Chapter Ten

The Warrior's Code Today: Do We Need New Ethics of War?

Warrior's codes can be construed in a wide variety of ways to reflect the core values of diverse cultures, as we have seen in the preceding chapters. In Chapter One, "Why Warriors Need A Code," I argued that the purpose of a code is to *restrain* warriors, for their own good as much as for the good of others. Therefore the essential element of a warrior's code is that it must set definite limits on what warriors can and cannot do if they want to continue to be regarded as warriors, not murderers or cowards. For the warrior who has such a code, certain actions remain unthinkable, even in the most dire or extreme circumstances.

The great Homeric warrior Achilles forfeits his honor when he abuses the corpse of the noble Prince Hector of Troy. A soldier in a Roman legion suffers permanent disgrace (and risks communal punishment) if he breaks from his formation and abandons his fellow warriors to their fate. Fabled Viking King Volsung cannot run from an unworthy, deceitful opponent, even to regroup and fight on his own terms. A legendary Round Table knight must grant all requests for mercy and must defend those weaker than himself. A Cheyenne Peace Chief will keep his word and abide by the terms of any treaty he has signed, even after the other side has violated it. War chiefs such as Sitting Bull or Chief Joseph of the Nez Perce will do what is best for their people, even if it means surrendering both their power and their personal pride. The martial monks and nuns of Shaolin spend their days perfecting deadly arts, but refuse to employ them except in a purely defensive capacity. A samurai would sooner die a slow and agonizing death by his own hand than permit someone else – such as his master or the members of his clan – to pay for his mistakes. And Saladin cannot sack Jerusalem, despite the atrocious acts committed there in the First Crusade.

Modern warriors can forge admirable models for their own behavior by picking and choosing the best from among these historical and mythical warrior ideals. It makes little difference whether the men and women they hope to emulate ever lived and breathed. Some warriors of today may even feel that they have more in common with fictional figures such as Sigurd or Sir Gawaine than with certain of their real-life civilian counterparts.

Some educators, politicians, and members of the media fear that encouraging young warriors to associate themselves with the warrior traditions of the past will somehow lead them to become mindless, Rambo-like brutes with various outrageous bigotries and out-of-date values. Granted, some of the qualities that ancient warriors or warrior archetypes possess do not play well in the 21st century. But is it really so great a challenge to separate the wheat from the chaff? The key is to select for preservation only what is consistent with the values cherished by contemporary warrior cultures. For example, modern American warriors should only resurrect those traditions that cohere with the letter and spirit of the Constitution they have sworn to uphold and defend. They can emulate the humility, integrity, commitment to "might *for* right," courtesy and courage of a Round Table knight without taking on board his acceptance of an undemocratic, stratified society (where most of the population is disenfranchised and women and serfs are treated as property) or his determination to "pursue infidels."

Far from being outmoded, the genuine, emotional connection of today's warriors to an intentionally idealized warrior tradition and their sense that they must not betray that legacy is more important than ever. That connection and devotion may help them summon the will to show restraint in situations that will sorely tempt them to throw self-control out the window, for the world is no longer arranged in such a way that conflicts are likely to arise among great powers that are fairly evenly matched. When two nations with similar strength and resources

battle one another, it is relatively easy for their leaders to establish mutually beneficial rules of engagement. It is rational for them to reach agreements about such matters as the identification of non-combatants and the treatment of prisoners of war, because doing so will serve the interests of both parties without giving a disproportionate advantage to either one. This is not the case, however, in the so-called "asymmetric" conflicts that have become the norm in recent years, which feature lop-sided distributions of military might. When weaker forces take on stronger ones, any restrictions on the conduct of war that the former accept can only limit their arsenal of potential means to overcome their opening handicap.

Picture a boxing match between Muhammad Ali, a pugilist so talented, he more than earned his nickname "The Greatest," in peak physical condition (i.e. between his matches with Joe Frazier) and Sheldon Cooper, the fictional uber nerd from TVs "The Big Bang Theory" (played by actor Jim Parsons). In a fair fight, Sheldon will get pulverized. Therefore, if he has any interest in winning, he should not (with any sincerity) agree to a set of rules that will limit his options in the ring. His hope is to find a way to "fight dirty." The only way Ali will hit the mat first is if Sheldon can, for instance, smuggle in a hypodermic filled with a strong sedative and inject The Greatest before his first swing.

You may argue that even in such a mismatch, the underdog has a motive to endorse at least minimal restrictions on the combatants' conduct. After all, Sheldon would not want there to be no rule against Ali beating him to death just for fun. Might not the weaker party voluntarily give up the chance to use underhanded tactics if it meant they could guarantee their own survival in their event of their defeat?

The answer is that it depends on the stakes. It may be hard to picture the hyper logical Sheldon Cooper so irrationally devoted to a cause that he would willingly risk death just to hold

on to the slim possibility that he might be able to defeat a more powerful opponent if there were no holds barred. However, there are many people who are sufficiently dedicated to their side of an asymmetric struggle that they would sooner see themselves martyred than surrender the slightest edge.

The privileged warriors of today, those fighting for highly developed nations, increasingly find themselves pitted against adversaries who fight with few (or even no) rules or restraints. Because they see no other way to advance their objectives, these desperate men and women employ methods that are rightfully viewed as horrific and appalling by the rest of the civilized world, such as beheadings and coordinated terror attacks on civilian populations. They take "fighting dirty" to unimaginable depths, and since they are already willing to die, they are not deterred by any threat of earthly punishment for continuing to disregard the laws of war.

As Ariel Merari, director of the Project on Terrorism at the Jaffee Center for Strategic Studies at Tel Aviv University points out in his essay, "The Readiness To Kill and Die: Suicidal Terrorism in the Middle East," old ideas about tit-for-tat and the applications of rational decision theory are worthless when dealing with those who are ready – if not anxious – to sacrifice their lives for The Cause. Merari quotes Lord Chalfont, an authority on counter-terrorism:

> The whole time that I have been involved in terrorist operations,
> which now goes back to 30 years, my enemy has always been a
> man who is very worried about his own skin. You can no longer
> count on that, because the terrorist [today] is not just prepared to
> get killed, he wants to get killed. Therefore, the whole planning,

tactical doctrine, [and] thinking [behind antiterrorism measures] is fundamentally undermined.[1]

How should stronger sides in asymmetric conflicts respond when their weaker opponents resort to terrorist tactics? One perfectly understandable reaction would be for the stronger sides to want to "take off the gloves," too, especially when the terrorists seem to be banking on the fact that they will not. It seems natural to say, "If they will not respect the rules of war and use some restraint, then neither will we." I remember sitting in a crowded wardroom with my Code of the Warrior students and a group of mostly junior officers on the morning of September 11, 2001, watching the collapse of the Twin Towers of New York's World Trade Center, seeing black smoke billowing out of the Pentagon, and hearing about the crash of a fourth hijacked plane into a Pennsylvania field. Waves of shock, grief, rage, pride, and patriotic fervor overwhelmed me. If I could have gotten my hands on those responsible for planning the attacks, I know that a part of me at least would have wanted only ugly vengeance. St. Aquinas wrote "Vengeance is…virtuous to the extent that its purpose is to check evil."[2] But he did not mean by that to authorize individual acts of revenge, and he believed that even when fighting to check evil, the state had to use considerable restraint.

One of the most serious concerns that countries like the United States and her allies must consider before "taking the gloves off" is that throwing out the rulebook and gutting our own codes does not guarantee victory. The more our enemies push us and the more suffering we endure at their hands, the harder it is for us to fight with one hand tied behind our back rather than unleashing the full extent of our power and influence to wipe them from the earth. But we have already seen the further harms that can spring from the application of pernicious policies that creep out of this exact line of thinking, such as the employment of so-called "enhanced

interrogation techniques" (otherwise known as torture), extraordinary rendition, and indefinite internment of "illegal combatants" in facilities like Guantanamo. There is no evidence that any of these moves made us safer, whereas they were certainly helpful to the recruiting efforts of our enemies.

There is also the deeper point that it is a violation of our *own* values to engage in a war with no rules. If we give up who we are in order to destroy our enemies, what sort of victory will we have secured for ourselves? If our values are worth dying for, then we must not surrender them out of fear or fury or to gain a temporary tactical (not strategic) advantage. Do we really think we cannot win as ourselves? I cannot help noticing that it is never the military that pushes for policies that violate our values. They recognize the stakes, better than anyone. As I argued in a 2012 article for the journal *Philosophy in the Contemporary World*:

> Those high stakes include the very values for which we send young men and women to fight. If we signal our troops that anything goes in the world of war, either we are training our troops to be hypocrites who claim to represent a certain set of values while blatantly betraying those values by their actions, or we are telling them that our values are merely relative and contextual, enforced only at home and in peacetime. The latter is even more troubling when the point of sending our troops off to war in the first place is said to be to spread our values (freedom, democracy, equality, the rule of law, etc.) to other nations, precisely because we think these values are human values, not just American values. If we consistently suspend our basic moral

principles because *we are at war*, they will become eroded

beyond recognition and we will no longer be able to claim that

they are the foundations of our society.[3]

It does not in fact "Support Our Troops" to pull the rug out from under them by failing to respect

the warrior's code that constitutes their best armor against moral injury.

In the semester following the 9/11 attacks and the start of President George W. Bush's

"New War Against Terrorism," as it was then called, I gave an unusual assignment to the

students in my advanced "Knowing Your Enemy" seminar (a sequel to my "Code of the

Warrior" course) at USNA. I asked them to write essays detailing exactly, "Why I [meaning

each of them] am different than a terrorist." The midshipmen were to spell out as clearly as

possible how the roles they intended to fill as future Naval and Marine Corps officers were

distinct in morally relevant ways from that of, say, an al Qaeda operative. They immediately

dubbed the assignment "creepy," but gamely agreed to do it (since it was, after all, for a grade).

After they had read their efforts aloud, I gave the project an even creepier twist. I had them

exchange papers, and told them to each write a critical response to their classmate's paper, from

the point of view of a terrorist. When they were complete, I had them read those responses

aloud, as well.

The class found the entire exercise very disturbing, because it forced them to reflect

upon that thin but critical line I described in Chapter One that separates warriors from

murderers. In their initial essays, several of them stressed the fact that as members of the U.S.

military they will not intentionally target innocent people. Here is a segment of an argument

from Nick Nordvall, who was a midshipman in that class:

It is wrong to kill innocent people even if it does further the cause

of the United States.   There are rules to war… We learned in

Naval Law about the Law of Armed Conflict and the Rules of

Engagement. There are targets that are acceptable and have

"military value" and there are targets that are simply killing for

the sake of killing. Terrorists see targets of military value as too

difficult to strike. They do not have the means to strike these

targets.   They instead will take out the easy targets for shock

value, just to disrupt the lives of those they hate.

Both warriors and murderers take lives. Both cause pain and suffering. Both may even

cause the deaths of innocents. But there is a moral difference between intentionally targeting

civilians and causing civilian deaths as the result of attacks on legitimate military targets – or

what is known as "collateral damage." The principle of noncombatant immunity endeavors to

clarify who may and may not be targeted in war:

At its most basic, the principle of noncombatant immunity claims

that the only people who may legitimately be subjected to direct

attacks are enemy combatants, and that noncombatants are never

legitimate targets for direct attacks. However, the immunity that

noncombatants have is only a qualified one, in that although they

may have immunity from direct attack, they do not have

immunity from harm. Thus, although it is illegitimate to directly

target noncombatants, this certainly does not mean that every

attack which causes harm to noncombatants is an illegitimate one,

for noncombatants may be harmed, even killed, as a result of an

attack against a legitimate military target. Equally important,

noncombatants only retain their immunity from direct attack as

long as they retain their status as noncombatants, so if a

noncombatant actively engages in any form of combatant activity,

then they will lose their immunity and may be directly targeted.[4]

It is not always easy for those doing the targeting to determine the status of all those

endangered by their actions, while some targeting is indiscriminate enough to be counted as

immoral negligence. The use of certain weapons is considered vile and unethical precisely

because they do not even permit any meaningful attempts to distinguish legitimate targets from

noncombatants. Unambiguous murder can also happen in a war, as I have noted elsewhere:

Just as the line between self-defense and murder can be crossed in

the civilian world, the line between the kind of killing in war

judged permissible by the just war tradition and murder can be

crossed in any armed conflict. For example, the Vietnamese

villagers who were victims of the My Lai massacre in 1968 were

murdered, as were Abeer Qasim Hamza and her family who were

killed by a group of U.S. soldiers in their home near the village of

Al-Mahmudiyah, Iraq, in 2006 (Hopkins). The fact that these

murders occurred in the context of wars should have no bearing

whatsoever on the categorization of these deaths as murders.[5]

To illustrate the difference between murder and "collateral damage," let me present two

very unpleasant (thankfully fictional) scenarios in which a person shoots and kills an innocent

little boy. In the first case, a coldblooded murderer walks up to the boy on the sidewalk in front of his school and shoots him in the chest. The murderer's motive has nothing to do with anything the boy himself has done (the boy is, after all, too young even to be considered a moral agent, responsible for his own actions). Rather, the murderer hates his parents or others who will be affected by the boy's death and want to hurt them by killing the boy. His death is just a means to the murderer's ends.

In the second case, a police officer sees a man trying to take a bomb onto a school bus full of children. The man screams out his intention to blow up the bus and the kids, and starts to climb on board. The police officer decides to shoot the bomber before he can detonate his explosive device. The officer fires off several rounds, killing the bomber, but also accidently hitting a little boy who had stepped between them. The boy's wound is fatal.

Now, in either case, the boy is equally dead. In the first case, he was the murderer's intended target; while in the second case the police officer killed him accidentally in an effort to stop what he rationally took to be an even greater evil. Yet achieving the good result of saving the other children in the second scenario does not somehow transform the little boy's death into a positive event. In the first scenario, he is a direct victim of murderous intent, while in the second case he is an oblique victim of the bomber's murderous intent and the police officer's well-intentioned response to it. The boy himself is an innocent victim both times. The level of tragedy is the same, and yet we judge the murderer (and the would-be bomber) differently than the police officer. Similarly, in the law, we regard involuntary manslaughter to be a different crime than homicide. Again, neither our moral intuitions nor our legal definitions can ignore the weight of intention.

St. Thomas Aquinas, the medieval Christian theologian who championed the philosophy of Aristotle (which had been rescued from Dark Age destruction by Islamic scholars) and supported the union of faith and reason, laid the groundwork for two principles of Natural Law that offer provisions for identifying situations in which it might be morally permissible to take a life. These are the source of two Roman Catholic doctrines known as the Principle of Forfeiture and the Doctrine of Double Effect. These doctrines have influenced both religious and secular theories of Just War and the Conduct of War (*jus ad bellum* and *jus in bello*). The Principle of Forfeiture states that a person can forfeit his or her natural right to life by threatening to take an innocent life. In other words, this principle would permit the police officer to shoot the bomber who threatened the busload of school kids.

The Doctrine of Double Effect is somewhat more complicated.   It applies to situations in which it may be necessary or unavoidable to take an action that will cause the loss of innocent life in order to achieve some greater good:

> The principle holds that such an action should be performed only
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> if the intention is to bring about the good effect and the bad effect
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> will be an unintended or indirect consequence. More specifically,
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> four conditions must be satisfied:
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> 1. The action itself must be morally indifferent or morally good.
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> 2. The bad effect must not be the means by which the good
>   effect is achieved.
>
> 3. The motive must be the achievement of the good effect only.
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> 4. The good effect must be at least equivalent in importance to
>   the bad effect.[6]

This doctrine seems to apply in the case where the police officer shoots the little boy unintentionally while acting to prevent the bomber from blowing up the bus full of children. The action of saving the busload of school kids is a morally good action. The bad effect – killing the little boy – was not the means by which he saved the other children (in fact, he would clearly have preferred his bullets to have only hit the bomber). His motive was purely to save the other children, and their lives are as important as the life of the boy he accidentally shot.

In a similar way, the Doctrine of Double Effect can be used to justify taking actions that will cause innocents to be killed as collateral damage from the prosecution of a Just War. Again, all four provisions of the Doctrine of Double Effect must be satisfied. Most importantly, killing innocent non-combatants cannot be justified as the means to some further end, even if that end is morally desirable. Suppose that the 9/11 terrorists had chosen only legitimate military targets and their actions were aimed at achieving morally defensible ends. They would still have violated the Doctrine of Double Effect by using planes full of innocent non-combatants – including children, who have the best claim to innocence – to achieve those ends.

Just as noble ends can be tarnished by the base means used to achieve them, what might otherwise be regarded as admirable behavior is no longer praiseworthy if it is directed at ignominious objectives. There has been much debate about the legitimacy of labeling the 9/11 terrorists "cowards." If the issue is whether or not the hijackers showed courage on that day, the crux of the matter is the definition of "courage." The Greek philosopher Aristotle drew a valuable distinction between actually possessing the virtue of courage (which falls in the mean between the excesses of cowardice and foolhardiness) and simply having what we might today call, "guts." The former, like all Aristotelian virtues, demands a noble object. The courageous individual is the one who displays courage at the right time, to the right extent, and *in the right*

cause. It may take guts for a person to plan and execute a murder (or mass-murder), but that does not make the murderer courageous in the classical sense.

The second part of the "Why are you different than a terrorist?" assignment required my students to try to get inside the heads of those who commit terrorist acts. It forced them to consider how easy it might be to rationalize crossing the line between warrior and murderer in the interest of what you believe to be a noble cause. As most of them recognized, terrorists do not see themselves as murderers. They believe that they are warriors. Some consider themselves "freedom fighters," struggling against oppressors. Others believe they are resisting evil and corrupting influences and following divine directions.

It is clear from studying Osama bin Laden's writings and interviews that he made a careful effort to persuade his followers in his international terrorist organization, al Qaeda, that they were warriors engaged in a *jihad*, or holy war, against what he dubbed the "Crusader-Zionist alliance." The "crusaders" he had in mind, misappropriating medieval classifications, were the Americans and their allies, while the "Zionists" were the Israelis. As we learned in the previous chapter, even if he were allowed his own warped interpretation of *jihad*, he still stood far outside the traditions of the Islamic warrior code in the way he directed his followers to commit atrocious acts. And however the members of al Qaeda, the Islamic State, Boko Haram, or any other radical Islamic fundamentalist terrorist groups today convince themselves that they are engaged in a legitimate conflict, if they refuse to accept any rules of war and especially if they continue to intentionally target noncombatants and use noncombatants as a means to harm others, they forfeit the right to be regarded as warriors.

Individuals can fight for an objectively bad cause or a corrupt regime and yet still be warriors, so long as they have a warrior's code that requires them to observe the rules of war.

For example, many (though not all) of the ordinary German soldiers who fought against the Allies in World War II were warriors, while many (if not all) of the members of the SS were not. Although slavery in the American South was an unqualified evil, there were Southern warriors in the U.S. Civil War who fought honorably over what they perceived to be an issue of states' rights. But there can be no honor in any conflict for those participants who believe that they have no moral obligation to restrain their behavior in any way.

While they were working on the second half of their "Why I am different from a terrorist" assignments, some of my students reported having trouble understanding how anyone, no matter what their convictions, could agree to take part in terrorist operations that were not limited by moral constraints and did involve intentionally targeting innocents. They wondered, are the people who can do these things inhuman monsters? Can they really create meticulous plans to slaughter unsuspecting civilians without being stopped in their tracks by impossible-to-ignore pangs of conscience?

Albert Bandura, the David Starr Jordon Professor of Social Science in Psychology at Stanford University, explains how ordinary people can be persuaded to seeing killing as morally acceptable in his paper on the "Mechanisms of Moral Disengagement:"

> People who have been socialized to deplore killing as morally
> condemnable can be transformed rapidly into skilled combatants,
> who may feel little compunction and even a sense of pride in
> taking human life. …The conversion of socialized people into
> dedicated combatants is not achieved by altering their personality
> structures, aggressive drives, or moral standards. Rather, it is
> accomplished by cognitively restructuring the moral value of

killing, so that the killing can be done free from self-censuring restraints.[7]

It is probably not the case that those who have been bewitched by the rhetoric of groups like ISIS feel no revulsion at the thought (or in the act) of killing unarmed, helpless civilians. Rather, they have most likely been convinced or have convinced themselves that any apparent pricks of conscience they may feel are not the screams of their precious humanity hoping to be heard but rather their human weakness, battling against their will to perform their sacred duty. They would therefore consider it a triumph of the will to accept the charge to kill without mercy or discrimination.

In *A Report on the Banality of Evil: Eichmann in Jerusalem*, author Hannah Arendt describes how Heinrich Himmler, one of the chief architects of the Holocaust, responsible for arranging the slaughter of millions of innocent people, found himself at times made physically sick by horrors he himself helped orchestrate. Nevertheless, he refused to interpret his distaste for the gruesome details of his job as an indication that what he was doing was morally reprehensible. Instead he took pride in the fact that he maintained his dedication to the duties assigned to him despite his disgust for them:

> The member of the Nazi hierarchy most gifted at solving problems of conscience was Himmler. …phrases, taken from speeches Himmler made to the commanders of the *Einsatzgruppen* and the Higher S.S. and Police Leaders, [included]: … "We realize that what we are expecting from you is "superhuman," to be "superhumanly inhuman." …What stuck in

the minds of these men who had become murderers was simply the notion of being involved in something historic, grandiose, unique ("a great task that occurs once in two thousand years"), which must therefore be difficult to bear. This was important, because the murderers were not sadists or killers by nature; on the contrary, a systematic effort was made to weed out all those who derived physical pleasure from what they did. The troops of the *Einsatzgruppen* had been drafted from the Armed S.S., a military unit with hardly more crimes in its record than any ordinary unit of the German Army, and their commanders had been chosen by Heydrich from the S.S. elite with academic degrees. Hence the problem was how to overcome…the animal pity by which all normal men are affected in the presence of physical suffering. The trick used by Himmler – who apparently was rather strongly afflicted with these instinctive reactions himself – was very simple and probably very effective; it consisted in turning these instincts around, as it were, in directing them toward the self. So that instead of saying: What horrible things I did to people!, the murderers would be able to say: What horrible things I had to watch in the pursuance of my duties, how heavily the task weighed upon my shoulders![8]

It is truly disturbing to consider how easy it may be for a person to rationalize the terrible transition from warrior to murderer. An individual may be persuaded to become a

murderer by a single charismatic personality, by a group or movement that answers some psychological need, or by the effects of a traumatic event (such as witnessing the death of a close friend or family member). Here again I must stress that the line between a warrior and a murderer is profoundly important, but very thin. Once it has been crossed, the harm to the individual may be irrevocable.

There is a lesson here, too, about the importance of not silencing conscience or dampening natural empathy. Many people are familiar with the terrible events of the My Lai massacre, referenced earlier, which involved American soldiers slaughtering unarmed Vietnamese villagers. Somewhat less well known is how the massacre ended. A US helicopter pilot, Hugh Thompson, flew over the crime scene and saw a young Vietnamese boy murdered by one of the troops under the command of Lt. Calley. In response, Thompson landed his helicopter and ordered his crew to take up firing positions against their fellow Americans to stop the killing and allow for the evacuation of survivors. When asked why he took such drastic action, Thompson later explained, "You see, I had a little boy that same age back home in the States. And I was thinking, 'What if that were my son?'"[9]

Another wonderful example of a warrior retaining empathy for his enemies can be seen in the actions of Sir Hugh C. T. Dowding, a fighter pilot for the Royal Air Force in World War I and Air Officer Commanding, Fighter Command, for the Battle of Britain in World War II. Dowding was passionately committed to maintaining the nobility of his vocation as an incident from the First World War plainly illustrates. Dowding's squadron brought down a German aircraft. He was then appalled to see the pilot and crewman shot while climbing out of their wrecked plane by ground troops. In an attempt to redeem what he saw as soiled British honor, Dowding gathered up the personal effects of the two dead Germans and dropped them behind

enemy lines along with a note saying exactly where their bodies were buried.[10] There was no law or international convention that required Major Dowding to go to such lengths. It was his own warrior's code that prompted him to act. He clearly believed that there must be things that honorable warriors simply do not do, regardless of the provocation.

Similar sentiments were behind a story I heard from an older gentleman who approached me after I spoke about the warrior's code to a Kiwanis Club meeting in Reisterstown, Maryland, which I later shared with the Wing of United States Air Force Academy cadets when I delivered the annual Harmon Memorial Lecture at USAFA in 2004. This man, whom I will call "Dan," told me that he had been a fighter pilot in World War II in the Pacific Theater. Near the end of the war, he was commanding a squadron over Tokyo. They flew a mission near a crowded train station, where hundreds of people were desperately pushing to climb aboard trains that could take them away from the besieged city. Acting against direct orders, one member of the squadron broke formation, flew down and strafed some of the helpless Japanese civilians.

When they returned from this mission, no one in the squadron would speak to the pilot who had murdered the noncombatants. Tears filled Dan's eyes as he told me the conclusion of this more than sixty-year-old story: "We were all so ashamed of what he had done. He had shamed the entire squadron. He was killed in an engagement two days later. And, God help us, we were *glad*."

Ben Hobbs, a student in my 2002 "Knowing Your Enemy" seminar (who had the distinction of being the only person to have taken all three of my "warrior ethics" courses), raised the issue in class of whether a warrior who had crossed the line and allowed himself to become a murderer could ever find redemption and, in a sense, regain his warrior status. My response, which is influenced by the work of psychologist Jonathan Shay (whose research on

combat stress is discussed in Chapter One), is that it depends a great deal on the individual's own reaction to having crossed that line. If he refuses to examine the immorality of his actions, he may start down a slippery slope that may not be easy to escape. He may try to tell himself that it was naïve ever to have clung to a code – that there is no real difference between, for example, killing an enemy combatant in the thick of a firefight and killing an unarmed civilian in cold blood. On the other hand, if he rejects his ignoble behavior rather than excusing it, he may be able to restore his sense of honor and renew his commitment to the path of restraint.

The main reason I made my students do that "creepy" assignment that required them to explain why they are different than terrorists is that they need to understand how the line between warrior and murderer can be crossed so they can avoid crossing it themselves. Unfortunately, when it is most difficult for warriors to keep from slipping over that line is when they are fighting against those who have already crossed it. Consider the conversation my father had in 1989 with a World War II fighter pilot who knew first-hand what it feels like both to see an enemy cross the line from warrior to murderer and, in response, to cross that same line. He described the experience that had haunted him for over forty years:

> "Three ME-109s came at us from out of the sun. It was one hell
>
> of a dogfight. Jimmy Craig was hit and bailed out. He was up
>
> there in his chute, settling down easy, when this Kraut pulls away
>
> and takes dead aim at Jimmy. I couldn't believe it. You never
>
> shoot a guy hanging in a chute. But that's what he did. He cut him
>
> in half. I swung round on that bastard's tail and picked at him
>
> until he bailed out. His chute opened. I watched him floating there

just like Jimmy. I wanted to see his eyes. But he had goggles on.

Then I shot that son of a bitch out of the sky."

"How'd it feel?" My father asked him.

"It felt good."

"Really? …Well, you were there."

"No… Okay, …I cried."[11]

It is easier to remain a warrior when fighting other warriors. When warriors fight murderers, they may be tempted to become the mirror image of the evil they hoped to destroy. Their only protection is their code of honor. The professional military ethics that restrain warriors – that keep them from targeting those who cannot fight back, from taking pleasure in killing, from striking harder than is necessary and that encourage them to offer mercy to their defeated enemies and even to help rebuild their countries and communities – are also their own protection against becoming what they abhor. One of the most dangerous things military trainers can do is to associate adherence to the warrior's code in troops' minds in any way with the nature or actions of the enemy.

The arrival on the scene of "new" enemies does not threaten the relevance of the warrior's code. There is nothing truly new under the sun. Before there were "terrorist cells" and "non-state actors" there were pirates and brigands and guerillas and anarchists. Warriors have always had to adjust their tactics with different kinds of foes, but their codes cannot be equally pliable. As explained in Chapter One, the code protects the moral identity of the warrior. If the warrior's code requires showing respect to the fallen on all sides, then a US Marine urinating on the corpse of a Taliban fighter is absolutely unacceptable, regardless of what the Marine thinks of the Taliban. The warrior's code is not founded on reciprocity with the enemy, it is based on

the fundamental values the warrior is defending. Therefore in this example, the actions of the Taliban are irrelevant, including whether or not they show respect for fallen Marines. There is simply nothing the Taliban can do that releases Marines from the obligation not to desecrate the dead. To quote fictional US Army doctor Captain B.J. Hunnicut from the beloved Korean War-based TV series, M*A*S*H, "Some things are wrong, and they're *always* wrong."[12]

It should be clear by now that the answer to the question in this chapter's title is no, absolutely not. There is no need to reinvent the wheel and devise new ethics of war. Principles such as noncombatant immunity and proportionality have stood the test of time and should not be tossed out simply because they predate the tools now used to apply them. Having said that, certainly some of the language of the warrior's code should be revisited and refreshed from time to time so that it resonates for the warriors of today. It must combine the best aspects of the codes of the past with our brightest aspirations for the future. But the center holds.

Despite the hue and cry that goes up every time a new method of producing death or destruction is devised, the vast majority of emerging technology does not disrupt the traditional ethics of war at all. As long as death and destruction are occurring, regardless of the means, the same questions arise – such as whom can you kill, what can you destroy, where, why, and when? So the traditional just war principles must be reckoned with and their correct application resolved. Sorting out that resolution is not always easy, and there will of course be fresh interpretive concerns with each technological lurch into the unknown, but there is no need to start over from scratch and forget everything humanity has ever learned about how to keep the horrors of war from spirally to their most depraved levels.

But wait, you say, what about cyberwar? What about autonomous killer robots? What about bioenhanced troops or nanotechnology or any other of the vast number of recent and

emerging technologies adopted by or intended for the military? Do we not need new military ethics to handle all these innovations? Again, the answer is no, because these innovations are not entirely unprecedented. There are historical analogs that can help us determine how to deploy them ethically.

If cyber attacks can have kinetic results, then they are not so far apart from prior weapons and can be held to the same standards for targeting and proportional responses. Autonomous killer robots, depending on their level of sophistication, may resemble land mines (which are lower tech autonomous killing machines) or guided missiles in the ethics that pertain to them. Should we create actual artificial beings capable of independent thought, their actions will need to be constrained by the same rules as govern human troops. The bioenhancement of troops raises grave concerns about informed consent, and genetic or cyborgian modifications are potentially alarming if they could go so far as to interfere with a warrior's ability to access his or her basic humanity, but we have seen warriors' minds and bodies modified many times in the past. Today, we would call the brew the Celts took to provoke their warp spasms a bioenhancement.

Technological advances in war have made proponents of ethical warfare nervous for centuries. Pope Urban II in 1097 outlawed the use of one of the earliest instruments of death-at-a-distance, the crossbow. In 1139 Pope Innocent II went even further, threatening anyone who used the crossbow with excommunication and condemning the weapon as, "hateful to God and unfit to be used among Christians."[13] The proper response to such developments, however, is not moral panic. Instead, we have to ask the right questions. How can these inventions be used, by whom and against whom? Weapons and other technologies can be unethical, but only in the sense that they interfere with ethical decision making by humans. Genuinely autonomous

weapons do this by taking the human out of the decision loop. Warriors should not be asked to delegate their moral authority to machines. Humans must continue to bear the responsibility for decisions in war. Having defeated "I was just following orders" as an excuse in the Nuremberg trials, we do not want to open the door to "the robot acted alone."

Non-autonomous technologies may also be questionable to the degree that they make human ethical decision making harder and interfere with warriors' ability to access and honor their own humanity. A former colleague of mine at USNA, then CDR Bob "Sprout" Proano, a Navy pilot and veteran of Operation Enduring Freedom, used to tell my midshipmen about the best commander he ever had. This leader ended every mission briefing with the words, "unless it doesn't look right." This gave each pilot present explicit permission to exercise moral judgment when assessing targets. We should be deeply skeptical of any technology that strips warriors of that freedom and responsibility.

Students through the years have asked me if I think robots or some other technology will ever replace human warriors in combat completely. My answer is always no. This is not because I believe such things as robot armies are impossible. I am sure they are possible. The problem is that wars are fought over rather important stuff. And, at the end of the day, if two groups of humans fielded their robot armies and robot army A defeated robot army B, there is no way the humans behind robot army B would simply surrender their stuff. They would take up arms themselves and continue the fight. As long as there are wars, there will be warriors.

"For all its inhumanity, war is a profoundly human institution."[14] Weapons, technology, and tactics evolve, but human nature is not so easily altered. If you filled a room with warriors from every culture covered in this book and made it possible for them to communicate peacefully with one another and with the warriors of today, they would have similar concerns

and similar stories to tell. They would recognize and respect one another. Above all, they would agree that war brings out both the best and the worst in humankind, and that is why warriors need a code.

Legend has it that when a Spartan mother sent her son off to war she would say to him, "Come back with your shield or on it." If a warrior came back without his shield, it meant that he had laid it down in order to break ranks and run from battle. He was supposed to use his shield to protect the man next to him in formation, so to abandon his shield was not only to be a coward but also to break faith with his comrades. To come back on his shield was to be carried back either wounded or dead. Thus the adage meant that the young warrior should fight bravely, maintain his martial discipline, and return with both his body and his honor intact.

The warriors' mothers who spoke this line were not heartless monsters – far from it. It was spoken from great love. They wanted their children to return with their sense of self-respect still with them, feeling justifiably proud of how they had performed under pressure, not tortured and destroyed by guilt and shame. To come back with their shields was to come back still feeling like warriors, not like cowards or murderers.

The Spartan mothers' message is timeless. Everyone who cares about the welfare of warriors wants them not only to live through whatever fighting they must face, but also to have lives worth living after the fighting is done. Consider the post-war sentiments found in the closing lines of the poem "Old Airfield," written by World War II veteran Andrew H. Hines, Jr.:

> The crescendo built – a war was won and men came home,
>
> Came home to lives completely changed –
>
> as they were changed.
>
> Came back to love and warmth and the prospects of a life

stretching beyond a day or two.

So life resumed its pace –

different, but still within their knowledge of its ways.

The years went by, the burdens were assumed, the responsibilities grew

And seldom did they stop to think of the intensity and

commitment they had known.

But on occasion, as lightning brightens the sky,

some word or headline brought it back

And they knew for a moment the heightened stress –

and then relaxed and resumed their way.

And, like old airfields, found in new ways the fulfillment of dreams

And the sense of being part of a larger plan –

as once they were so long ago.[15]

"Come back with your shield or on it." Andy Hines came back with his shield. But for many reasons, not all warriors do. Some are never able to leave the horror of war behind them. Their bodies come home alive, but their faith in themselves, their dreams, and their hopes for the future are long dead. Had they been given the choice, they may have preferred not to come home at all.

The warrior's code is the shield that guards our warriors' humanity. Without it, they are no good to themselves or to those with whom and for whom they fight. Without it, they will find no way back from war. I have met so many present and future warriors. They are not abstractions or alien beings to me; they are friends, students, and fellow travelers, trying to

navigate ethical lives. When they go into combat, I want them to be able to return from it intact in body *and* soul. I want all of them, every last one, to come back with their shields.

[1] Ariel Merari, "The readiness to kill and die: Suicidal terrorism in the Middle East," in *Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind*, edited by Walter Reich, Washington, D.C.: Woodrow Wilson Center Press, 1998, p. 193.

[2] Saint Thomas Aquinas, *Summa Theologica*, vol. 2, trans. Fathers of the English Dominican Province, 1911, my italics.

[3] Shannon E. French, "No Separate Sphere: Assessing Character and Morality in the Context of War," *Philosophy in the Contemporary World*, David Chan, editor, special issue on War, Character, and Virtue, Volume 19, issue 2, 2012 (pages 50-60).

[4] Stephen Coleman, *Military Ethics: An Introduction with Case Studies*, Oxford: Oxford University Press, 2013, p. 151.

[5] Shannon E. French, "No Separate Sphere: Assessing Character and Morality in the Context of War," *Philosophy in the Contemporary World*, David Chan, editor, special issue on War, Character, and Virtue, Volume 19, issue 2, 2012 (pages 50-60).

[6] "An Overview of Aquinas' Natural Law Theory," by Ronald Munson, reprinted in George R. Lucas et al., *Ethics for Military Leaders*, Simon and Schuster Custom Publishing, 1998 p. 397.

[7] Albert Bandura, "Mechanisms of Moral Disengagement," in *Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind*, edited by Walter Reich, Washington, D.C.: Woodrow Wilson Center Press, 1998, pps. 163-164.

[8] Hannah Arendt, *A Report on the Banality of Evil: Eichmann in Jerusalem*, New York: Penguin Books, 1963, pps.105-106.

[9] Trent Angers, "The Forgotten Hero of My Lai: The Hugh Thompson Story," *Acadiana Profile Magazine*, March/April 1998.

[10] Robert Wright, *The Man Who Won the Battle of Britain: Hugh C. T. Dowding* (New York: Charles Schibner's Sons, 1969).

[11] Peter A. French, *Responsibility Matters*, Lawrence, Kansas: University Press of Kansas, 1992, p. 29.

[12] Larry Gelbart, "M*A*S*H," TV Series, 1972-1983, episode "Preventative Medicine," originally aired February 19, 1979.

[13] Sir Ralph Payne-Gallwey, *The Crossbow: Its Military and Sporting History, Construction and Use*, New York: Skyhorse Publishing, 2007, p.3.

[14] J. Glenn Gray, *The Warriors: Reflections on Men in Battle*, New York: Harper and Row, 1970, pps. 152-153.

[15] Andrew H. Hines, Jr., "Old Airfield."