

As military professionals, we need to prepare our soldiers and others (e.g., political leaders, media influencers, domestic and international public) for both the likelihood and moral permissibility of large-scale civilian casualties if the US gets involved in large-scale combat operations (LSCO). It's been more than 50 years since the US military was last involved in LSCO (at least in areas with many civilians). In the lower-intensity wars since then, we have increasingly prioritized the importance of protecting civilians on the battlefield—the principle of discrimination and non-combatant immunity. Consequently, a requirement that our military operations must avoid civilian casualties, and thus that any civilian casualties imply an ethical failure that must be investigated, has become embedded in our profession's norms and in the public's expectations.

If we hope to win in LSCO, however, we must be prepared to conduct combat operations that could result in significant civilian casualties—casualties that we do not intend to cause yet can foresee that we will cause. We should also expect that our enemies in LSCO will do what all our recent wartime enemies have done—which is leverage against us our concern for protecting civilians to create their military advantage.

Our prevailing cultural norms and practices regarding civilian casualties are inconsistent with our doctrine for winning in LSCO—namely, Multi-Domain Operations (MDO) and Mission Command. Concerns about civilian casualties have made us risk averse, with leaders on the ground in Iraq and Afghanistan calling higher to request permission to take actions that might cause collateral damage. Our success in MDO, however, will require tactical leaders at all levels to demonstrate disciplined initiative and accept risk by acting quickly to seize opportunities within the commander's intent, without approval from higher.

The Just War Tradition (JWT) and the Law of Armed Conflict (LOAC) are not the causes of this problem. Both JWT and LOAC have always recognized that the military forces of a country waging a just war may do what they must to prevail. This is the principle of military necessity. However, it's been a long time since the US engaged in a war that its political leaders and public deemed necessary to win; consequently, military necessity has long been de-emphasized relative to non-combatant immunity. In a LSCO, however, the principle of military necessity will have to be re-emphasized. In a just, existential war, military necessity must be the overriding principle.

One important step our profession needs to take to become morally prepared to wage LSCO is to re-balance the relative weights that are assigned unconsciously to the principles of military necessity and non-combatant immunity. These relative weightings are expressed in the principle of proportionality, by which we consider the expected benefits and harms of an action to determine if its net benefit would make it morally justified.

This adjustment of norms regarding acceptable civilian casualties will require a massive effort of education, retraining, SOP updates, and outreach to other stakeholders in both our nation's defense and the rules-based international order. In my address, I will propose some requirements and invite insights and ideas from conference participants.