

KEVLAR FOR THE SOUL: THE MORALITY OF FORCE PROTECTION

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In the opening days of the 2003 invasion of Iraq, then Lt. Nathaniel Fick led twenty-two Recon Marines as part of an attack on an Iraqi military airfield at Qalat Sukkar.¹ The original plan called for The British Parachute Regiment to assault the airfield following a U.S. Marine recon to assess the suspected presence of a significant Iraqi defensive threat, including tanks and anti-aircraft guns. However, after an all-night drive in total darkness, without headlights, aided only by the grainy green fields of night-vision goggles, through enemy territory, and far forward of any supporting American position, Fick and his dog-tired Marines arrived at the rendezvous point just before dawn to find that plans had changed. With American reconnaissance behind schedule, the British assault could not receive authorization to proceed. A reasonable precaution, Fick assumed the attack would simply be delayed until the scouting could be completed. This was not to be. Instead, it was ordered that the Recon Marines, in only light-skinned Humvees and with no preparation or assessment time, would attack the airfield immediately. Despite being several days into the war and having already experience close combat, Fick recalled feeling, for the first time, genuine fear - not over possibility of battle but rather at the prospect that his commanders might be making choices under the same stress and fatigue that had left him and his Marines exhausted.

The plan was unsophisticated. The Marine Humvees would rush down the primary access road to the airfield, smash through the front gate, spread out and engage enemy forces in and around the airport structures before consolidating again on the main runway beyond. Just as the assault began, however, company command radioed yet another change: any personnel on the

airfield were now declared hostile. Such an order annulled the normal rules of engagement constraining the Marines to fire only if fired upon or after having identified unambiguous military targets. In its stead, the “declared hostile” order effectively rendered the airfield a free-fire zone – there no longer *were* any rules of engagement. Instinctively, Fick grabbed his radio handset to countermand the decree and order his platoon to adhere to their standard rules of engagement. But he stopped: in the heat of an attack already underway he overruled the urge, trusting that his company leaders had new information that justified the change and that there simply was no time to share it.

Cue the terrible consequence:

A machine gun [in the Marine vehicle] in front of us fired a short burst. I caught a blurred glimpse of people, cars, and camels running through the brush...A garbled radio transmission warned of “muzzle flashes...men with rifles.” Something near the people flashed, but we were already beyond them, sprinting for the runway.ⁱⁱ

The Marines quickly overran the airfield only to discover that it was deserted and clearly had been for some time. The attack over, they positioned themselves in a defensive perimeter and began digging in. After some time, there was movement in the distance. Five figures approached: two women were dragging a bundle wrapped in blankets while behind them three men pulled another. Intercepting them, the Marine’s discovered the enshrouded objects were two wounded Iraqi children; one already near death, his life leaking away through the four holes punched through his abdomen. As the combat medic began triage, it became clear the children had been hit with 5.56 mm rounds. Fick explains:

The only such rounds in Iraq were American, and the only Americans there were us. In horror, I thought back to our assault on the airfield a few hours before. The pieces fell into place. Those weren’t rifles we had seen but shepherd’s canes, not muzzle flashes but the sun reflecting on a windshield. The running camels belonged to these boys. We’d shot two children.ⁱⁱⁱ

The platoon responded. With the corpsman insisting one boy would die without immediate surgery while the other might linger before infection claimed him, the men staged a small-scale mutiny against initially indifferent senior officers before finally securing an evacuation to a U.S. field hospital where the children would be treated by a shock-trauma platoon. Afterward, Fick brought his Marines together and commenced with a simple acknowledgment: “Fellows,” he admitted, “today was fucked-up, completely insane.” Fick knew they had gotten lucky. A single well-camouflaged tank could have taken out their entire platoon. That the airfield looked as if it had not been used in years brought no comfort. They had been sent on the attack blind, despite the viability of delaying until proper reconnaissance was completed. Compounding their anger, because of the faulty intelligence assuming heavy resistance they were granted the “compensation” of the free fire allowance to mitigate the additional risk. Fick confessed his own failure in letting the ‘declared hostile’ order stand and acknowledged that this mistake colluded with several other errors to result in the shooting of innocents.^{iv} When everything that could be said was said, the Marines then did the only immediate thing left for them to do.

They grieved.

But something more transpired in the course of that sorrowful day: above all else, Fick committed himself to reconfigure his own goals. His men had been issued incompetent orders and were then left to suffer the consequences of other people’s poor judgment. Much had conspired against them: foolish tactics; rash deployments of force too often needlessly putting warfighters at increased risk and thereby encouraging the substitution of more aggressive, and often immoral, rules of engagement; apparent indifference to the fate of non-combatants; and the subterfuge of enemy fighters who regularly traded military uniforms for civilian attire to make

hash of coalition target selection and thereby amplify risk to the innocent. Nevertheless, “Technical details aside,” Fick insisted, “We were U.S. Marines and Marines are professional warriors fighting for the greatest democracy in the world. We don’t shoot kids.”^v It was no longer enough now to simply win the fight and bring his men home. Fick realized he owed it to them to help them fight their bit of the war while maintaining their honor and humanity in order “to get them home physically *and* psychologically intact.”^{vi}

This paper explores what appears to be a pair of dilemmas uncovered by Fick. On the one hand is the commitment to protect the innocent in war. Naturally, both the classic just war tradition and, more broadly, the international war convention – in Walzer’s phrasing those “norms, customs, professional codes, legal precepts, religious and philosophical principles, and reciprocal arrangements that shape our judgments of military conduct”^{vii} - mandate target discrimination, but, more than this, each also requires that warfighters accept certain personal risks rather than harm civilian noncombatants. On the other hand, there is the obligation, incumbent upon the state itself all the way down to the individual fireteam leader, to protect one’s own military personnel. In any war these commitments will often clash – in the asymmetrical conditions of counterinsurgency, enemy tactics intentionally cultivate and exacerbate this clash from a simple tension to something more like a contradiction. This illuminates the second dilemma. Seen especially through the lens of the by now familiar psychiatric condition known as moral injury, the increased risk of inadvertently maiming or killing the innocent, especially children, bifurcates the idea of force protection into two distinct, if inseparable, domains: that which cares for the warfighter’s physical wellbeing and that which protects their psychological health – or, in its more proper, if now ancient, rendering: their soul.

The realization that war can be morally eviscerating is as old as war itself. Although the idea that combat occasions moral and ethical challenges that, even in optimal operational environments, can lead to perpetrating, failing to prevent, or bearing witness to acts that transgress deeply held beliefs is no new wisdom, empirical and theoretical research surrounding the sequela known as moral injury as a proposed, if controversial, sub-set of PTSD is only in its infancy and key concerns remain inadequately addressed, among them the relationship between moral injury and the normative dimension of the act of killing.

Deepening the crisis, clinical studies suggest that having killed in combat is *the* chief predictor of PTSD, over even threats to life or the intensity, duration, or repetition of combat.^{viii} Neither the circumstances surrounding the killing nor the emotional state of the killer turn out to be absolutely essential factors. Whether occurring in the commission of an atrocity, prior to the accidental killing of a non-combatant, or preceding the felling of an enemy within the laws of war the act of making an independent decision to kill another human being, insists David Grossman, and “watching as he dies due to your action combine to form one of the most basic, important, primal, and potentially traumatic occurrences of war.”^{ix} Subsequent to such a trauma, and manifesting more specifically in the experience of remorse, sorrow, or guilt rather than fear or hypervigilance, moral injury has come to be recognized as a, or even *the*, chief predictor of suicide among combat veterans.

Thus, drawn along this trajectory, there seems to be a direct line between killing in combat and warfighters dying by their own hands at troubling rates, casualties of war even long after their firefights have ended. While suicide is the most extreme consequence, many individuals who struggle with having taken another life identify that because killing, even in war, transgresses moral or religious beliefs, they suffer a profound sense of dissonance and internal

conflict^x that manifests in higher symptoms on most mental health and functional impairment measures including not only PTSD symptom but those associated with peritraumatic dissociation and functional impairment in addition to manifesting increased rates of violent behavior,^{xi} alcohol abuse, uncontrollable anger, marital and other relationship problems, frequent job turnover, and excessive risk-taking.^{xii}

However imposing such challenges, conceptual resources nevertheless already exist to help warfighters deal with the trauma of killing in combat – chief among them, in my estimation, is the classic just war tradition whose nascent roots are found in Ambrose and Augustine, find greater maturation in Thomas Aquinas and the neo-scholastics, and stretch forward to Paul Ramsey, Jim Johnson, Jean Bethke Elshtain, and Nigel Biggar. Within this tradition are rendered, among other things: guidelines and limits; exhortation toward particular character dispositions; crucial distinctions between moral and non-moral evil; and the location of moral judgment in intention rather than simply outcome alone. Such ideas oppose the notion that killing is simply *malum in se* – wrong in itself; recognizing rather that killing comes in different kinds: including that which is simply innocent as well as that which – however tragically – is morally commendable. While such resources provide invaluable help with, most especially, the lawful killing of lawful enemies, they can, as well, go some distance in helping warfighters navigate more complex traumas like the accidental killing of non-combatants. But they cannot go all the way and conceptual frameworks alone will always be impotent in preventing moral injury, or the conditions for moral injury, in certain especially morally eviscerating circumstances.

To cite one example of such limited efficacy, the Israeli philosopher Noam Zohar rightly notes that permission for the unintended killing of non-combatants is commonly provided through referral to the doctrine of double effect. But Zohar also notes that gestures toward double

effect as advocated in some resources, such as the articulation of the law of warfare found in the 1907 Hague Conventions, can result in particularly perverse permissions: allowing, for example, that the attacker may, despite the presence of innocents in a combat zone, do anything that it would be permissible to do if there were no innocents there subject to the restrictions of proportionality. The problem, as Zohar has it, correctly in my judgment, is that under such guidelines there is no compulsion for a combat planner to choose equally mission effective alternatives that would result in fewer or even no non-combatant casualties over a strategy that would result in significant innocent deaths so long as the threshold of proportionality had been met.^{xiii} This is morally obtuse and, gratefully, there are better renderings of double effect that stipulate additional limits, say, of necessity – in the sense that the bad effect is unavoidable, that is, the good effect genuinely *cannot* be attained otherwise.^{xiv}

But even if these additional principles were inaugurated there would still be the question of whether the more moral alternatives, even if equally effective, are also at least roughly equal in permissible costs regarding any or all of a spectrum of values: either financial, strategic, or time resources, or, most relevant here, in higher risk to our own warfighters. Deliberating which costs are worth paying to better secure the lives of the innocent will always prove deeply complex and must be undertaken, and the conclusions embraced, by the responsible agents at all levels in the organizational culture of the military – from the lowest ranked individual fighter likely shouldering a substantial portion of the possible costs to the highest officers and their civilian overseers.

But if conceptual resources cannot independently go the distance of preventing moral injury in certain cases neither can the practical ones. Prior to the start of the war, Lt. Fick stood in the Kuwaiti sands of Camp Matilda listening to an address by Lieutenant General James

Conway, the commanding general of the first Marine Expeditionary Force. Conway's theme was the rules of engagement and he emphasized four points: first, commanders had a legal and ethical responsibility to defend their Marines; second, when the enemy used human shields or intentionally brought the battle to population centers he, not U.S. warfighters, was responsible for endangering them; third, commanders would be held responsible for the facts as they appeared to him in good faith under the given circumstances – not as they were revealed after an investigation; and, finally, fourth, the general took the opportunity to distill the rules of engagement to their essence, essentially proportionality and discrimination.^{xv} In those early days, Fick found this guidance, in his words, pure gold; perceiving the ROE to be to the minds of his Marines what armor was to their bodies. This follows Vietnam combat veteran Karl Marlantes' colorful assertion that such preparatory instruction helps to provision warfighters with a spiritual combat prophylactic^{xvi} or, in my own perhaps more sermon-ready locution, armor for the soul.

After Qalat Sukkar, however, the limitations were made plain. Fick realized that the shooting of the two Iraqi children occurred well within the given rules of engagement, there would be no command investigation, no questions asked; but he also recognized that his Marines would carry the burdens of that day for the rest of their lives.^{xvii}

This brings us to consideration of what Martin Cook has described as “the implicit moral contract between the nation and its soldiers.”^{xviii} Cook means here something more than the merely legal contract in which pay and benefits are spelled out; he means that kind of constructed social contract in which is articulated the relationship and attendant responsibilities between the contracting parties. The terms of these responsibilities make plain that military personnel live in a unique moral world:

They exist to serve the state. The essence and moral core of their service is to defend that state through the management and application of violence in defense of the territorial integrity, political sovereignty, and

vital national interests of that state. Their contract has an “unlimited liability” clause – they accept...the obligation to put their lives at grave risk when ordered to do so.^{xix}

Of course, the contract also requires that they kill enemy human beings when lawfully ordered to do so. In return, the state owes warfighters the confidence of knowing that they will only be called upon for morally legitimate and weighty causes and with the implicit promise that the circumstances under which they are being called to kill and risk death are such that the defense of the sovereignty and integrity of the nation, or the careful extension of its national interests, truly requires their action.^{xx}

To bring the accidental killing of non-combatants back into view, in light of the state’s moral responsibilities, and despite the fact that the preservation of innocent foreign nationals will always be a priority for at least politically expedient if not moral reasons, I note Cook’s correct assertion that “even the concern with protection of innocents will probably be secondary to force protection of our own troops.”^{xxi} Some of this is also due to political expediency and American political leaders concluding that the deployment of American military force will be politically acceptable only if American casualties are kept to a minimum; in this, they arguably register the pulse of the American public for whom the standard of acceptable conflict is essentially “immaculate war.”^{xxii} However much this vies against traditional just war concerns regarding the lives of non-combatants, the prescience of the observation is almost certainly true – and Cook presents the NATO bombing campaign over Kosovo as exhibit one.

In the Kosovo operation, despite repeated emphases on precision targeting aimed at minimizing civilian casualties and damage to civilian structures and property, Cook notes that the precision would surely have been much higher had the coalition aircraft operated at altitudes lower (and more risky) than 15,000 feet. Moreover, the decision to adopt a no-boots-in-the-mud airpower-only campaign (and announce it in advance) surely lengthened the conflict and did

nothing to bring a cessation of the on-the-ground atrocities that prompted the conflict in the first place. Cook observes:

Since those small and dispersed units on the ground were not very susceptible to effective targeting, given the chosen weapons platforms and tactics NATO implicitly embarked upon a war of attrition against Serbian infrastructure. No matter how precise the weapons employed, widespread destruction of national infrastructure is inherently an indiscriminate attack on the whole population.^{xxiii}

In summary, then, with Kosovo the idealistic humanitarian intentions were hamstrung by a commitment to force protection to a degree that restricted effective tactics able to end atrocities and promoted tactics that likely heightened the misery of the very people we were trying to help.^{xxiv} While such tactics might make some sense in light of the state's responsibilities to care for its own warfighters, one has to ask, in light of moral injury, what does force protection finally mean?

As darkness fell over the airfield at Qalat Sukkar, Lt. Fick sat alone in the dim green light of the radios. He felt sick for the wounded shepherd boys, for his Marines who abetted in their wounding, and for himself, not in self-pity but for the "kid who'd come to Iraq. He was gone."^{xxv} But as I have already noted, his remorse was marbled with resolve: even if it meant increased risk, his Marines would fight their little piece of the war with honor and in retention of their humanity.^{xxvi} In just this way, this paper, like Fick, gestures toward a simple but perhaps paradoxical commitment: force protection must now be more deeply reconfigured to include both physical and psychological preservation and to allow that the psychological preservation will likely require tactics that increase physical threat.

This does not mean that I am not looking for a fair fight nor am I suggesting that we take every risk in limiting harm to non-combatants. There is nothing in the just war tradition that prohibits so overwhelming an enemy challenge that, for all intents and purposes, the enemy has

no real chance of defeating you – if our jet fighters can destroy enemy aircraft before their radar systems can even detect our presence, all to the good. If a belligerent nation so conducts themselves so as to provoke a response of justified force sanctioned – obligated – by the just war tradition then respond with force we must – even if our enemy’s warfighting ability, compared to our own, results in the equivalent of their bringing a knife to a gunfight.^{xxvii} But because veterans often lament that while prior to deployment their lethal abilities were refined their ethical understanding of killing was not they regularly enter combat with a commonly held assumption: killing is wrong but in war it is necessary. If this is the case, then compliance with the ROE is never going to be enough to prevent moral injury because the very business of combat is perceived to be morally injurious. Against this belief, those charged with the moral formation of our warfighters must employ conceptual frameworks – such as the classic just war tradition – that can disabuse warfighters of false moral notions and replace them with those more normatively sound. But because these conceptual truths must navigate reality, they must be accompanied by rules of engagement that aid warfighters in maintaining fidelity to proportionality and discrimination.

In closing, I turn to an anecdote featuring General George Marshall’s commencement address at Trinity College, Hartford, on June 15th, 1941. In his comments he drew a parallel between the role of Trinity College and that of the United States Army, both which provide in their own manner patriotic service to the nation. Trinity accomplished this, in part, by attending not simply to the technical academic preparation of its students but to the spiritual needs required of them to be participatory citizens in distressing and unpredictable times. Of the Trinity student, Marshall noted, "Their period of development here not only vitalized the faculties of their minds but also aroused and intensified those latent forces of the soul that the ordinary educational

process sometimes fails to reach". In his own martial universe, the General noted, the word "soul" would be replaced with "morale."

Like the vocation of the university, Marshall continued, the War Department of the United States had an obvious and perhaps not-so-obvious dual concern. Instead of a University's production of scholars, the War Department might easily be thought to be concerned only with the "development and perfection of ... a war machine." One thinks mainly of "the production of bombers, of pursuit ships, of tanks, howitzers, rifles and shells." But, the General insisted, underlying "the essentially material and industrial effort is the realization that the primary instrument of warfare is the fighting man." He continued:

So we progress from the machine to the man and much of our time and thought and effort is concentrated on the disposition and the temper and the spirit of the men we have mobilized and we get back to the word "morale."...Today war, total war...is a long drawn out and intricately planned business and the longer it continues the heavier are the demands on the character of the men engaged in it...The Soldier's heart, the soldier's spirit, the soldier's soul, are everything. Unless the soldier's soul sustains him he cannot be relied on and will fail himself and his commander and his country in the end.^{xxviii}

The effort to prevent this failure is not a martial task alone. Those public institutions charged with the moral formation of those young people from whom future warfighters are drawn – schools, faith communities, families, and the like – must take up their role as well. First, by becoming willing to accept increased risks to our deployed sons and daughters and by shuffling off their insistence for immaculate war but also by so forming these boys and girls that they grow to be the kind of man or woman willing to pay such increased costs. Such formative measures must take place *before* deployment, for just as the time to develop a sexual ethic is not the backseat of a car so too is boot camp not the time to consider the ethics of killing. They must also be continued *during* deployment, in the ongoing maintenance of bodies and souls in the chaos and din of battle. But they must continue *after* deployment as well. Steve Irwin, the late

Australian wildlife expert and television personality, once noted that before jumping on the back of a crocodile you had better have a plan for jumping off, inadvertently analogizing the importance of knowing how to bring our warfighters home and having already prepared a place to which combat veterans can return and find holistic care going beyond simply psychiatric treatment and therapy. In helping to identify the tension between protecting non-combatants and force protection, and in expanding our understanding of the latter, this paper hopes to help inaugurate reflection on how to help warfighters endure the morally bruising environment of combat without, themselves, becoming irreparably morally bruised.

ENDNOTES:

ⁱ Captain Fick, then lieutenant, led a platoon of First Reconnaissance Battalion Marines – a Marine Corp special operations unit and a leading element of the American invasion of Iraq in 2003. The events described here are drawn from his memoir *One Bullet Away: The Making of a Marine Officer* (Boston, Mass.) Houghton Mifflin Co., 2006, pp. 234-242. The platoon's experiences, including the assault on the airfield, are also recorded in the book *Generation Kill* by Rolling Stones reporter Evan Wright, expanding on his three-part series in the magazine. Wright's book was later made into an HBO mini-series by the same name.

ⁱⁱ Nathaniel Fick, *One Bullet Away: The Making of a Marine Officer* (Boston [Mass.]: Houghton Mifflin Co., 2006), 234.

ⁱⁱⁱ *Ibid.*, 239.

^{iv} *Ibid.*, 242.

^v *Ibid.*

^{vi} *Ibid.*, 241.

^{vii} Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 44.

^{viii} See for example: Shira Maguen et al., "The Impact of Killing in War on Mental Health Symptoms and Related Functioning," *Journal Of Traumatic Stress* 22, no. 5 (October 2009): 435–43; Brett T. Litz et al., "Moral Injury and Moral Repair in War Veterans: A Preliminary Model and Intervention Strategy," *Clinical Psychology Review* 29, no. 8 (December 2009): 695–706; Maguen et al., "The Impact of Killing in War on Mental Health Symptoms and Related Functioning"; Shira Maguen et al., "Killing in Combat May Be Independently Associated with Suicidal Ideation," *Depression & Anxiety (1091-4269)* 29, no. 11 (November 2012): 918–23; Shira Maguen et al., "Killing in Combat, Mental Health Symptoms, and Suicidal Ideation in Iraq War Veterans," *Journal of Anxiety Disorders* 25, no. 4 (May 2011): 563–67; Shira Maguen et al., "Killing and Latent Classes of PTSD Symptoms in Iraq and Afghanistan Veterans," *Journal of Affective Disorders* 145, no. 3 (March 5, 2013): 344–48; Rachel M. MacNair, "Perpetration-Induced Traumatic Stress in Combat Veterans," *Peace and Conflict: Journal of Peace Psychology* 8, no. 1 (2002): 63–72.

^{ix} Lt Col Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (E-Reads, 2010), loc. 883.

^x Maguen et al., "Killing in Combat May Be Independently Associated with Suicidal Ideation," 921; While there are other possible mediators at play and acknowledged limitations in the research methodologies, it remains that better understanding the experience of killing in war is important if we hope to assist combat veterans in coping with their wartime experiences and to better understand the growing problem of suicide among our returning war fighters.

^{xi} Maguen et al., "The Impact of Killing in War on Mental Health Symptoms and Related Functioning," 443.

^{xii} Litz et al., "Moral Injury and Moral Repair," 697.

^{xiii} Noam Zohar, "Risking and Protecting Lives: Soldiers and Opposing Civilians," in *How We Fight: Ethics in War*, ed. Helen Frowe and Gerald Lang, 1 edition (Oxford: Oxford University Press, 2014), 157.

^{xiv} Such a stipulation is clearly stated at the classical headwaters of the doctrine of double effect in Thomas Aquinas' *Summa Theologica*, (II-II, Q. 64, 7, co.) and is carried forward in Paul Ramsey and, most recently, Nigel Biggar, particular *In Defence of War*.

^{xv} Nathaniel Fick, *One Bullet Away: The Making of a Marine Officer* (Boston [Mass.]: Houghton Mifflin Co., 2006), 182.

^{xvi} Karl Marlantes, *What It Is like to Go to War* (New York: Grove Press, 2011), xi.

^{xvii} Fick, *One Bullet Away*, 2006, 242–243.

^{xviii} Martin L Cook, *The Moral Warrior: Ethics and Service in the U.S. Military* (Albany, NY: State University of New York Press, 2004), 123.

^{xix} *Ibid.*, 123–124.

^{xx} *Ibid.*, 124.

^{xxi} *Ibid.*, 126.

^{xxii} *Ibid.*, 117.

^{xxiii} *Ibid.*, 127.

^{xxiv} *Ibid.*

^{xxv} Fick, *One Bullet Away*, 2006, 243.

^{xxvi} *Ibid.*, 241.

^{xxvii} Some observers argue that the prudential consideration of “proportionality” within the just war tradition does, indeed, demand a “fair fight.” But this is a misunderstanding of the criterion. Proportionality mandates not that one only fights within the means of their enemy but that the harm brought to bear to prosecuting’s one’s just cause is proportionate to the harm suffered and is commensurate not only with defeating the enemy but also in having the best possible chances of bringing about, when the smoke clears, the sought after goal of peace.

^{xxviii} George Marshall, “Speech at Trinity College,” in *The Papers of George Catlett Marshall: “We Cannot Delay,” July 1, 1939-December 6, 1941*, ed. Larry I. Bland, vol. 2 (Baltimore: Johns Hopkins University Press, 1986), 535.

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