeptics in Japanese society both in and out of the military who believed that the Allied occupation would be characterized by vast brutality against and degradation of Japanese civilians by Allied soldiers who were all too aware of how the Japanese had brutalized their captives during the war—civilians and soldiers alike.<sup>7</sup> Baron Kantaro Suzuki, though—himself Prime Minister at the time of the surrender and an admiral in the Japanese Navy—offered solace to his own inner circle and to the public at large in a newspaper editorial; not by appeal to the "personality of General MacArthur," for the men were not personally acquainted, but through their mutual professionalism.<sup>8</sup> Trying to explain why he was not surprised at MacArthur's magnanimity, "I myself as a soldier," wrote Suzuki, "had a firm trust in his [MacArthur's] soldierly spirit."<sup>9</sup> Describing his "feeling at the time of making the surrender" as "calm and serene," Suzuki grounded himself in an "absolute conviction" that he must "trust the enemy commander" in accordance with Bushido, the ancient code of the Japanese warrior.<sup>10</sup> Suzuki noted that Bushido "is not a Japanese monopoly. It is a universal code," he wrote,

which emphasized that to “protect your adversary who has surrendered as one enlisted on your side is the way of the warrior.”<sup>11</sup> In his editorial, he admonished his own countrymen to manifest respect for Bushido—a code so deeply central to Japanese identity—by trusting that a man calling himself a professional soldier in any army would hold to the central tenet of the Bushido code (respect for the dignity of the vanquished foe) even if in his own professional culture he would know the code under a different name. If MacArthur accepted the Japanese surrender, said Suzuki, he would then be bound by the universal code of the soldier to behave—and ensure that his occupying soldiers behaved—in accordance with professional norms that recognized what we know in the West as the non-combatant immunity that is further grounded in the notion of the moral equality of soldiers.

Suzuki’s editorial demonstrates how Douglas MacArthur’s soldierly credentials established for the Japanese a *prima facie* basis from which to expect a relationship of mutual trust and respect from the onset of the Allied occupation—an expectation that surely helped prevent fringe elements in the population from undertaking an insurgent role and further set the foundation for full Japanese cooperation with, and even embrace of, the Allied occupation and reconstruction efforts. That Suzuki saw this connection between the culturally-specific tradition of Bushido and the broader just war tradition which possesses a largely Western pedigree—and saw it so clearly, across cultures which could not be more different and across a cultural divide exacerbated by five years of fighting that can only be described as primal in its ferocity—is in my view a profound testament to the efficacy of just war theory in the present, and an equally profound testament to its fecundity for the future.

In political and social philosophy, the just war tradition stands as an Aristotelian mean between the philosophical extremes of pacifism (which in its most extreme form holds that war in defense of values, beliefs, institutions, and significant others can never be morally justified), and political realism (which in its most extreme form holds that war is an amoral activity to which the language of moral discourse does not apply). As an intermediate position, the just war tradition is forever under duress from its more extreme contestants—the pacifist criticizing the moral permissions it grants in the name of self or other-defense, and the realist criticizing the moral prohibitions it posits which (in the realist view) inhibit the very self or other-defense activities that the tradition upholds as morally worthy.

There is some irony in the fact that some of the most virulent criticisms of the just war tradition appear from persons on the just side at the conclusion of a just war—a time where demands for retribution and recompense levied against the vanquished aggressors collide with efforts to use the end of the war as an opportunity to set a just and fair foundation for a lasting peace, in which former enemies are not merely grudging partners, but true friends. The just war tradition’s conceptual linkage of *jus in bello* and *jus post bellum* provides a coherent framework for understanding why a soldier’s instantiated commitment to the *jus in bello* tenets of discrimination and proportionality embedded in the moral equality of soldiers is as critical to a lasting peace after a war as it is to victory in war.

Recognition of the moral equality of soldiers gives us a shared vocabulary for creating and promulgating ways to limit violence and retain humanity in war. To recognize some persons as morally liable to harm in war and some not—to recognize material innocence on the battlefield in the form of a civilian caught in the crossfire or a wounded enemy soldier surrendering—is to make a moral distinction that is only possible if combatants on both sides, across a socio-cultural divide that, whatever its extent before the war, has been greatly exacerbated by the exigencies of combat in the political struggle that is their war, have access to an awareness of the moral history of words such as “quarter.” While it is true that much of the vocabulary that defines and delimits the moral equality of soldiers has historical roots that are exclusive, and even to some degree pejorative with regard to those persons recognized as other-than-soldier (I cite as an example the egoism inherent in medieval chivalry), the overall effect of such vocabulary in human history has been positive, and can be seen as such whether this positive effect is construed in consequentialist, deontological, or virtue-centric terms.

Recognition of the moral equality of soldiers further gives us a shared vocabulary for under-

standing the role of soldier in relation to the role of citizen in the political community. By grounding *jus in bello* in what has become known as the independence thesis, soldiers undertake the role of soldier secure in the knowledge that, although absolutely morally accountable for the choices they make when taking action on behalf of the political community whose uniform they wear, they will not be held morally culpable merely for their choice to wear that uniform in the service of that community. The moral equality of soldiers implicitly recognizes the multiplicity of influences (from familial to cultural to political, which can be to varying degrees and in varying ways coercive, physically and psychologically) working upon the individual man or woman at the moment he or she enlists for service. The moral equality of soldiers valorizes the inherent moral dignity of that choice in the context of a particular set of social, cultural, and political circumstances, regardless of the moral character of those circumstances. This philosophical independence of the morality of service itself from the morality of what particularly is served allows for the often surprising normative coherence of our own post war judgments of criminality and punishment.

Recognition of the moral equality of soldiers also gives us a shared vocabulary for recognizing and valorizing the universal foundations of military professionalism across cultures. Soldiers simply are not mercenaries, in that to be one is necessarily not to be the other in a strictly logical sense. To say that one is a soldier is to imply embodiment—an embodiment that is mental and spiritual as much as it is physical—of a relationship between an individual, a political institution within the political community, and the political community itself that is founded upon the notion of what General Sir John Winthrop Hackett calls unlimited liability.<sup>12</sup> Captured at least in part in the contemporary U.S. Army value of selfless service, shared notions of unlimited liability between soldiers of warring polities are themselves foundational in developing a professional military ethic through which the soldier can be taught in the military education process to understand how and why good soldiering can not in a strictly logical sense be compatible with torture, the intentional killing of the materially innocent, refusal of quarter to the wounded, and other forms of disrespect to persons-as-persons in the conduct of war. Even in the uniform of the other, a professional military ethic founded in the moral equality of soldiers allows the soldier to see herself.

It was that ability to see himself in MacArthur that gave Baron Suzuki the moral grounding for his exhortation to a highly skeptical Japanese populace, many of whom were ready and willing to keep fighting, urging peaceful acceptance of the surrender and occupation under the auspices of trust and confidence in the moral character of the Supreme Commander Allied Powers. Suzuki's editorial captures important philosophical intuitions about surrender that are only realizable within a shared moral framework that characterizes the relationship between victor and vanquished after a war. In *Just and Unjust Wars*, Michael Walzer characterizes surrender as “an explicit agreement and exchange” in which “a government promises that its citizens will stop fighting in exchange for the restoration of ordinary public life.”<sup>13</sup> For a surrendered polity to “attack the occupation authorities”<sup>14</sup> is a breach of a kind of social contract between victor and vanquished for which just war theory provides moral language: in Walzer's words, “a breaking of political faith [that is] punishable, like the ordinary treason of rebels and spies, by death.”<sup>15</sup>

Although Walzer focuses his discussion of the obligations of the occupied populace to maintain a state of peace once war has ended in occupation of their political community, it is easy to see the moral outlines of the occupying power's side of the relationship. The vanquished populace has a moral right to expect reciprocity from the victor when that populace forgoes opportunities to engage in violence against the occupier's personnel and facilities, motivated by a desire to establish and maintain a relationship of trust that is itself founded upon a common belief in the existence of the *prima facie* rights of life and liberty—rights that are themselves the foundation of peaceful coexistence between nation-states, the violations of which in some way led to the war, and the re-establishment of which is the cornerstone of what constitutes “better” in the idea that “the object of war is a better state of peace.”<sup>16</sup>

Walzer reminds us that after a war concludes we want more than merely the state of affairs that existed before the war, with all its attendant tensions and insecurities. We want a peace that is “more secure than the *status quo ante bellum*, less vulnerable to territorial expansion, safer for

ordinary men and women and for their domestic self determinations.”<sup>17</sup> If, as Walzer notes, the “theory of ends in war is shaped by the same rights that justify the fighting in the first place,”<sup>18</sup> then the theory of postwar justice is shaped by those rights as well. If, following Liddell-Hart, “chivalry in war can be a most effective weapon in weakening the opponent’s will to resist, as well as augmenting moral strength,”<sup>19</sup> then that same chivalry—understood here as a general attitude which respects the moral integrity of person *qua* person—can reasonably be supposed to be an essential component of a morally sound and pragmatically successful occupation, in which the victor creates the conditions for peaceful self-determining co-existence of the vanquished political community in the wider community of nation-states.

Douglas MacArthur exemplified what it meant to instantiate the professional norms brought into the public discourse through the conventions and codes of law (such as the Geneva Conventions) and behavior (such as the West Point Honor Code) in all his decisions. This public discourse would have been impossible without the centuries of philosophical discourse in which not only the distinctions themselves (combatant; non-combatant; material innocence; moral innocence), but the rationale for those distinctions (theories of rights and obligations which develop in ethical theory and apply to political philosophy) are identified, described, explained, analyzed, and modified through reflective practice. Thus it was the character of Douglas MacArthur that inspired Baron Suzuki’s confidence in the character of the occupation MacArthur led: a character that was in significant ways shaped and then recognized as shaped by just war theory in general and the notion of the moral equality of soldiers in particular. Today and tomorrow, a soldier’s soldierly credentials are that which, with homage to the man who inspired this essay, “upon other fields, on other days, will bear the fruits” of lasting peace.<sup>20</sup>

---

### Endnotes

1. 1. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 314.
2. 2. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 314.
3. 3. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 314-315.
4. 4. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 315.
5. 5. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 316.
6. 6. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 319.
7. 7. William Manchester, *American Caesar* (New York: New York: Dell, 1978), 514-515.
8. 8. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 319.
9. 9. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 319.
10. 10. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 319.
11. 11. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 319.
12. 12. John Winthrop Hackett, *The Profession of Arms: The 1962 Lees Knowles Lectures at Trinity College, Cambridge* (Washington, DC: US Government Printing Office, 1990), 40.

13. 13. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 177.
14. 14. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 177.
15. 15. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 177.
16. 16. B.H. Liddell-Hart, *Strategy* (2nd rev. ed., New York: Praeger, 1974), 338); quoted in Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 121 (n. 22).
17. 17. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 121-122.
18. 18. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 123.
19. 19. B.H. Liddell-Hart, *Strategy, 2nd rev. ed.* (New York: Praeger, 1968), 336.
20. 20. Douglas MacArthur, *Reminiscences* (New York: Fawcett Crest, 1965), 90.

# STRATCOM and Consequentialism in Darfur

by Stephen Matthew Wisniew

## INTRODUCTION

In January 2005, Sudan signed a Comprehensive Peace agreement to mitigate the on-going conflict in Sudan, specifically in the Darfur region (Iyob & Khadiagala, 2006, p. 79). The United Nations (UN) and the African Union (AU) entered limitations for external support to the conflict within Sudan, while simultaneously, negotiations were being entered, retracted, and reformed with Sudan (Iyob & Khadiagala, 2006, p. 79). Humanitarian organizations' role in attempting to quell the conflict within Darfur showed "the persistence and resilience of external actors in transcending the limits of those international strictures and norms" (Iyob & Khadiagala, 2006, p. 79). The messages and correspondence that humanitarian organizations had with their donors became important as a means of telling a story and conveying a solution to a complex environment of rules, international law, negotiations, and humanitarian relief. The discourse of those messages and the "soft power" frames formulated help to understand the strategic communications that may be necessary to allow humanitarian organizations to provide activity and services within the confines of International law, but also within the greater context of motives to provide assistance and help to bring peace. Soft power means the ability to affect the attitudes of others through collaborative means to "[frame] the agenda, persuading, and eliciting positive attraction in order to obtain preferred outcomes" (Nye, 2011, p. 21).

The goals of this study are to understand the soft power frames and their effectiveness in gaining action for humanitarian support, and in this instance, action in Darfur. An efficient, salient, and persuasive message allows humanitarian organizations to get to action, in other words, to stop talking about it and to be about it. Understanding the soft power frame sends a strategic communication message of words, deeds, and images reflective of the humanitarian organization and their donors. It is assumed that it is a shared interest and that the messages when uncovered will show the shared experience as something familiar and attractive. Humanitarian organizations and their donors see themselves and the action in the frame and define themselves simultaneously as reflections of each other and through the lens of soft power. The study aims to show the relationship of soft power with framing theory to enhance strategic communications and improve awareness and appreciation for their convergence and application.

The concept of international humanitarian law, according to the International Committee of the Red Cross (ICRC), provides a state-to-state relationship; whereby the purpose "[limits] the effects of armed conflicts for humanitarian reasons" (ICRC, 2010). Primarily, the law protects non-combatants, those no longer involved in hostilities, "the sick and wounded, prisoners and civilians, and to define the rights and obligations of the parties to a conflict in the conduct of hostilities." (ICRC, 2010). Furthermore, states are required by international law to allow for humanitarian aid by both the "Geneva Conventions and their Additional Protocols, and customary international law as reflected in the International Committee of the Red Cross (ICRC) 2005 study on the rules of customary international law, [and] require that states consent to humanitarian assistance where failure to do so would risk causing starvation or otherwise threaten the survival of a civilian population." (Barber, 2009, p.372).

Not all humanitarian organizations have the same function or find support from the same donors. Humanitarian organizations constitute governmental or Non-Governmental Organizations (NGO), or Nonstate Actors (or in other cases called Not-For Profit Agencies (NPA)). The difference between the two is based on state sponsored humanitarian aid, or donor non-state sponsored aid. Regardless of the organization as either governmental, NGO, or Nonstate actors, each follow the guidelines indicated for humanitarian aid established by the aforementioned Geneva Conventions and its protocols.

Humanitarian organizations inform their activity through International law governing the rules on how they operate. These organizations are some of the first to witness indicators of genocide and other acts against humanity, as were witnessed and reported in Darfur. Humanitarian organizations are required to report and remain vigilant to developing situations in violation of International law. Developing humanitarian objectives that may thwart and/or assuage mass atrocities and crimes against humanity serves to define humanitarian activity in Darfur as legitimate and consistent with applicable international laws. Humanitarian soft power engages with potential donors promoting humanitarian actions by arousing contextualized salient and framed messages, defining the capability of the organization to efficiently create stability and prevent future genocide or acts against humanity in Darfur. The message of the humanitarian organizations frames work to encourage potential donors to support the need for humanitarian activity. The medium and the message together convey support using already established soft power presence of the humanitarian organization.

Humanitarian organizations espouse their soft power agendas through differing media and messages and specific frames. As Manzo (2008), in *Imaging Humanitarianism: NGO Identity and Iconography of Childhood*, suggests “images of children and shared codes of conduct are two sides of the same coin; they are both means through which NGOs produce themselves as humanitarian” (p. 634). Additionally she contends that these images are important to “a larger discursive apparatus through which humanitarian identity in general is constituted, revised, and reaffirmed” (p. 634). Moreover, this suggests a frame of reference of concepts with the overarching “schema” relying upon “rights”(Manzo, 2008, p.634). An example Manzo highlights involves Oxfam UK, a humanitarian organization, which used a story and picture of a Darfur refugee in a website to demonstrate Oxfam’s successful campaign against disease by showing a refugee’s hygiene lessons learned and application. (Manzo, 2008, p. 640).

Further, as Ryfman (2007) argues, an NGOs’ applications of soft power to stakeholders should “make both beneficiaries and members, staff and volunteers but also private donors, public sponsors, partner associations, suppliers and so on – feel that they are directly involved themselves.” (p. 33). The partnership and involvement of the NGO with stakeholders necessitates “compliance with a principle of coherence” that communicates “improved internal procedures, for strategic planning and for the establishment of risk and quality identification and control processes, designed both to improve programme [sic] content, performance and credibility and to develop a culture of internal quality at all levels of the NGO” (Ryfman, 2007, p.33). Thus Ryman adds stakeholder interest and quality of services as an important component of framing and articulating humanitarian soft power.

A major assumption of this study is that message framing is a means for humanitarian organizations to garner soft power and use it as a means of gaining and maintaining donor support. In order to explore these assumptions the following research questions emerge:

RQ 1: How do humanitarian organizations in Darfur frame their messages to their intended audience, donors and potential donors?

RQ 2: How do humanitarian organizations in Darfur perceive their own efforts to frame messages?

RQ3: Do these framing strategies result in strengthening soft power on the part of humanitarian organizations?

## LITERATURE REVIEW

The following literature review explores three major areas: definitions of humanitarian organizations, soft power, and framing theory; soft power concepts and theory; and finally framing theory, research methods, and practices.

### A. Definitions

**Humanitarian organizations** constitute governmental or **Non-Governmental Organizations** (NGO), or **Nonstate Actors**. The difference between the two (governmental and non-governmental) relies on state sponsored humanitarian aid, or donor non-state sponsored aid. Regardless

of how the organization is structured as governmental, NGO, or Nonstate actors, each follows the guidelines indicated for humanitarian aid established by the Geneva Conventions and its protocols.

The complete definition of **soft power**, according to Joseph S. Nye, Jr., “is the ability to affect others through the co-optive means of framing the agenda, persuading, and eliciting positive attraction in order to obtain preferred outcomes” (Nye, 2011, p. 21). Joseph S. Nye, Jr. is a well known political theorist who has taught at the Kennedy School of Government at Harvard University. In addition, he has served as undersecretary of state for Security Assistance, Science, and Technology, chairman of the National Intelligence Council, and assistant secretary of defense for International Security Affairs (Nye, 2011). Nye is considered the preeminent expert on soft power and developed the concept in his 1990 book entitled: *Bound to Lead* (Nye, 2004). Nye suggests that “soft power is attractive power” (p. 243) and “the ability to get others to want what you want” (p. 243.) In contrast, he defines **hard power** as “the use of force, payment, and some agenda setting based on them” (p.20). He contrasts hard and soft power saying that “hard power is push; soft power is pull” (p. 20). Nye suggests that the ultimate indicator of hard or soft power depends on how message receivers interpret whether actions or messages produce “hard or soft behavior” (Nye, 2011, p. 21).

“Soft power is an academic concept” (p.81) that at times has been too broadly interpreted by some as a “synonym for anything other than military force” (p.81). Further refinement shows us that it is more “descriptive, rather than a normative concept” (Nye, 2011, p.81). Soft power is not inherently good, because its uses may be for either good or evil. Describing soft power is difficult because often times it is “reduced to measurable, tangible resources” (p. 82) when it should be viewed as a “way of getting desired outcomes” (p.82).

Soft power is crucially dependent on context because what is effective in what situation may not be effective in different circumstances. For Nye, in situations dealing with complex activities such as finance or climate change “[military] force and combat proficiency do not tell us much about outcomes” (p. 4). Humanitarians acting according to accepted societal context and narratives can produce effects or reactions from the target audience with little or no hard power. Context and human relationships are the basis of soft power and the measurement transfers beyond the tangible outcomes (Nye, 2011, p. 5).

Nye says that the definition of power rests in the “people’s choice” (p. 5) and “reflects their interests and values” (p. 5). He suggests that “[we] must specify *who* is involved in the power relationship (the scope of power) as well as *what* topics are involved (the domain of power)” (p.6). The “who” can be termed, stakeholders; whereas the “what” can be known as the operating environment, landscape, or areas of operations. Power involves all the actors or stakeholders within context: humanitarians, audience (victim or beneficiary), outside resources (financers, donors, contributors), and antagonists. Soft power has underlying motives but can also have unintended consequences outside of those intentions.

Soft power forms the narrative and persuasive setting for humanitarian action with regard to donors and stakeholders. Framing theory informs the notion of soft power and together, framing and soft power work together as structure and architecture. Put another way, framing messages enable soft power strategies.

**Framing** can have two meanings, according to McQuail (2010). First, it can refer to journalists’ shaping information into familiar news forms and narrative structures. Second, it may examine how publics may react or respond to the frames and whether they correspond to the journalistic framing. Waters (2004) indicates that “news frames are the window in which the news is presented, and the framing includes the packaging and display of the information (headlines, photos, and video footage), as well as the text” (Waters, 2004, p. 699). Story framing involves the “cultural and social norms that are imbedded and communicated within a specific news item” (p. 699). Waters argues that journalists work in a social process that involves his or her individual beliefs, journalistic values and constraints, and organizational demands. A key factor is how audiences receive the and interpret a story, how it relates to their values and mindset, and whether the “story resonates enough for people to act on what they read or see on television” (Waters, 2004, p. 699). The future framing of any issue relies on its first frame because the original framing will be archived and

referenced by journalists in the future. Whether a frame is significant involves how broadly it is disseminated and how successful it is in engaging publics (Waters, 2004).

The next section offers a more detailed definition of soft power, theory, and the extension of that theory. In addition, I will further discuss as it relates to humanitarian organizations. I also explain how framing relates to mass media theories outside the scope of the research

### **B. Expanding The Definition Of Soft Power**

To extend the above discussion of soft power, an example from Dechaine (2002) shares that Doctors Without Borders (*French translation: Medecins Sans Frontieres( MSF)*) concluded operations in 1998 in North Korea, because MSF’s activities had unintended consequences with the following statement: “our assistance could not be given freely and independent of political influence from the state authorities”(Dechaine, 2002, p. 358). Dechaine suggests that the concepts of “humanitarian morality” and “political influence” are not neutral” (Dechaine, 2002, p.358) and that in general MSF has difficulty in “humanitarian and political action” (Dechaine, 2002, p.359). MSF’s dignified exit strategy hinged on the idea that they could exit based upon principles and soft power, and explaining their rationale in detail was unnecessary because these principles were intrinsically associated with MSF.

Framing applies some of Nye’s fundamental “aspects of relational power: commanding change, controlling agendas, and establishing preference” (Nye, 2011, p.10-11). Nye argues that proper framing of actions and ideas may be used to characterize other approaches as inappropriate or ineffective. Further, it may be possible to control the boundaries of what may be acceptable courses of action and keep certain ideas out of the discussion: “Agenda-framing focuses on the ability to keep issues off the table, or as Sherlock Holmes might put it, dogs that fail to bark”(Nye, 2011, p.12).

Nye illustrates three faces of power theory.

<b>First Face</b>	A uses threats or rewards to change B’s behavior against B’s initial preference and strategies. B knows this and feels the effect of A’s power.
<b>Second Face</b>	A controls the agenda of actions in a way that limits B’s choices of strategy. B may or may not know this and be aware of A’s power.
<b>Third Face</b>	A helps to create and shape B’s basic beliefs, perceptions, and preferences. B is unlikely to be aware of this or to realize the effect of A’s power

*Table 1.1 Three Aspects of Relational Power. Nye, Joseph S Jr. (2011). The Future of Power. New York: Public Affairs, p. 14. Note: Format is different than reference)*

Nye argues that an actor can produce the idea of “monopoly (a single seller) or monopsony (a single buyer), [to] gain some power over price. [Actors] can do this by differentiating [their] product through advertising, creating brand loyalty, picking a special location, and so forth. Or in the case of oil-producing countries, agents can try to form a cartel like the organization of Petroleum-Exporting Countries (OPEC).”(Nye, 2011, p.15). Humanitarian organizations could produce the same idea of producing a single choice of persuasion by being the only game in town with a certain service; however, this seems to be a form of expediency or necessity and does not seem to carry the

weight of a persuasive message or a soft power theme.

Humanitarian organizations prefer to work in two areas, in what Arnold Wolfers calls “possession goals—specific and often tangible objectives—and milieu goals, which are often structural and intangible” (as cited in Nye, 2011, p.16). The examples given for possession goals are “access to resources” and “trade agreements”, and milieu goals as “promoting and open trade system, free markets, democracy, or human rights” (Nye, 2011, p.16). Communication networks, both technical and infrastructural, along with social networking are viewed as power and critical in this information age where “positioning in social networks can be an important power resource” (Nye, 2011, p.17). Communications can be viewed as an entity of power by creating a value to connect and control communications between humans, where it may have a gap in services or in person-to-person communications (Nye, 2011, p.17). Shaping preference can result from the communications networks in both the hardware, devices, and global means of communications. (Nye, 2011, p.18).

Legitimacy is a key aspect of power, but plays a larger role in soft power. It often plays upon “enhancing or depriving actors of soft power” (Nye, 2011, p.82). Maintaining soft power credibility (a measure of soft power success) is thought to enhance credibility without the source appearing to manipulate or propagandize. According to Nye, lack of credibility will destroy soft power (Nye, 2011, p. 83).

Soft power is limited at times as a resource to confronting certain situations where other influences of power may be more appropriate or available. (Nye, 2011, p.84). Waging an idea, or waging soft power against an imminent threat, may not be approachable today; however, it may not be unlikely as soft power concepts emerge in the future, and indirect approaches harness a different strategy. Nye (2011) suggests that the conflict over North Korea’s nuclear proliferation program does not readily display a soft power solution (p.84); however, I assume that as the exploration of soft power concepts and frames are more understood, that more apparent solutions will become available.

Hard power and soft power can be confused, especially when speaking about economic relationships (Nye, 2011, p.85); however, it may be more appropriate to call it an indirect approach of compelling others by rules of economic alliances. Relationships may be seen like this in order to gain the benefits of economic unions, such as that of the European Union and the Brussels framework, that require certain country standards as prerequisites to gain acceptance. For example, “Turkey has made changes in its human rights policies and laws on similar grounds” (Nye, 2011, p.85). This may be considered soft power only if, given the facts, economics were used as the catalyst to gain a positive human rights response; otherwise, these are merely prerequisites for possible and likely economic enhancements. Nye aptly states that, “journalists and historians must trace particular processes in detail to disentangle causation” (Nye, 2011, p.86). Humanitarian organizations require an awareness of the current situations and administer a response appropriate with a soft power response.

Strength of soft power derives from what Nye calls the “structural milieu goals or general value objectives” (Nye, 2011, p.84). Nye includes these examples: “promotion of democracy, human rights, and freedom” (Nye, 2011, p.84) as typical for the milieu standpoint. Diffusion of power seems to derive from currently available mass media platforms and provides leverage to “nonstate actors, [and] soft power [to] become an increasingly important part of smart power strategies” (Nye, 2011, p.84). The internet, cell phones, and social networking demonstrate a few of the currently available communications tools.

Sources of state soft power rely on the following resources according to Nye : “ its culture (in places where it is attractive to others), its political values (when it lives up to them at home and abroad), and its foreign policies (when others see them as legitimate and having moral authority)” (Nye, 2011, p.84). Nye uses a metaphor of a dance of “socially constructed” attraction and persuasion working in tandem, that supposes that the soft power potential found in the parentheses above, translates a country’s resources into a behavioral influence of attraction, where both the “target” and “agent” are equally important (Nye, 2011, p.84). In other words, Nye believes that culture, seen as social patterns of behavior, and interacting with power behavior may form a con-

nection that makes them a power resource, or a soft power resource of attraction leading to intended behaviors (Nye, 2011, p.84). States are not the only active entities in the concept of soft power; nonstate, Non-Governmental Organizations (NGO), and terrorists reside within this domain, and have equal opportunity. Humanitarian organizations, having a shared country or kinship with their own state powers, may be able to use those same inherent country attractive principles to their benefit. However, soft power efforts focus more on the target audience to increase themselves as the attractive agent of the relationship. A societal attitude of quick-fixes can run against the effects of soft power because generally soft power takes time, or cannot meet the immediate demands, or are not readily available for crisis action. Soft power has risks and rewards like any other decision that makes its implementation difficult. Soft power can easily be lost, and can be just as significant of an endeavor to regain and recover the trust lost in fouling it up in the first place. (Nye, 2011, p.83)

### **C. Theorizing Soft Power**

Theory of attraction means drawing positive or negative attention or “creating alluring” results (Nye, 2011, p.92). As mentioned above, context and situational variables determine whether actions and messages bring welcome or unwelcome attention and soft power relies on “positive attraction”(Nye, 2011, p.92). Sometimes powerful parties apply hard power tactics in ways that position them in paradoxically vulnerable ways vis-à-vis smaller or weaker parties (p.92). Context relies in some sense on the comparison of hard and soft power entities, and small and large states’ abilities and resources (tangible and intangible). In addition, if powerful agents falsely present themselves as benign, and then are revealed or perceived to be covertly engaging in power behavior, there may be audience backlash (Nye, 2011). Soft power by attraction means that the agent must exhibit the qualities and that the target believes them to exist within the agent.

Nye has been used extensively for defining soft power; however, there are other outlooks and expansions upon the idea and theory. For example, Ozkan & Akgun (2010) help to define soft power as the relationship that Turkey’s government has with Sudan pertaining to the humanitarian crisis and conflict. Ozkan & Akgun (2010) offer that, “quiet diplomacy uses soft power engagement as part of its constructive engagement. It pursues economic and social programs to develop the country in question. Ankara has utilized economic imperatives toward Darfur and this has facilitated Ankara’s work behind doors in urging al Basher to end the conflict [in Darfur]” (p.161). The conclusion reached implies that soft power functions as an engagement to what might be called “quiet diplomacy” (p.162), that encompasses “intensive engagements of civil society organizations, business and official Turkish development and aid agencies in Sudan indicate the level of constructive involvement of Ankara in the country” (Ozkan & Akgun, 2010, p. 162).

This suggests that soft power success depends upon engagements without hard force or hard power and involve a dialogue upon common terms and interests. An inference could be drawn from this study that soft power enhancement involves already having common ground-in this case, a Muslim nation-to-nation exchange of values. In contrast, the U.S. seems to espouse Western values of democracy, the salience of that exchange with Sudan may not be as effective. Additionally, soft power partnerships between nations, say the U.S. and Turkey, for the same objectives in Darfur, could be established with Turkey as the lead soft power agency able to draw upon soft power resources (tangible and monetary) from the U.S., but translated in context using the established and accepted soft power between Turkey with Sudan.

Thieren (2007) elucidates the theory of soft power by comparing humanitarian action and foreign policy as a mixture of both hard and soft power interests. Soft power definition includes the following as explanation: “the precedence of the humanitarian altruistic imperative over self-serving politics keeps humanitarian action within the framework of soft-power foreign policy” (Thieren, 2007, p. 219-220). Moreover, Thieren concludes that soft power is not something negotiable, but rather an imperative and moral duty, not just an exercise in pursuing national interests. Thieren believes that hard power means high politics and soft power mean low politics, thus helping to form his thought or appeal to soft power as moral imperative for everyone; at the individual, group, and political levels (Thieren, 2007, p. 220, Fig. 2: Humanitarian and Foreign Policy Functions).

#### **D. Soft Power And Persuasion**

Persuasion is seen by many as manipulative. It can downplay or enhance certain points. Persuasion based on fraud is perhaps the most negative example as well as hiding information that would otherwise not support one's persuasiveness. When persuasion works well, it is similar to Nye's concept of soft power as attraction. It is the use of argument to influence the beliefs and actions of others without the threat of force or promise of payment" (p.93). He cites persuasion as involving rational appeals, normative appeals, and emotions in message framing and suggests that "attraction, trust, and persuasion are closely related" (Nye, 2011, p.93). Clearly, persuasion depends on developing the appropriate frames for target audiences.

#### **E. Framing Theory**

Entman defines framing as pulling "elements of perceived reality and assembling a narrative that highlights connections among them to promote a particular interpretation" (Entman, 2007, p. 164). Entman (2007) believes completely developed frames contain four functions: "problem definition, causal analysis, moral judgment, and remedy promotion (Entman, 1993, 2004)" (Entman, 2007, p. 164). Additionally, Entman (2007) relates that framing's goal acts to form and change audiences' understanding, using priming as a technique creating audience preferences (Entman, 2007, p.164). Priming serves to present frames initially, if they have not already been introduced, create salience, or generate significance to specific ideas; which seek the target audiences' interaction "to think, feel, and decide in a particular way" (Entman, 2007, p. 164). The audiences define events, based on the facts, and the interpretation by journalists with intended or unintended consequences of bias (McQuail, 2010, p. 380).

According to McQuail (2010) framing theory applied through textual analysis seeks to uncover definite results about the frames applied even if the measurement of those frames is not precise. Framing will involve using narrative structures, language selection, tropes, and other linguistic strategies. (McQuail, 2010, p. 381). Similar to Nye's concept of context, frames' effectiveness and power are highly connected to events and situations and will necessarily change over time. (McQuail, 2010, p. 382).

While theory explores framing as a concept, analysis derives from teasing out those impressions, meanings, and assumptions from the frame(s) (McQuail, 2010, p. 382). However, as McQuail (2010) reminds us citing Kitzinger (2007), hidden frames may be convincingly powerful or conversely, so obvious and transparent that the audience takes their meaning for granted (McQuail, p. 381). Porismita Borah (2011) believes that frames are a means for people to organize and make sense of events and must always emphasize some aspects of reality while downplaying or ignoring others, thus affecting people's perceptions of events and reality (p. 248).

Chong & Druckman (2007) suggest that framing emerges from the fact that individuals may perceive any event or activity from many perspectives. Framing then comes to mean a "process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue" (Chong & Druckman, 2007, p. 104). The expectancy model helps Chong & Druckman (2007) explain attitude as formed from ideal concepts from a number of known established beliefs about something (p.105). Those attitudes are valued over others by having degrees of emphasis upon the differing concepts attending to ideal concepts, and those ideals used to evaluate are known as "frame in thought"(p. 105). Tuchman (1991) also points out that audiences may reject a particular frame if it does not conform to their own experience or their values (p. 90).

Applied to this study, I argue a humanitarian organization operating in Darfur may use frames and soft power to accomplish their goals. Creating a soft power frame means developing a continuing narrative resonating in time, space, culture, attitudes, words, deeds, images, and motivations that appeal and attract others to support humanitarian efforts. Therefore, it assumes a certain point of view that the target audiences find within their own points of view—they point back at each other and affirm each other.

According to Borah's (2011) research involving 93 peer reviewed communication journals, framing research has two sides: "Sociological versus psychological aspects"(p. 247) which through

her research comes to mean that sociologically understanding concerns with the construction of news stories by their words, phrases, images, and the processes that underlie those stories (p.247). In contrast, the psychological aspect demonstrates how people organize and make sense of the world they live within and make sense through their own frames (Borah, 2011, p. 248). Additionally, framing research tends to explore both unique frames and consistent frames. Borah (2011) contends that few framing research examples showed an examination of the “frame production process” (p. 250). With the preponderance of framing research tending towards an affiliated role with priming and agenda-setting, Borah (2011) enumerates the large portion of literature focused on agenda-setting (p. 251). Because Borah (2011) thinks that “value conflict is critical to the link between issue framing and political judgment” (p.251), she researched earlier studies on “mixed frames” that included “strategic versus value framing, loss versus gain, or episodic versus thematic” (p.251). Finally, Borah (2011) argues that “examining moderators, the meditational processes involved in framing are important in understanding framing effects” (p.252).

Borah’s 2011 research concludes with her observation of the tendency for communications literature towards the “sociological aspects by examining message design” (p.255); with most research focused on unique frames (p. 255) concluding that unique framing may not be able to interpret sufficiently with framing concepts and theory (p. 256). Borah’s recommendation for research links “issue-specific frames” with framing theory to answer the following questions: “Does the examination of the issue-specific frames help in methodological development of frame analysis? How does the unique set of frame associate with already developed generic frames in literature?” (Borah, 2011, p. 256). Furthermore, her views on diversity of frames call for studies to define “conceptualizations and operationalizations of that particular study” (Borah, 2011, p. 256). Because of the lack of multiple frames found within the study, Borah recommends their examination in future research (Borah, 2011, p. 257). Her study also highlights that factors or actions forming frames have had little research attention regarding the multitude of influences on framing. She suggests that to gain a better understanding of framing, researchers should investigate how framers emerge (Borah, 2011, p. 256). Moreover, Borah’s (2011) research posits moderators and mediators associated with the media effect to be the predominant method of study (p.257).

Scheufele’s (1999) research critiques much framing research arguing that many studies do not offer clear “conceptual definitions” (p. 103). Scheufele (1999) attempts to resolve some of the deficiencies he finds by proposing a model framing process. His process model of framing research, (Scheufele, 1999, p. 115) demonstrates a four-process continuous method of borrowing outcomes and inputs from previous programs of “frame building; frame setting; individual-level effects of framing; and a link between individual frames and media frames” (Scheufele, 1999, p. 114-115). The diagram suggests that as frame building develops to media frames there has been little research uncovering how that result was determined or what process was followed (Scheufele, 1999, p. 115). Frame setting, on the other hand seems to have more influence with the audiences’ “perceived importance” of an issue than upon the “salience or accessibility” of it (Scheufele, 1999, p. 117). Regarding the individual-level effects of framing, Scheufele (1999) realizes that descriptions of framing effects have been uncovered; however, the causal relationship to “behavior, attitudinal, or cognitive outcomes” (p.117) has not been properly linked or associated. The model also tries to explain the journalist-as audience to say that journalists are affected by the frames they are presented and the frames that they have and use in their work, as well as, their interpretation of those frames (Scheufele, 1999, p.117-118). Scheufele (1999) admits that the model remains an initial step reaching towards an acceptable model and with limitations; however, his efforts to apply a stronger effects orientation to framing are very useful.

In the same article, he borrows from agenda-building research and asks, “what kinds of organizational or structural factors of the media systems, or which individual characteristics of journalists, can impact the framing of new content?” (p. 115). He also suggests that “frame setting” is similar to agenda setting and is related to what is known as second-level agenda-setting. Second level agenda setting is concerned with the salience of different attributes of a frame in a media message (p. 116). Scheufele also discusses the potential individual-level effects of framing, and

identifies “behavioral, attitudinal, and cognitive” variables arguing that the process relationship between these variables has been largely unobserved in research (p. 117). Much previous research appears to link media frames and individual level outcomes apparently overlooking audience adoption of the frames or the extent to which the audience uses the frames for their own understanding (Scheufele, 1999, p. 117). Finally, Scheufele describes the journalist as audience and suggests that journalists are influenced by their own frames (Scheufele, 1999, p. 117). Additionally, it is important to journalists to recognize common frames describing equal content or subjects in other media, and the frames of other media actors affecting a journalist’s ideas about those interpretations (Scheufele, 1999, p. 117).

#### **F. Framing Research Related To Humanitarian Organizations**

Chang & Lee (2010) researched charity advertising to understand how humanitarian frames carried a clear message of transparency and consistency, but also how they represented statistical values (playing with the numbers by displaying them differently) to draw attention and change attitudes that would promote charitable donations (p. 195). Chang & Lee (2010) view framing as “one of two different but equivalent value outcomes to decision makers, where one outcome is presented in positive or gain terms, and the other in negative or loss terms” (p. 197); where this creates in the decision maker as either benefiting or about to make an error in judgment by not reacting to the charitable promotion. They define framing as a “practice of influencing how individuals think and feel about issues by encouraging them to think about the issues in particular ways” (Chang & Lee, 2010, p. 197).

Chang & Lee (2010) suggest that “prospect theory” works to engender positive or negative “consequences” to influence a stronger frame, and enhances the position and persuasiveness of the issues (p. 198). Prospect theory tries to encapsulate a projection of likely outcomes so that the decision maker feels appraised and empowered to make a valid decision. Adding to the framing effect, “vividness congruency” tries to persuade through “concrete information [to attract] more attention than pallid and abstract propositions, and hence increase message scrutiny and persuasion” (Chang & Lee, 2010, p. 199). To gain the effect, one has to show perceivably real information, such as pictures or valid statistics that go beyond broad ethical principles. For charitable organizations to enhance the salience of the issues, the public must be convinced “that the cause is valid, urgent and serious enough to compete with other social problems” (Chang & Lee, 2010, p. 201).

Chang & Lee (2010) concluded that “negative framing is more effective than positive framing” (p. 212), and “presentation is found to increase the effectiveness of charity advertising, but it is not a sufficient factor in facilitation donation intentions”(p. 212). They believe there are important insights into framing for charitable advertising that include selecting the goal to be framed in the message, understanding whether to spin the story as positive or negative, and calibrating any statistics or numbers that supports the framing effects (p. 212). Negative persuasion frames of charitable promotion is more persuasive (p. 212). Additionally, a message aligned with a “vivid presentation” seems to increase advertising effectiveness. Negative frames appear to have more impact when combined with “vivid information that portrays negative outcomes in a concrete personal story” (p. 213). Lastly, Chang & Lee’s (2010) study indicates that toying with the ratio of numbers by representing those numbers as large numerators and denominators can influence the persuasion of the message and instigate the intended behaviors from the audience. (Chang & Lee, 2010, p. 213-214)

Clearly there are substantial controversies about framing research. However, researchers agree that framing theory provides a useful lens through which to examine media messages and potentially their effects on audiences. Moreover, the concept of soft power and its deployment depends heavily on policy actors’ messages, message framing, and persuasiveness as well as the self-perceptions of policy actors.

## **METHODOLOGY**

### **A. Research Approach**

This research will be a case study, an approach that “explores in depth a program, event, activity, process, or one or more individuals” (Creswell, 2009, p. 13). It is time-limited in its collection and analysis of data (Creswell, 2009, p. 13). Jankowski & Wester (1991) view case studies as part of the definition of participant-observation research with the purpose “to describe in fundamental terms various events, situations, and actions that occur in a particular social setting. This is done through the development of case studies of social phenomena?” (p. 61). (Refer to Methodology Schematic, Page 36, Figure 1)

### **B. Characteristics Of Research Approach**

The characteristics of case study research embody the following (derived from Creswell, 2009, p. 175-176): multiple sources of data; theoretical lens; and holistic account. First, multiple sources of data may include: observation, case studies related to humanitarian organizations, documentation from humanitarian organization’s source to donors, and other media outlets of information available. Additionally, the study will use framing theory as its guiding approach and is related to soft power theory in seeking to understand how humanitarian organizations develop their messages. Finally, the holistic account uses the various inputs of data and information to create perspectives and meaning to explain “the larger picture that emerges” (Creswell, 2009, p. 176).

### **C. Research Strategy**

A case study offers an appropriate strategy for two primary reasons. First, it develops the landscape of understanding, individualized to each of the humanitarian organizations. Secondly, case studies as existing artifacts (scholarly journals and other documents already written) add value and information to the study by bringing in more information apart from the organization(s) being studied; that is, third party interpretations. The case study uncovers through research the different humanitarian organization’s interests and activities in Darfur by understanding their messages related to their donors, and existing case studies offer a comparative and expansive set of data confirming other studies and the data received.

The strategy of case study forms questions related to the frames in messages that humanitarian organizations use to communicate with their potential donors. Also, how those frames relate to the definition of soft power, giving humanitarian organizations their appeal and attractiveness to their donor audience. Do the frames fall into the theoretical framework of soft power, or do they fall outside of that framework? The materials and products of examination include: public relations materials, broadcasting transcripts, brochures, interviews, letters and specific media communicated specifically to donors, mission statements, funding campaigns, websites and social media specific to donors.

### **D. The Researcher’s Role**

The researcher’s experience encompasses 13 years of U.S. federal military service in the U.S. Army in combat operations in Afghanistan and Iraq, multi-national exercises in Europe and Northern Africa, and humanitarian relief to Hurricane Katrina in New Orleans, Louisiana. The researcher has worked in the above stated venues with various humanitarian organizations, both nongovernmental and governmental humanitarian organizations. The researcher, through experience and personal contact with humanitarian organizations during military missions and operations believes that humanitarian organizations continuously retain soft power and are able to use framing messages as the vehicle to gain and maintain soft power.

The connection between the researcher and the humanitarian organizations studied will be one of mutual cooperation for information, and objective in approaches for obtaining information. The researcher intends to use public affairs or public relations officials of humanitarian organizations as the source of information and messages. Additionally, the researcher intends to contact and explain

the research to these representatives to gain relevant information into the research question and to gain further insight into the responses, or gain missing and needed information.

The researcher is aware that training in the Institutional Review Board (IRB) may not be necessary; however, the researcher will ensure completion of training to determine and validate the claim. Additionally, IRB training allows for a flexible case study that may entail interviews, if the researcher believes that doing so will shed more light upon the research question.

The following will highlight the steps to be taken in order to secure permission with the humanitarian organizations. Initial research with the humanitarian organizations begins by obtaining a point of contact and general information about the public affairs and public relations personnel and their departments so that they will be contacted. An initial e-mail with the research purpose, scope, question, and researcher's personal information will be disclosed so as to gain permission and support to the topic of study. There is no site proposed; however, if available phone conversations and possible phone interview for information are forecasted as follow-up to information and confirmation of exchanged information. The study is not intended to be intrusive to the humanitarian organizations. The results of the research will be e-mailed to the humanitarian organizations studied. The gatekeepers of the humanitarian organizations will gain insight into their messages, meaning, frames, and soft power.

It is expected that some sensitive materials or subjects may be discussed and that some information may need to protect the source or sources of information. If a humanitarian organization wants to know if the research will disclose their donors by name or by their contribution, this research will not disclose that information, unless written permission is granted, and it is also deemed appropriate for the study. In the case where a humanitarian organization prefers not to be part of the case study, the research will not include them; however, the research will state that they were considered, but removed from study based upon the organizations request. No confidential information will be published or used, unless permission is granted.

### **E. Data Collection Procedures**

The participants or those who provide information to the study consist of the public affairs officers or public relations representatives of the humanitarian organizations studied. The setting of the research for the researcher remains in the academic setting; whereas, those queried for information anticipates participation from the humanitarian organizations headquarters or place of non-profit business. The events that will be observed consist of humanitarian organizations' frame of messages to their donors and potential donors, for support to humanitarian activity in Darfur to be compared and contrasted to find if the frames fall within the theoretical definitions of soft power. The process of gaining relevant materials relies upon documentation from open sources (i.e. internet, library books, journals, and documents) and from volunteered information specific to messages from humanitarian organizations to potential donors.

Pertaining to observations, the method of complete observer consists of exploring through documentation available open sources to reliably draw data from materials relating to the topic of study. Interviews by telephone and, if possible, face-to-face allow for clarification upon the subjects and data explored and help establish meaning from the messages used; and informs decisions about relevant data to the research question. Documents, both public and private enable the researcher to examine messages for language and images. The researcher can unobtrusively gain materials from outside sources that do not conflict with the humanitarian organizations. Audio and visual materials aid in the medium of messages, and assists with understanding the connection between frames and soft power. The researcher uses a journal during research for reflective thoughts and for specific information establishing the veracity of facts about interviews or sources.

The type of information collection involves the following from the existing humanitarian organizations with activity in Darfur:

1. Humanitarian organization mission statement
2. Activity or type of humanitarian relief in Darfur

3. “About Us” information (content from internet)
4. Supporters or donors (content material from internet)
5. Letters, e-mail, general or special correspondence to donors from humanitarian organizations
6. Support materials to the humanitarian support mission in Darfur-general
7. Support materials to the humanitarian support mission in Darfur-specific to donors
8. General information or fact sheets: number of years in Darfur, number of years as a humanitarian organization, website, channels of media representation, spokesperson, etc.
9. Fundraising campaigns and efforts directly and indirectly with donors (i.e. benefits, raffles, dinners, staged events, etc.)

In essence, the researcher searches the internet, library, and other sources for information on humanitarian organizations operating in Darfur and also requests information from the humanitarian organizations about the messages they use with donors. The data consists of open sources and humanitarian organization provided source materials.

## **F. Analysis And Interpretation**

Conducting case studies involves detailing the setting and actors in order to analyze the themes and issues (Creswell, 2009, p. 184). In this case study, understanding the humanitarian activity within Darfur and humanitarian organization’s relationship to their donors requires narrowing the field of information to specifics: message to donors. Furthermore, analyzing the specific themes, within the messages presented to the donors for frames referent to soft power and those that do not fall within the theoretical definition enable analysis in context.

*The following data analysis steps are based upon Creswell (2009), p.184- 190.*

### **Step One: Organize And Prepare**

Organizing and preparing the data will involve using the open source and humanitarian organization-provided source materials and filing them according to the specific humanitarian organization. For instance, all materials for Refugees United, would be organized in file folder with all the materials labeled according to the information collection (1-9), aforementioned.

### **Step Two: Sensing Materials**

Secondly, read through all the material for a general sense of the materials collected and annotate reflections posted inside the researcher’s journal. Put a copy of the journal with the folder on the specific humanitarian organization, and label. Some questions to be answered and written about in the journal are the following (Creswell, 2009, 185-186):

1. What general ideas are the materials suggesting?
2. What are the tones of the ideas?
3. What impression does the depth, credibility, and the use of the information offer?
4. Does this material seem relevant to the research question? Why?

### **Step Three: Coding Process**

Code material according to the specific humanitarian organization’s activity. For instance, categorize the humanitarian organizations according to their activity within Darfur: relocation assistance; food assistance; medical assistance; job assistance; etc. From these categories, sort the messages from the humanitarian organization to the donor, and sort messages from the humanitarian organization to the general population. Recognize that emerging codes may present during steps two and three and coding remains flexible to accommodate and code according to the new or discovered codes.

### **Step Four: Coding To Describe**

Fourthly, use coding to describe the setting and themes of the analysis through the theoretical

definition of framing and soft power definitions using the following to assist in qualitatively evaluating the tendencies and sense of the information gathered:

Code messages as they compare to the theory of framing in the following ways:

- a) specific message frames or familiar frame (McQuail, 2010, p. 557) or “particular conceptualization of an issue” (Chong & Druckman, 2007, p. 104)
- b) “problem definition, causal analysis, moral judgment, remedy promotion” (Entman, 2007, p.164)
- c) story framing (Waters, 2004, p. 699)
- d) hidden frames (Kitzinger, 2007)

Code messages as they compare to soft power theory:

- a) positive attraction (Nye, 2011, p.92)
- b) “three clusters of qualities of agent and action that are central to attraction...: benignity, competence, and beauty” (Vuving, cited in Nye, 2011)
- c) exhibit the qualities of soft power and the target believes them to exist within the agent. (Nye, 2011, p.92)
- d) “to influence the beliefs and actions of others without the threat of force or promise of payment”(Nye, 2011, p.93).
- e) “attraction, trust, and persuasion are closely related”(Nye, 2011, p.93).
- f) legitimacy (Nye, 2010, p.93)
- g) “quiet diplomacy” Ozkan & Akgun (2010)
- h) “coherent agenda uniting humanitarian and political actions.” (Thieren, 2007, p. 220).
- i) moralistic or ethical component of persuasion (derived from Thieren, 2007)

General themes related to the type of soft power persuasion emerge, at the same time, a description of the type of frame appears. Themes and description integrate and combine to assist the researcher with a general description of the soft power message frames from humanitarian organizations to allow for conceptualization and representations of the frames.

### **Step Five: Advance Themes Represented**

Fifth, engage with a narrative to further the explanation of the analysis. Use schematics, words, and images to convey a total picture that assists with understanding and expansion on the research question.

### **Step Six: Interpretation Of Data**

Lastly, convey the lessons learned from the analysis upon the gathered and observed information. Compare framing theory with soft power frames relating to their interconnectedness and from positions of where divergent ideas, themes, and descriptions occurred; and try to assimilate the understanding of those comparisons. Additionally, offer more questions that were not considered and generate ideas for future research in the area or an expansion upon the topic covered. (Refer to Schematic of Interpretation of Data, page 36, Figure 2.)

### **G. Reliability, Validity, And Generalizability (Creswell, 2009, p. 190-193)**

Qualitative reliability depends upon documentation during the research and procedures. Transcripts and documentation are validated by the researcher for errors and mistakes that may be present. Ensure coding remains consistent and the definitions established do not change throughout the research. Share with the coders, precise definitions and interpretations to ensure that these also remain consistent in their analysis. Independently, check coding from one group to another during the process.

Validity accounts for the checking the accounts submitted or gained from humanitarian organizations against other credible information that is independent information from other sources. Check with the humanitarian organizations about the representations offered by asking questions to

clarify meaning when it may be determined that meaning and descriptions are unclear.

Identify the biases of the researcher, participants within the experiment, and coders. Offer explanations as to how generalizations, inferences, and understanding were reached. Put forward the researcher's background, gender, culture, history, career, and other demographics to ensure disclosure and openness about any biases that may or may not be expressly formed.

Discuss any accounts or instances when the results or research diverged or other alternate perspectives running counter to the research appear. Confer the various controversies in technique and theory about framing and those suggested about soft power to add to the discussion and help establish a holistic approach.

Review findings and analysis with those credible in mass media research, outside researchers in other disciplines, humanitarian organizations and their practitioners.

Use generalizability to indicate meaning only to concepts in their proper context. The case study about humanitarian organization's message frame with donors about Darfur narrows in conceptualizations related to this context as it applies to framing theory and soft power frames. To account for these particulars, use the comparison of other case studies as a baseline indicator for generalizability so that it maintains consistency within the proper context being researched.

## **H. Reporting Findings**

The report uses a narrative and descriptive format with concept sketches and pictures to create a holistic approach and confer the researcher's experiences, observations, and conclusions. The report will include future research recommendations and questions that might be asked of a researcher conducting the same type of research. The findings shall be furnished to the participating humanitarian organizations, coders, and the University of Missouri for review and approval.

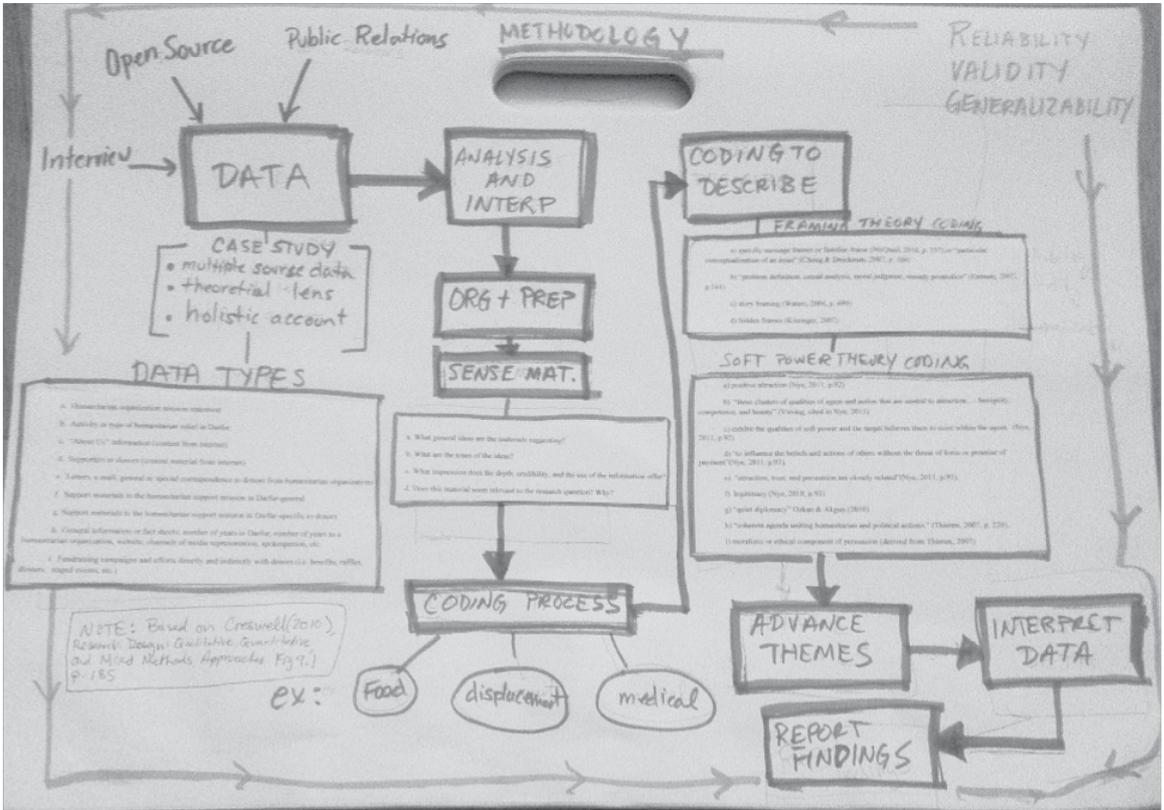
## **PROPOSAL CONCLUSIONS**

The importance of the research relies upon discovering the support, interest, and commitment that may be obtained regarding the humanitarian situation in Darfur through the use of humanitarian soft power and message frames aimed at potential donors. Without specific frames alluding to supportive and persuasive attitudes toward the situation and the humanitarian action required in Darfur, the protections for non-combatants would go unnoticed and unresolved. The research question asks: How do humanitarian organizations frame their messages to their intended audience; that is donors and potential donors, for support to humanitarian activity in Darfur, and do these frames fall within the theoretical definitions of soft power? From this question the methods of message frames and soft power theory demonstrate how communication assist humanitarian support donor responses. Ultimately, the framed messages convey attitudes of support for those qualified humanitarian professionals able to administer humanitarian assistance at the right place and time within Darfur.

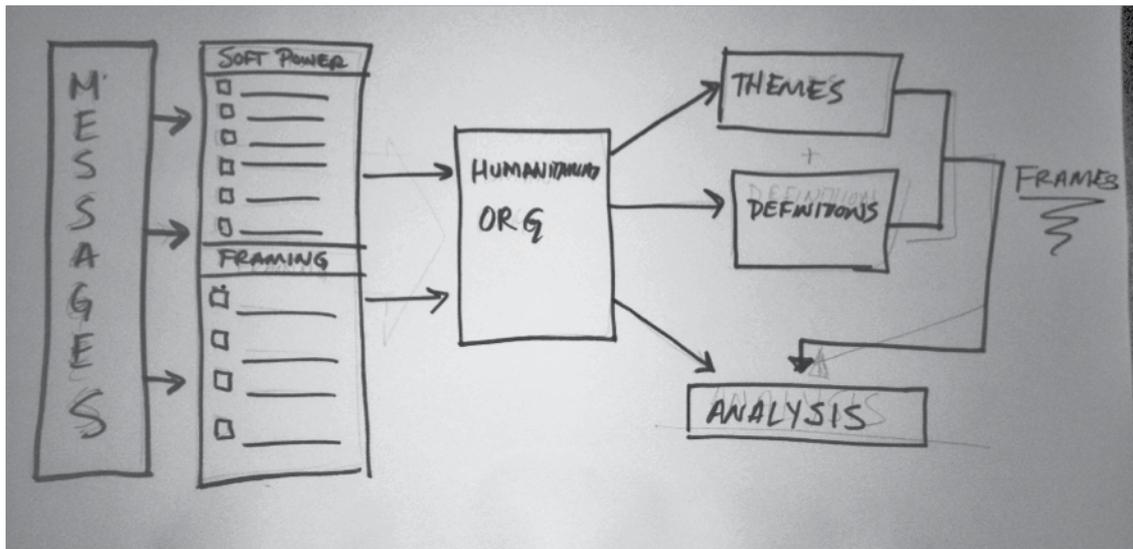
Creating soft power frames helps develop a continuing narrative resonating in time, space, culture, attitudes, words, deeds, images, and motivations that appeal and attracts support for the humanitarian efforts. Therefore, it assumes a certain bias that the target audiences, donors, find within their own biases—they point back at each other and affirm each other. The research question informs humanitarian organizations about their own soft power frames and those of other humanitarian organizations, while at the same time acknowledging a reflection of donors to the organizations and vice versa. Finally, humanitarian framed themes and definitions allow analysis of various message roles explaining: message salience, persuasiveness, and institutional soft power.

The limitations of study derive from the participation of humanitarian organizations, and the short time for data collection and explication. The research question explores donors from the initiating message-sender and not on the receiver. The receiver, that is, the donor is not involved in the process of explication, therefore a limitation in scope of the study. Additionally, the research's aim is not to specify how messages are formed from inception to completion, but rather to understand the messages themselves.

Areas of further research would involve studying how messages are formed by humanitarian organizations to engender soft power or frame a specific soft power message to gain specific behavior effects. Another area of exploration involves understanding the specific outcomes of public relations humanitarian campaigns compared with specific PR tactics and goals with donor response in monetary commitments. Another areas of exploration involves understanding the hidden frames or those frames left out of the messages to understand why those choices were made and which messages are considered offensive or negatively affect a frame or message. Finally, future research could focus on the interconnection between the humanitarian organization, donor, and the recipients of the service or humanitarian action to see if there is a universal soft power frame or description involving all three elements.



Methodology Schematic, Figure 1, Wisniew.



Interpretation of Data, Figure 2, Wisniew.

---

## References

- Barber, R. (2009). Facilitating humanitarian assistance in international humanitarian and human rights law. *International Review of the Red Cross*, 91(874), 371-397.
- Borah, P. (2011). Conceptual Issues in Framing Theory: A Systematic Examination of a Decade's Literature. *Journal of Communication*, 61, 246-263.
- Chang, C.T., & Lee, Y.K. (2010). Effects of message framing, vividness congruency and statistical framing on responses to charity advertising. *International Journal of Advertising*, 29(2), p. 195-220.
- Chong, D., & Druckman, J.N. (2007). Framing Theory. *Annual Review Political Science*, 10, 103-126.
- Creswell, J.W. (2009). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. 3rd Ed. Los Angeles, CA: Sage.
- Dechaine, Robert D. (2002). Humanitarian Space and the Social Imaginary: Medecins Sans Frontieres/Doctors Without Borders and the Rhetoric of Global Community. *Journal of Communication Inquiry*, 26(4), 354-369.
- Entman, R.M. (2007). Framing Bias: Media in the Distribution of Power. *Journal of Communication*, 57, 163-173.
- International Committee of the Red Cross. (29-10-2010 Overview). War and international humanitarian law. Retrieved from: <http://www.icrc.org/eng/war-and-law/overview-war-and-law.htm>. (2011, 27 August).
- Iyob, R., & Khadiagala, G.M. (2006). *Sudan: The Elusive Quest for Peace*. Boulder, CO: In-

ternational Peace Academy.

Jankowski, N.W., & Wester, F. (1991) "The Qualitative Tradition in Social Science Inquiry: Contributions to Mass Communication Research." Ch. 2 from Jensen & Jankowski (eds.). *A Handbook of Qualitative Methodologies for Mass Communication Research*. New York, NY: Routledge.

Nye, J.S., Jr. (2004). *Soft Power: The Means to Success In World Politics..* New York: Public Affairs.

Nye, J. S., Jr. (2011). *The Future of Power*. New York: Public Affairs.

McQuail, D. (2010). *McQuail's Mass Media Communications Theory* (6th ed.). London: Sage Publications Ltd.

Manzo, K. (2008) Imaging Humanitarianism: NGO Identity and the Iconography of Childhood. *Antipode*, 40 (4), 632–657.

Ozkan, M., & Akgun, B. (2010). Turkey's Darfur Policy: Convergences and Differentiations from the Muslim World. *Insight Turkey*, 12, 4, 147-165.

Ryfman, P. (2007). Non-governmental organizations: an indispensable player of humanitarian aid. *International Review of the Red Cross*, 89, 865, 21-45.

Scheufele, D.A. (1999). Framing as a Theory of Media Effects. *International Communication Association*. Winter, 103-122.

Thieren, M. (2007). Health and foreign policy in question: the case of humanitarian action. *Bulletin of the World Health Organization*, 85, 3, 218-224.

Tuchman, G. (1991) "Media Institutions: Qualitative methods in the study of news." Ch. 3 from Jensen & Jankowski (eds.). *A Handbook of Qualitative Methodologies for Mass Communication Research*. New York, NY: Routledge.

Waters, Ken.(2004). Influencing the Message: The Role of Catholic Missionaries in Media Coverage. *The Catholic Historical Review*, 90 (4), 697-718.





# Fort Leavenworth Ethics Symposium 2011

## *Applying the Professional Military Ethic Across the Spectrum of Operations*

### Symposium Report

*edited by*

*Mark H. Wiggins and Chaplain (Maj.) Larry Dabeck*

The 2011 Fort Leavenworth Ethics Symposium was conducted at Fort Leavenworth, Nov. 7-10, 2011. This report is the complete collection of papers presented for the symposium.

This conference was sponsored by the CGSC Foundation, Inc.

For more information about the Fort Leavenworth Ethics Symposium contact:

**U.S. Army Command and General Staff College**

**leavcgscpao@conus.army.mil**

**www.cgsc.edu**

**CGSC Foundation, Inc.**

**office@cgscf.org**

**www.cgscfoundation.org**



CGSC Foundation Press