SPECIAL EDITION

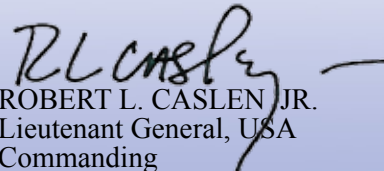# Center for the Army Profession and Ethic

Foreword

The core of the Army profession is our ethic. The Army ethic, however, is paradoxical. It must be sufficiently foundational to anchor the Army culture across time, yet adaptive enough to respond to changing environments. The Army has been in transition since 2001, and General Dempsey has recently noted that it is important that Soldiers and leaders refine their understanding of what it means to be professionals—expert members of the profession of arms—after nine years of war and to recommit to a culture of service and to remember the responsibilities and behaviors of our profession as articulated in the Army Ethic. He has asked CAC to lead this important discussion for the Army.

To help inspire the needed discussion about our Army profession and its ethic, the Center for the Army Profession and Ethic (CAPE) and the *Military Review* have partnered to offer this anthology of recent writings. This collection is no mere academic exercise. Only through knowledge can we improve ourselves as an organization, and Army-wide efforts to reinforce our ethic must begin with senior leaders. The authors of these articles have thought long and hard about what they have to say. Their experiences, their educations, and, in many cases, their lifelong work validates the observations they make. Some have won awards for what they express here. The contributing thinkers, including officers and Soldiers in the field, have experienced and examined the Army's ethical successes, as well as failures and contradictions, and have highlighted some institutional shortcomings that we, as a profession, must address. As the leaders of our profession, we have the undeniable duty to come to grips with these issues, weighing them, and giving them their due with energized and renewed examination.

General Casey has recently challenged us to answer two questions: What does it mean for the Army to be a Profession of Arms, and what does it mean to be a professional Soldier after nine years of war? Answering these questions will require that we look at not just our expertise as a profession, but the nature and character of our Army ethic. We will need to work together to better articulate what makes up our ethic and how it is reinforced so that we can lead the organizational change required to reinforce our profession during this time of persistent conflict. We need to discuss both the nature and character of our ethic and what it means to be an Army professional Soldier of character. One place to start is here.

Ultimately, 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. Being able to recite rules of engagement or the law of land warfare is not good enough for Army professionals who must apply discretionary judgments in complex situations. Thus, our professional military ethic derives from a second paradox: the obligation to win wars through the use of proportional force while at the same time minimizing the suffering and destruction associated with warfare. This collection of writings is a good start on achieving the understanding we need to begin a robust dialogue on these topics. That is our aim here.

Army Strong!

ROBERT L. CASLEN, JR.
Lieutenant General, USA
Commanding

Military Review

FEATURED ARTICLES

Cover Art: *Vercingetorix Throws Down his Arms at the Feet of Julius Caesar* (1899), Lionel-Noël Royer; Crozatier Museum at Le Puy-en-Velay, France.

Owning Our Army Ethic

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O PERATIONAL ADAPTABILITY REQUIRES every professional Soldier to understand his or her situation in depth and context. In the midst of complexity and uncertainty, the character of warfare may change, yet the fundamental duty of the Army and its Soldiers to employ force with competence and character in defense of the Nation and its interests does not change. The duty of the Army endures across all contexts along the spectrum of conflict.

For this reason, anything that separates the actions of the professional Soldier from his duty leads to professional failure. This potential separation between actions and duty is why the Army articulates its own codes and culture. However, this self-regulation does not mean that the codes and culture of the profession are self-justifying.[1] Rather, we must justify these codes and culture by ensuring they satisfy our duty as an Army. Doing this requires that we understand the framework of the Army Ethic. We do not seek in this short paper to describe the *content* (i.e., an exhaustive list of principles or codes) of the Army Ethic in total. Instead, our purpose is to provide a general organizing framework and boundaries for the Ethic in order to guide future dialogue that will deepen our profession's understanding of the components of the Army Ethic.

To fulfill its many duties, the Army has created and adapted unique professional expertise over the last 235 years in four major areas.[2] *Military-technical* expertise tells the Army how to conduct offensive, defensive, stability and support, and other operations at the strategic, operational, and tactical levels. *Political-cultural* expertise tells the Army how to operate in its own and other cultures as well as how it conducts civil-military relations and media-military relations. *Human development* expertise tells the Army how to socialize, train, educate and develop civilians to become Soldiers and then to develop into leaders and stewards of the profession. The final area of expertise and the focus of this paper is *moral-ethical* expertise. Our moral-ethical expertise tells the Army how to employ the rest of our expert knowledge to fulfill the fundamental duty of the profession to fight wars and conduct operations morally, as the American people expect, and as domestic and international laws require. Our moral-ethical expertise is the domain of

the *Army Ethic*. We draw from a previous working definition which states:

> The Army Ethic is the collection of values, beliefs, ideals, principles, and other moral-ethical knowledge held by the Army Profession and embedded in its culture that inspires and regulates ethical individual and organizational behavior in the application of land combat power in defense of and service to the Nation.[3]

The goal of this paper is to inform the profession's dialogue about its "values, beliefs, ideals, and principles" according to the moral good they serve.

In simplest terms, the Army is a profession because the society that it serves trusts the institution to use the four areas of expertise outlined above to protect their rights and interests. The Army does so by conducting military operations in a manner that accords with American values and that respects human rights.[4] Providing this protection is the primary duty of the Army to the American people, and understanding this duty thus brings the framework of the Army Ethic into clear view.

Soldiers must satisfy this duty as citizens *and* as representatives of the United States. We do what a private security firm cannot: employ force as representatives of a legitimate and sovereign Nation. We are thereby duty-bound to uphold the values that ground that sovereignty. Conflict and war are human problems. They cannot be overcome solely by technical leverage or wholesale slaughter. In short, conflict defies simplistic solutions and the framework of the Army Ethic must acknowledge a Soldier's complex and uncertain environment and still give clear, principled guidance.

For these two reasons, the current expressions of the Army's ethical commitments are products of the values of the American people, as expressed in their laws and the requirement of winning wars.[5] The Army Values, Soldier's Creed, Warrior Ethos, NCO Creed, Officer Oath of Office, the Soldier's Rules, and other expressions are all products created to address the unique space in which the Army operates. These commitments capture important elements of the Army Ethic. Yet these alone do not completely or consistently express the full framework of the ethic. That is, they may all be necessary but none alone are sufficient. Further, much of our ethic is implicit, ingrained in our Army culture and not made explicit.

> *…the framework of the ethic must reconcile possible tensions between action and duty. It does this by providing guidance for both* why *we fight and* how *we should fight.*

Because the ethic cannot separate the actions of the professional from the inherent duties of the profession, the framework of the ethic must reconcile possible tensions between action and duty. It does this by providing guidance for both *why* we fight and *how* we should fight.

Why We Fight: The Army's Duty

To establish a moral basis for the Army Ethic, we need to examine the good that the profession exists to provide. The Army Capstone Concept states that "The aim of Army operations is to set conditions that achieve or facilitate the achievement of policy goals and objectives."[6] Field Manual 1, *The Army,* states the Army is one of the guarantors of "our way of life."[7] While these statements are valid when considering the ethic, we need to look deeper. Defending a "way of life," or achieving objectives, are goals that many organizations could adopt as their purpose. Drug cartels, organized crime, and terrorists could easily make the same factual claims. They too seek to defend their morally bankrupt ways of life. Another view of the Army's purpose is to provide for a "common defense." Again, other organizations that practice collective violence can claim that they act in their "common defense." The defining difference between these organizations and the Army is the moral end it seeks. The Army's use of organized violence seeks to achieve moral purposes through disciplined restraint.

Recognizing this moral duty will move our discussion of the Army Ethic beyond the realm of mere matters of fact into the realm of values. The Army's sole purpose is the defense of the United States as a sovereign nation that protects and respects human rights. This conception of the Army's purpose is the *only* thing that can give the American profession of arms its *legitimate* claim to employ force

and separates it morally from other organizations that practice collective violence without moral justification.

The Army maintains its claims to professional status by serving in "the common defense" of the United States—that is, national defense. This claim requires clarity to avoid a potential error—that of basing the right to national defense on merely *factual* rather than *legitimate* sovereignty. Soldiers volunteer to support and defend the Constitution, not the Army or themselves, and that Constitution creates a sovereign government. However, factual sovereignty alone is not enough to ground the Army Ethic. The fact that a government is in power does not generate a duty to die or kill in its defense; otherwise, any warlord's army would be a legitimate army. In fact, the United States was founded on the rejection of factual sovereignty as the colonists rebelled to vindicate a collective moral right to political autonomy by challenging the factual sovereignty of King George III based on moral grounds. They rejected the tyranny and instituted a new government that recognized that people have certain inalienable rights and that governments exist to protect these rights.[8]

Simply put, the moral basis for the Army is more than the simple protection of power, but the protection of a power worthy of defense.[9] The sovereignty of the United States is legitimate, as opposed to merely factual, because it protects and respects human rights through political institutions.[10] In sum, this conception of the sovereignty of the United States is consistent with its founding principles and generates a moral duty to defend the country. The military shoulders the burden of this duty.

However, the United States values and protects human dignity and human rights not only of the citizens and Soldiers of the Nation but also of all human beings. The broader application of these values to all people further justifies the Nation's use of force to protect others.[11] The Army, to fulfill its duty to the United States, must therefore respect human rights in all that it does. Only by doing so can it maintain its legitimacy as a profession and steward the political legitimacy of the United States.[12] Thus, the Nation's legitimate right to sovereignty is the first moral basis for the Army Ethic.[13] That is, the Army fights to make abstract rights become concrete.

U.S. Army, PfC Sarah De Boise

U.S. Army CPT John Karcher makes some new friends in Mosul, Iraq, 21 July 2008.

The discussion so far establishes the basis of the Army Ethic: *the role of the United States* and *the purpose of the U.S. Army.*[14] The moral duty of the profession discussed above frames what the ethic says about *how* we fight in two ways—a moral conception of civil-military relations and an account of the principled use of force consistent with human rights.

How We Fight: Servants of the People

The role of the Army as a profession that protects the legitimate sovereignty of the United States informs the profession's idea of proper civil-military relations, which has both a legal and a moral basis.[15] The military's subordination to civil authority is addressed by numerous laws and regulations. However, this legality is not what gives subordination its moral basis. Its moral basis stems from the source of the Army's professional authority and the purpose the Army serves.

All Soldiers swear to support and defend the Constitution. However, the Constitution alone is not the direct proximal source of the Army's authority. Soldiers are not charged with interpreting the Constitution, nor are they solely responsible for deciding when to resort to the use of force. The source of military authority flows from the Constitution, through elected and appointed officials, to the officers they appoint, and finally to those Soldiers entrusted with executing orders.

There is a dynamic relationship between all of these entities and the people of the country. The people have the power to hire and fire the political leaders who maintain authority over and control the funding for the military. Subordinating a standing professional army to the people through the Constitution is central to how the government protects and respects the human rights of citizens. The military respects the rights of citizens and the authority of the Constitution by fulfilling its functions in accordance with the guidance, laws, and regulations passed by those with the constitutional authority to do so. Thus, being subordinate to civilian authority has moral force for the Army. To do otherwise would violate the duty of the Army and thereby be self-defeating for a professional Soldier.[16]

While subordination to civil authority is a moral requirement of the profession, it is imperative

> *"Army Soldiers are themselves citizens, and the Army bears duties to those citizen-soldiers."*

that as a profession we do not discharge our duty through simple obedience. This brings up two critical points. First, the Army willingly serves subordinate to the authority of civilian government, yet it is not *controlled* by that authority. A definitional fact of any true profession is that it maintains a trust relationship with and reciprocally is granted legitimacy and sufficient autonomy by the client it serves to practice discretion in ethically employing its expertise. If the Army were to be *controlled* by an external source, it would thus cease to be a *profession*.

Flowing from this, the second point related to obedience is that our duty also entails a burden of professional candor. Army professionals are experts on the principled use of force consistent with human rights. Therefore, we bear a duty to the citizens of the United States and their representatives to candidly advise national policy and strategy on the conduct of military operations. Most importantly, the Army must provide candid feedback on policies that might violate human rights as such violations hazard the legitimacy of the United States and the rights of its citizens. Proper candor is one of advising, not advocating, and must be done in a manner that does not challenge the ultimate authority of civilian officials.

Finally, Army Soldiers are themselves citizens, and the Army bears duties to those citizen-soldiers. This includes all aspects of training, fielding, and employing the force: effective training, sharing of risk, care for families, and protection against sexual or religious harassment, among many other matters. Most importantly, the Army is the Soldiers' primary advocate ensuring any sacrifices they may make are warranted or required to fulfill the Army's duty to the American People. Thus the Army Ethic has both internal as well as external components and applications related to civil-military relations.

Members of a Human Terrain Analysis Team (HTAT) survey an Iraqi man in Basra Province, Iraq, 7 July 2010.

U.S. Navy, Mass Communication Specialist 1st Class Lynn Friant

From this discussion we now offer the second foundation of the Army Ethic: *The role of civil-military relations in the United States.*

Finally, since the use of military force always entails moral cost with death or injury of Soldiers and the destruction of property, the final piece of the framework for the Army Ethic is an account of the principled use of force during military operations. This account is, at its base, an account of the ethics of killing and use of force, which is our next point of discussion.

How We Fight: Recognizing the Paradox

The Army Ethic needs to guide the Army in operations along the full spectrum of conflict by giving a clear account of how and when adversaries become liable to military force. Because all humans have rights, this requires explaining why, in the pursuit of national policy or the protection of other peoples' rights, basic human rights—like the right to life—can sometimes become forfeit. This creates a paradox because the Army ultimately serves to protect human rights and interests through collective violence, yet it must take actions that inevitably destroy or threaten the very human dignity the Nation has charged it to protect. To face such paradox, the ethic must provide guidance in two ways.

First, it must demonstrate how moral reasoning is both integral to operational design and is key to achieving *operational adaptability* based on the moral relationship of the operation's goal to the actions that constitute that operation. Such reasoning tells the Army and the Soldier what the moral action is in a given operational context (*knowing*). Second, it must provide the moral framework necessary to link the traditional martial virtues and warrior identity to the source of moral value these aim to defend: the supreme dignity of the individual human being. The ethic must explain how to translate moral knowledge into actions on the part of Soldiers and the Army (*doing*). Knowing what to do is the first step in a clear discussion of the moral context of armed conflict. Human rights are the basic unit of moral value in war. This creates a paradoxical tension because in defending rights the Army has to also destroy or threaten the dignity

such rights protect. Soldiers' understanding of the relationship between the goal of a military operation and the ethical restriction on the actions that constitute that operation will allow them to manage the paradox of their profession.[17] Helping Soldiers achieve this understanding should be a primary role of leaders at all levels.

The only goal that can morally justify the use of military force is the pursuit of a better state of peace: the vindication of the wrongs that caused the conflict while respecting rights in a way that does not cause future conflict. The *Army Capstone Concept* reflects the ultimate goal of the military citing that "National security guidance requires the military to be prepared to defend the homeland, deter or prevent the use or proliferation of WMD, win the nation's wars, deter potential adversaries, protect the global commons (sea, air, space), develop cooperative security, and respond to civil crises at home and abroad."[18]

Our Army Ethic must address four basic duties of the Army while planning, executing, and assessing operations. They are a clear understanding of:

● The moral value of the goal of the operation.

● The threat posed by the enemy in a given operation.

● The permissible moral cost (inclusive of friendly force, enemy force, and noncombatants) in the pursuit of the operation.

● A developed view of how the operation is going to achieve a better state of peace.

In short, managing the transitions of armed conflict requires moral reflection and knowledge.

Threats to a better state of peace can come from across the spectrum of conflict. Therefore, the goals of military operations will vary based on these threats. Notably, as threats decrease in intensity, the ethics of armed conflict become more restrictive. That is, at lower levels of intensity, warfare becomes more of an exercise of restraint than of maximizing combat power. In low intensity conflicts a *battle* may be won through force, but the *war* can often only be won through gaining the support of the populace.

Therefore, restrictions on military force must guide military planning and produce a judgment of who is liable to military action. Based on the relationship between the goal of an operation and its moral limits, liability is also a central factor in determining the correct operational design and tactical actions that support operational success. Liability requires meeting three principles:

● *Necessity* states that the enemy must be the sort of threat that only responds to military action.

● *Discrimination* is the requirement to purposely target only non-innocent persons and property.

● *Proportionality* is the requirement that the moral value of the goal achieved by the military action or operation is sufficient to offset the harm of the operation to friendly forces, enemy forces, and noncombatants.

Commonly, we think that there is a fundamental tension between the traditional martial virtues, the warrior identity, and an account of military ethics based on human rights. This is mistaken. The psychological resources required to perform military action in a moral way can ground the virtues traditionally required of effective Soldiers. The psychological resources for moral action include factors such as self-command, empathy, and moral pride as well as moral identity, moral courage, moral confidence, and a sense of moral ownership.[19] We suggest that if Soldiers have a clear grasp of the three principles noted in the paragraph above, they will understand and internalize the just nature of the conflict.[20] That understanding will allow them the ability and confidence to better discriminate between right and wrong actions and apply empathy toward the innocent while combating with full vigor those that threaten the peace. Both are often required in complex operational contexts.

Properly grounding the martial virtues and the warrior identity in the moral discourse of military ethics will accomplish three important goals. First, it is a solid buttress in the human dimension of conflict and prepares soldiers for the moral burdens of enduring conflict. Second, it empowers the individual Soldier to take the right actions quickly and without excessive dependence on higher control. In short, by placing the individual in charge of moral actions, proper moral grounding supports decentralized, effective action. Finally, such grounding will foster martial virtues and a warrior identity that values human rights and dignity, which as noted earlier is a primary purpose of the United States Army.

As the Army moves forward into future conflicts, it will continue to rely on an all-volunteer force. The framework of the Army Ethic must provide a consistent theory of military ethics that grounds the

martial virtues in more general moral concepts and lessens any gap between the Army and the society it serves and which provides its recruits. It will also serve to hedge "military moral exceptionalism" by placing the martial virtues in the service of the same moral goods that American society and its government serve.

Flowing from this discussion we now offer the third foundation of the Army Ethic: *The nature of military professional ethics.*

The Relationship of Army Culture and Leadership and the Army Ethic

The Army Ethic cannot be just an abstract document; it must be embodied in Soldiers and leaders and integrated into the culture of the Army. Army culture is the confluence of four intertwined influences:

- The evolving values of the American people.
- The influence of international laws.
- The functional imperatives of an effective military force.

- The pride, esprit, and ethos required for members of the profession to willingly sacrifice themselves in subordination to the will of the Nation, perhaps with the ultimate sacrifice.

Existing Army artifacts such as the Army Values, the Soldier's Rules, oaths of office, and other military imperatives all work together in the ethic as part of the institutional culture. Yet these artifacts of our culture can be better integrated and reinforced through a deeper understanding of how they relate to one another and other less explicit aspects of the Army Ethic to create a web of beliefs that form the Army's culture. We need to do this as an Army through future dialogue.

Finally, leader's responsibilities to the Army Ethic are paramount and are three-fold:

- To develop all Soldiers with military competence and moral character.
- To police the Army's Ethic within each level of command.
- To constantly conform Army culture and climate to its own ethical core to reinforce the tenets of the profession.

U.S. Navy, MCS1 Lynn Friant

Members of a Human Terrain Analysis Team (HTAT) survey Iraqi men in order to gather information for a full atmospheric survey in Basra province, Iraq, 7 July 2010.

As a profession, the Army must be self-regulating, and that falls on the shoulders of leaders at all levels. If the Army fails to self-regulate its ethic, it is quite justifiable that those external to the profession must do so on its behalf, which degrades the autonomy and the legitimacy of the profession.

Flowing from this discussion we now offer the fourth and fifth foundations of the Army Ethic: *The profession and its ethic as the core of institutional culture,* and *The relationship between the profession and its ethic and leadership.*

Conclusion

In 2008, Chief of Staff General George Casey launched a campaign to discuss and refine our Army Ethic. He charged the Army to reconnect with institutional responsibilities to promote and promulgate that professional moral foundation.[21] One of the first requirements will be to better articulate a framework for the Army Ethic and a strategy of how we inculcate and regulate it in our Army professionals. This short paper attempted to provide some thoughts to generate future discussion toward that end and provided a general framework that might drive a more deliberate attempt to "populate" this framework with the more specific values, beliefs, ideals, and principles associated with each of the foundations of the Army Ethic that we proposed.

After reflection on a decade of war and anticipating the future of conflict, one thing is clear: while the character of warfare may change, the nature of the duty of the Army is unchanged. The Army fights to protect the Constitution and thereby the rights of the citizen. As a professional army, we have an obligation to maintain our professional ethic by taking control of our codes and culture and the self-regulation of our members to ensure we satisfy our duty. We do this by ensuring *how* we fight is faithful to *why* we fight. We own our profession by fulfilling both our profession's duty and its ethic. **MR**

The ideas in this article are drawn from a team comprised of the three authors and eight others (alphabetically listed) who have been working together to advance a conceptualization of the Army Profession and its Ethic: LTC Mark Fairbrother, Mr. Chuck Grenchus, Dr. David Luban, COL Tony Pfaff, LTC Brian Reed, Dr. David Rodin, Dr. Pauline Schilpzand, and Dr. Don Snider. Any errors in this paper, however, are those of the authors alone.

NOTES

1. Field Manual (FM) 1, *The Army* (Washington, DC: U.S. Government Printing Office [GPO], 2005), claims, "Professions create their own standards of performance and codes of ethics to maintain their effectiveness." 1-11.

2. Don M. Snider, *The Future of the Army Profession* (New York: McGraw-Hill, 2002), chap. 1, 523-36.

3. Remarks by COL Sean Hannah, lecture to Master Army Ethics Trainer Course, West Point, 22 July 2010.

4. A definition of human rights is contentious. To avoid controversy, the human rights in this paper are "thinly" conceived. This means 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. This conception of human rights is both consistent with the founding of the United States and defensible as objective moral goods which serve as a founding source of the Army Ethic.

5. Anthony Hartle, *Moral Issues in Military Decision Making* (Lawrence: University Press of Kansas, 2004) 29.

6. TRADOC Pam 525-3-0 *The Army Capstone Concept* (Washington, DC: GPO, 21 December 2009), Foreword, i.

7. FM-1, pages 1-21, 2-2, 2-13, 4-13.

8. See the Declaration of Independence for a list of the rights the colonists felt the sovereign had violated.

9. "This I or He or It (The Thing) that Fights" Chris Case and Bob Underwood, unpublished manuscript.

10. A. Altman, and C. Wellman, *A Liberal Theory of International Justice* (New York: Oxford University Press, 2009), 3. Altman and Wellman explain in fine detail the arguments for and implications of sovereignty based on the protection of human rights.

11. Providing a full account of the justified use of force in defense of others (non-U.S. citizens) is not the focus of this paper. For a more thorough discussion see the forthcoming Center for the Army Profession and Ethic (CAPE) White Paper on the Army Profession.

12. Case and Underwood. The strength of this account is that it establishes a normative feedback loop for military operations.

13. The United States' right to sovereignty is predicated on its citizens' right to political autonomy. For a complete discussion of this relationship, see the forthcoming CAPE White Paper.

14. These foundations of the Army Ethic were developed by conferees at a conference on the Army Ethic conducted by the CAPE and the Department of English and Philosophy, USMA, in May 2010, and further refined by the three authors along with Dr. Don Snider, COL Tony Pfaff, LTC Mark Fairbrother, LTC Brian Reed, and Dr. Pauline Schilpzand.

15. See Civil-Military information paper on Center for the Army Profession and Ethic (CAPE), <https://www.us.army.mil/suite/page/611545>.

16. Center for the Army Profession and Ethic (CAPE) White Paper.

17. Case and Underwood.

18. Army Capstone Concept, 9.

19. Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (New Haven, CT: Yale University Press, 2000) 22-27. Glover's terms for the moral resources are "respect," "sympathy," and "moral identity." The terms in this paper are, arguably, consistent with Glover's use and more immediately relevant to developing a military moral psychology.

20. Sean T. Hannah and Patrick Sweeney. Chapter 4 in Don Snider and Lloyd Matthews, eds., *Forging the Warriors Character* (New York: McGraw-Hill, 2008): 65-90.

21. In 2008 General Casey established the Army Center of Excellence for the Professional Military Ethic (ACPME) and later designated it as the Army Force Modernization Proponent charged with advancing the Army Ethic and character development across DOTMLPF. The ACPME has now expanded its mission to include all topics of the Army profession. It has been moved under TRADOC and the Combined Arms Center and renamed the Center for the Army Profession and Ethic (CAPE).

ON THE ROAD TO ARTICULATING OUR PROFESSIONAL ETHIC

Lieutenant Colonel Brian Imiola, Ph.D., U.S. Army, and Major Danny Cazier, U.S. Army

> *"Divorced from ethics, leadership is reduced to management and politics to mere technique."*
>
> —James MacGregor Burns

THE ARMY HAS long functioned without any formal expression of its professional ethic. In fact, many associated with the profession of arms have openly questioned whether it is prudent or even possible to attempt to give expression to a "professional military ethic" (PME). Nevertheless, the Army is presently undertaking to do exactly that. It is promoting open discussion of, inquiry into the nature and content of, and efforts to articulate the American professional military ethic. We offer a few thoughts that we hope will enrich this discussion and inquiry.

In brief, we hold that any exploration of the professional military ethic must take into account the following considerations:

● We claim that any effort to develop a code of ethics must be constrained by preexisting objective morality.

● Because ethics is objective, it follows that a professional ethic can't differ radically from the moral code which should govern all of humanity.

● Despite its not being radically different, a profession's ethic serves a unique audience. Its articulation must be serviceable to that audience.

● An ethic is articulated for a purpose. A primary purpose of articulating our professional ethic is to further the moral development of our Soldiers. It must be presented in a way that allows Soldiers to internalize it.

A PME Must Be Normative and Cannot be Created

Field Manual (FM) 1, *The Army*, claims, "Professions create their own standards of performance and codes of ethics to maintain their effectiveness." This claim is problematic for several reasons and in need of examination. Before doing this, we need to be clear on what an *ethic* is and what an *ethos* is. We find *ethos* an increasingly common topic because of the prominence of the "warrior ethos" in the Soldier's Creed. Given the similarity of the term *ethos* to *ethics*, we fear that many readily conflate the two. However, aside from a shared etymological heritage, the words *ethos* and *ethics* have little in common.

Ethics answers questions of right and wrong. It derives from immutable characteristics of human nature. *Ethos* reflects the spirit of an organization, or the spirit that an organization seeks to inculcate among its members. It

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PHOTO: Soldiers with the U.S. Army 3d Infantry Division salute during a re-enlistment cermony at Camp Liberty, Iraq, 17 July 2007. (DOD. photo by U.S. Air Force SSGT. D. Myles Cullen)

derives from the shared attitude or goals of the organization. There is no essential relationship between the two terms. An *ethos* is not necessarily ethical. One can imagine a Nazi *ethos* and what it would entail. And even an *ethos* that seeks to be ethical is subject to scrutiny to determine whether it is in fact so.

Ethics itself is not subject to such scrutiny. It would make no sense to ask whether ethics is ethical, but it does make sense to ask whether any particular code of ethics properly represents one's moral responsibilities. What we seek when we pursue a professional ethic is a better understanding of the principles that should determine our conduct, not the spirit or mentality that influences our conduct. This said, our goal should be to deliberately cultivate an ethos that mirrors our ethic. We could wish nothing more than that the genuine spirit of our organization reflect our moral obligations.

Ethics is *normative,* which simply means that it tells us what we ought to do. It is a product of our shared human nature, including key qualities that define what kind of beings we are. We are rational as well as social beings. Because morality is a product of our human nature, we cannot *create* morality but rather only do our best to discover or discern what morality prescribes for us and then act in accordance with this. If this seems puzzling, consider key documents such as the Declaration of Independence, the Bill of Rights, and the UN's 1948 Universal Declaration of Human Rights. All of these documents focus on "inalienable" rights. Examples of these rights include the right to life and liberty. They also rest on a foundation in which all human beings are born free and equal. None of these documents presumed to create such rights. Such rights already existed based on preexisting principles. The documents simply discern and describe these principles so as to inform and guide our conduct.

In attempting to express our professional ethic, we are not creating new principles. Instead we are attempting to accurately depict preexisting ethical principles in a way that will guide the conduct of our profession. Scientists don't create physical laws. They discover them. Scientists then attempt to describe them as accurately, meaningfully, and usefully as possible. The task of developing a professional military ethic is based on the same principle. We are not *creating* moral imperatives; we are simply *identifying* imperatives that already exist. In developing a professional military ethic, depiction must follow discovery. We need to depict the ethic in a way that accurately represents our discovery and illustrates how these principles apply to our profession.

It seems difficult to reconcile our work of identifying and depicting a professional military ethic with FM 1's claim that "Professions create their... codes of ethics to maintain their effectiveness." We can assent to the first part of it only insofar as it is understood that what is being created is not the ethic itself but a *representation* of the ethic, the same way an artist creates not the subject itself but a depiction of the subject. However, the second part of the claim is more problematic. The purpose of ethics is to guide conduct toward some moral ideal, not merely to maintain effectiveness. How could effectiveness serve as an appropriate starting point for a genuine code of *ethics*?

Any code whose underlying function is merely effectiveness will work equally well for the unjust warrior as for the just warrior. It might be effective to lie to our Soldiers to gain their support for an unjust war. It might also be effective to implement a policy of disregarding high civilian casualties in certain situations in order to conserve combat power and maintain effectiveness. Our professional military ethic must truly point toward ethical conduct and not mere expediency.

A PME Must Reflect Moral Codes Governing All Human Beings

The Army's professional military ethic does not differ radically from the moral code that should govern all of us as human beings. As human beings, all of us have certain moral responsibilities, things to do and things to refrain from doing to each other. Our unique abilities and promises we make to others help determine our moral responsibilities.

In both of these areas, professions are different from the rest of society. Each profession represents a unique skill set, a unique set of abilities. A profession has "professed" to its clientele that it stands ready to perform a particular essential service. This "profession" is an implicit promise. So being uniquely poised to fill a particular role and having then announced one's determination to do so, professionals incur a greater obligation to perform this role than the public has. It is important to note that this difference between professional ethics and general morality is one of *degree*, not of *kind*. Professionals have a greater moral obligation to do

> *...our relationship to the public does not license us to do things that the public at large would be wrong to do.*

certain acts than does the rest of society, but they do not have license to do things that are fundamentally different from what the rest of society is morally permitted to do. The underlying factors that determine ethical responsibilities are not fundamentally different for professionals.

To illustrate this point, consider the moral obligation to rescue a drowning child. Each of us has such an obligation. But if the rescue requires swimming, then only those who are able to swim have the obligation. You simply can't have an obligation to do that which you are unable to do. (Actually, those who can't swim surely still have obligation to do whatever they can to support a rescue, whether it be summoning help, throwing a rope, or

A senior Airman helps to usher in patients and control the patient entrance at the Mallam-Atta Market Government Clinic as part of the Medflag 2006 Joint Force Humanitarian Medical Assistance Exercise, Accra, Ghana, 14 September 2006.

some other intervention.) Furthermore, those who are more capable swimmers surely have a greater moral obligation. However, aside from the question of ability, a lifeguard has a greater obligation than the public to rescue those who are drowning. This is because by occupying the position of lifeguard, he has professed (made an implicit promise) to the public that he will try to rescue the drowning. So his obligation is greater than that of any other citizen on the scene whose rescue abilities are identical to the lifeguard's. This scenario suggests that the lifeguard's responsibility to rescue the drowning is greater than that of the public at large, both because of his unique skill set and his having "professed" himself in this role. Additionally, because he has "professed" himself in this role, the lifeguard incurs a moral obligation to equip himself with the skills, knowledge, equipment, and so forth necessary to rescue distressed swimmers. Again, having declared his determination to provide this service, he incurs an obligation to prepare and maintain himself ready to make good on his implicit promise. Yet, the obligation of the lifeguard, while greater in degree than that of the public, is the same kind of obligation the public already has.

These two features—a special role or relationship and special ability—cannot generate moral obligations that are different in kind from those people already owe one another. Special abilities merely increase our obligations to one another. They don't fundamentally alter the nature of those obligations. And our relationship to the public does not license us to do things that the public at large would be wrong to do. Contracting oneself to do wrong would be immoral. So if a certain role or relationship genuinely implies an obligation to do wrong, to enter into that role or relationship would be immoral. Acts that are otherwise morally impermissible cannot be made morally right by virtue of one's professional status any more than immoral acts can be made obligatory by making a promise to do them. There simply cannot be a moral duty to do something immoral, no matter what one's role or relationship.

Some might object that the police officer who uses force when making an arrest is doing something that society at large may not be at liberty to do. However, to whatever extent this is true, it does not undermine the point. A police officer derives

We cannot express our ethic in terms of values or rules and expect it to be educational and inspirational.

his moral authority to employ force from his moral authority to protect the innocent and because society has transferred to him its natural authority to protect itself. So the policeman is not doing something fundamentally different from that which private citizens have the natural right to do.

A PME Must Be Articulated as Principles

A functional expression of a professional ethic must be articulated in terms accessible to the breadth and depth of the profession it seeks to serve. Otherwise, it is of little value to that profession. For it to be serviceable to the wide expanse of our profession and across the broad spectrum of military activities, we must state any functional expression of our professional ethic as principles, rather than as "values" or rules. We have to articulate a functional expression of our professional ethic in terms accessible to the breadth and depth of the profession. Otherwise, the statement is of little value to the profession. Given the great diversity within our military profession with regard to educational backgrounds (high school "equivalency" diplomas to multiple advanced degrees), maturity (teenage privates to NCOs and officers in their 50s), and motivation for service (jingoism, patriotism, funds for college, technical interest in a particular field, learning a trade), this is no small challenge. The complexity and diversity of our profession is perhaps unrivaled by any other. In technical expertise, we span such a broad range of skill sets (via individual branches) that we might be better described as an alliance of multiple professions than as one homogenous profession. This has led some to question whether the military has one single ethic or many.

A single expression of our professional ethic best serves our profession. The fundamental function of a professional ethic is to provide guidance for action to the profession. It should enrich the profession's understanding of its moral obligations. It should

help the professional determine what is morally required in his particular role. It should describe right action within the context of the profession. But perhaps most importantly to our present purposes, a professional ethic ought to unify a profession in purpose. We can best accomplish this via a single expression of our ethic. Furthermore, because a professional ethic does not differ radically from the moral code to which we are all beholden, we should not expect to find radical differences in the moral obligations of various elements of our profession. Our primary challenge is to determine how best to communicate those obligations across the breadth and depth of our profession.

Given the diversity of the military and the function of a professional ethic, it follows that any practical expression of our professional military ethic must be—

● Clear and concise, so that it is easily understood and remembered.

● Thorough, so that it provides sufficient moral guidance to American Soldiers.

● Educational, so that it promotes genuine insight into the nature of our professional moral obligations and informs moral judgment in new situations.

● Inspirational, so that it motivates Soldiers to achieve it.

The first two of these criteria seem fairly self-evident and straightforward. The last two merit discussion. We cannot express our ethic in terms of values or rules and expect it to be educational and inspirational.

The case against values. While values are essential to morality, expressions of values are too vague by themselves to provide guidance for action. For example, the value of "respect" provides no guidance unless it is further articulated and developed. While we all have a rough understanding of values, we don't understand very clearly what kinds of actions those values commit us to. It simply is not

> **…respect *must be seen as requiring, among other things, that one* avoid unnecessary harm.**

clear what values require. Our current Army Values approach implicitly acknowledges that a value alone is insufficient to guide action. When FM 6-22, *Army Leadership,* presents the Army Values, it does more than simply state them. It attempts to translate them into guiding principles of action. It offers commentary on what kinds of actions those values might call for. For example, it reports that loyalty requires one to "bear true faith and allegiance to the U.S. Constitution, the Army, your unit, and other Soldiers." This effort to provide meaning to the values reflects the insufficiency of values by themselves to adequately guide action and educate practitioners.

Given their vagueness, Soldiers can interpret values in ways that could generate irreconcilable conflict as they attempt to use them as a foundation for decisions. Many values are not even objective moral values; they are instrumental. Objective moral values genuinely improve action when honored. Instrumental values simply aid in the fulfillment of some particular cause. To illustrate this point, consider the values of personal courage and loyalty. These seem appropriate values, but they can easily be hijacked in pursuit of immoral ends. Courage, for example, makes a bank robber even more dangerous to society than he would otherwise be. Loyalty makes organized crime a more insidious threat than if its members were disloyal to a gang or mob. Even those engaged in illicit ends find courage and loyalty useful. And their conduct is all the more immoral for having harnessed these values.

The case against rules. The case against rules is also well worth noting. First, no list of rules could ever be long enough to capture all of the things that we should and should not do. Second, any list of rules—if enforced—really just approximates another *legal* code. It invites legalistic interpretation and gaming. Not only do we already have an adequate legal code (the Uniform Code of Military Justice), but our ethic should not be relegated to the status of law. Law tells you what you must do to avoid punishment, but not what you ultimately *should* do. Third, if not enforced, rules are impotent. When enforced, rules motivate primarily because of the enforcement mechanism (i.e., punishment). On today's battlefield, Soldiers often operate independently. The prospect of punishment is too remote to guide them, especially when they aren't sure they will survive to receive punishment. Rules simply cannot compel proper

conduct if a Soldier doesn't already care somewhat about doing right.

Finally, rules do not educate. They say what one must or must not do, but they do not say *why*. This is because they are specific to particular cases and don't have clear implications for other cases.

The case for principles. If values and rules are poor candidates for expressing our professional military ethic, what is left? Between values and rules lie principles. They are less vague than values and less specific than rules. They express general moral truths, but they still advocate for or against particular types of action. They provide general guidance while inviting members of the profession to exercise their judgment in applying them with greater precision than either values or rules could do. We maintain that principles are the appropriate vehicle for expressing our professional ethic.

Principles educate. They provide action guidance better than do vague values or narrowly applicable rules. Because they apply to categories of action, one doesn't need as many of them. They do greater work than do specific rules because they educate.

They cover a host of cases, and in doing so they yield insight into the common element in all those cases. The principle involved explains rightness or wrongness. As professionals mature, their understanding of what the principles call for will also mature.

Principles also promote discretionary judgment, the hallmark of a profession. (Rules, on the other hand, obviate judgment. This is the hallmark of a bureaucracy.) Because they educate and then require discretionary judgment, principles invite better conduct than rules do. For example, *respect* is a cardinal value. However, even if we reached a consensus on the meaning of respect, it would not automatically generate any action guidance until we translated respect into a moral principle. Moreover, there are a number of moral principles that might plausibly follow from the value, *respect*. Some are consistent while others conflict.

Possibilities include—
- Regard others as having equal value to you.
- Treat others as they should be treated.
- Do not gratuitously harm anyone (including the guilty).

A Soldier holds the hand of an injured Iraqi man lying in the street after a suicide car bomb explosion at an intersection in Tameem, Ramadi, Iraq, on 10 August 2006.

• Show appropriate deference to superiors.

• Enjoin attentiveness to the mission and respect legitimate power.

To know what actions a particular value calls for requires considerable reflection, understanding, and sensitivity to other relevant values.

We argue that *respect* must be seen as requiring, among other things, that one *avoid unnecessary harm*. This seems to be the kind of guideline that can direct action without dictating it. In other words, it offers guidance, but still calls on a Soldier to apply discretionary judgment. If we were to deny such discretionary judgment to Soldiers, we might translate the principle of respect into a number of rules. Possibilities include—

• Don't employ poisoned bullets.

• Don't drop ordnance within 500 meters of built-up areas.

• Don't employ herbicides except for control of vegetation immediately around defensive perimeters.

Each of these "rules" illustrates the inadequacy of rules. The first one informs the Soldier not to employ poisoned bullets. However, because it offers no insight into why, the Soldier does not automatically realize he also ought not to employ modified bullets. Since it does not imply this, we must also add to this rule a separate prohibition against scored bullets, another against filed bullets, etc. Even if we simplified it with a policy against modified bullets in general, it would still be inadequate to express all that is captured in the principle of "avoid unnecessary suffering." And it would thereby risk the mistake introduced by the second rule above. "Don't drop ordnance within 500 meters of built-up areas" is probably a pretty good general rule. But surely it shouldn't be applied in *all* cases. The target being aimed at will sometimes justify this risk. Or the built-up area might be inhabited solely by combatants. Perhaps it is otherwise abandoned by its previous settlers. Hard, fast rules like this are going to prove inappropriate in too many cases.

The rule concerning the use of herbicides seems to approximate a principle, since it requires some amount of judgment or interpretation in determining what counts as "immediately around." But because it is worded in terms of a strict prohibition, it assumes the form of a rule. And in doing

so, it invites equivocation. What does count as "immediately around"–hand grenade range, small arms fire range, maximum effective range of my highest-casualty producing weapon? While principles also require this kind of interpretation, they seek to educate judgment rather than eliminate it. They seek to encourage rather than compel. In short, they invite ethical conduct.

A PME Should Be Internalized, Not Merely Memorized

The Army's professional military ethic is not merely something for Soldiers to memorize; they should internalize it. America is a nation of great diversity. The members of our profession enter it with diverse worldviews and ethical beliefs, some of which are not in accord with the Army's ethic. Nevertheless, the ultimate goal for our professional military ethic is to have Soldiers not simply act in accordance with its principles but to internalize them. By *internalize*, we mean that the members of the profession will genuinely believe that these principles are morally correct and just. And believing these principles just, they will seek to better understand them and conform their actions to them. The first step towards internalization is education and training. The moral insight necessary to render sound moral judgment requires considerable study. For an expression of the professional military ethic to foster such insight, it must not merely illuminate but also promote reflection upon and dialogue about the moral principles that govern our profession. Only in this way can it invite the professional to genuinely internalize the moral principles governing our profession.

After we explain and teach the professional military ethic, the next step toward internalization is habitualization. Over time, with reinforcement and correction by the profession, our Soldiers will make these principles such a habit that they routinely perform the actions the principles dictate. Ideally, this will lead to internalization. They will not only act in accordance with its principles but also genuinely believe that they are the right moral principles. Such belief cannot be manufactured—it must come from the experience of understanding the truth in action.

We need to take three steps to advance our profession's moral development. First, we must generate

a simple, inspirational approximation of the professional military ethic that is easily remembered and understood. Second, we must generate a longer, more in-depth exploration of this ethic that provides the rationale for the principles included in the shorter version. This should explain the principles more fully and help our profession determine the kinds of actions the principles indicate and the way to apply them. Third, we must reinforce the professional military ethic in all aspects of military service, including garrison operations, field training, and deployments.

Success in this endeavor promises great reward. The internal benefits of articulating this ethic will—

- Provide a vehicle for understanding and internalizing our core values.
- Unify the various subprofessions (i.e., the various branches) in purpose.
- Enable the moral development of individual professionals.
- Instill moral confidence in our Soldiers.
- Improve the moral performance of our Soldiers substantially.
- Enhance the trust relationship with our clientele, the American public.
- Improve our status as a profession, bringing us on line with other established professions (and helping to mitigate concerns over whether we constitute a profession at all).
- Serve as a model for other nations' militaries as they strive to professionalize and discern the moral implications of the profession of arms.

As the Army enters its 236th year of service, it is surely time for us to clearly articulate our professional ethic. *MR*

WARRIORS, the Army Ethos, and the Sacred Trust of Soldiers

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*There are well-dressed
foolish ideas just as there
are well-dressed fools.*
—Nicolas De Chamfort

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PHOTO: A U.S. Soldier hands an Afghan girl a bottle of water during a mission in Khost Province, 29 July 2009. (U.S. Army, SPC Matthew Freire)

AS A DISCURSIVE factor in current information operations, the Army's formal use of the term *warrior* for its Soldiers may be practically and morally counterproductive.[1] Nowadays, words matter more than ever. This discussion explores the psychological implications of using the term *warrior* when we mean *soldier* and why those implications can be important for current and future contingency operations.

Historically—and therefore discursively—the ethos of a warrior is frequently and connotatively contradictory to that of a soldier (especially that of the "professional soldier") in important ways that matter now. The Army's "Soldier's Creed/Warrior Ethos" conflates the denotative terms *warrior* and *soldier* and entangles their identifying traits. An important historical example can help with understanding why the ostensibly honorific *warrior ethos* may now be a liability. The Battle of the Metaurus River, though largely unknown except to historians, was one of history's most important and telling military events. As an example that demonstrates the difference between *warriors* and *soldiers* (in a war that shaped the way the two words have come down to us), this battle can help to illustrate my point.

At the height of the Second Punic War, in 207 BCE, Hastrubal Barca invaded Italy with reinforcements for Hannibal's army, which had dominated the peninsula for 11 years. At the Metaurus, two Roman forces combined to check Hastrubal, and he met his death in the midst of a Roman cohort before reaching his brother. His army—composed mostly of Celtic and Ligurian warriors and veteran Iberian and African soldiers—lost a pitched battle against a disciplined Roman citizen-army, many of whose soldiers had force-marched into position just before the fight. Hastrubal's loss was a major turning point that prevented Hannibal from obtaining the reserves he needed to assault Rome and topple it before it had a chance at empire. As I discuss later, the *soldiers* in this battle behaved differently than the *warriors* did, effectively drawing a graphic distinction between the two words for the remainder of Western history.

The Warrior's Spirit

Achilles and Hector were Western warriors in what we call the Homeric age. Today, *warrior* evokes Homeric imagery and has these heroic connotations, which is probably why the Army employs the expression. Over the last decade, the term's antique patina has come into vogue—along with a rage for all things fashionably retrograde—but unfortunately all the word's connotations accompany it. Many will insist *warrior* is simply another honorable, albeit florid, name for a well-trained and motivated soldier. This understanding neglects the word's historical and literary roots and tries to make a modern meaning for *warrior* with only the good half of its implications.

Historically, the name *warrior* has connoted an advocate of war, one not only skilled but also bloody-minded and primitive ("ancient and medieval"), who fights for his own glorification, indulgence, and even visceral satisfaction.[2] To possess a warrior spirit is to be indomitable and courageous, but in literature and history, *warrior* also suggests an unreliable, undisciplined, self-regarding person with a noisy zeal for war and action. Importantly, the term carries associations about love of the fight itself. As J. Glenn Gray says in his timeless classic, *The Warriors*: *Reflections on Men in Battle*—

> When soldiers step over the line that separates self-defense from fighting for its own sake, as it is so easy for them to do, they experience something that stirs deep chords in their being. The soldier-killer is learning to serve a different deity, and his concern is with death and not life, destruction and not construction.[3]

Gray's "soldier-killer" suggests a refraction of the archetypal warrior as an ecstatically self-regarding person. As Gray indicates, transforming from soldier to warrior—in this sense—is "easy." It requires little encouragement. Human nature already contains the impulse to *destroy* like a warrior. People have evolved to like violence. Soldiers from Alexander to Robert E. Lee have recognized this latent potential for enjoying war's violence ecstatically. Lee's famous self-conscious observation to Longstreet—"It is well that war is so terrible: we would grow too fond of it."—illustrates this propensity.[4]

Gray further observes, "The satisfaction in destroying seems to me particularly human, or, more exactly put, devilish in a way animals never can be." Unleashing ecstatic soldier-killers, Shakespeare's "dogs of war," suggests opening a Pandora's Box of untrammeled *impulsiveness* that Gray calls both "totalitarian and exclusive." Gray describes how he witnessed a group of U.S. officers during WW II who shot at people's property simply to continue the destruction after a battle. He remarks on his feelings of shame seeing Americans impulsively revel in vandalizing the town while their wounded "still lay on the field."[5] They acted like real Vandals, the Germanic warriors who sacked Roman cities after battle. The Vandals' self-indulgence in destruction hints at the ecstatic appeal found in the romanticized literature of the warrior-adventurer.

Warrior impulsiveness frequently leads to actions much worse than vandalism. As Gray points out, the warrior's lust for destruction brings *eros* to the fore, and they resonate together.[6] In myth and legend, the warrior knight revels in both combat and sexual gratification. Love stories of chivalric myth concern archetypical knights in lust, fighting not only to destroy but also to satisfy sublimated urges. Jason, Achilles, Odysseus, Lancelot, Tristan, Musashi, and Rustam—to name only a few—were sexual warrior-adventurers in this way. Two well-known Western examples serve here, Achilles and Lancelot. Achilles sows destructive rancor among the Greeks because of his rivalry with Agamemnon over the girl Briseis, the sexual spoils of war. He is prone to impulsive rage, and commits the most notorious war crime in all of literature, the desecration of Hector's body. He is a warrior but not a soldier. The Arthurian Lancelot goes berserk as a killer—often to the point of fratricide—and indulges his impulse as an illicit lover with the queen. Notorious for his sense of disdain for collateral damage in battle and love,

Vercingetorix Throws his Weapons at Caesar's Feet by Lionel-Noël Royer, 1899. At Alesia, Caesar defeated 180,000 Celtic warriors with 50,000 disciplined Roman soldiers.

Lancelot views with contempt the inconvenience of having noncombatants in the battlespace. He too is a warrior but not a soldier. Of these two most prominent Western examples, the case of Achilles is more germane because it involves the rape of Briseis. As is well known, rape and death perennially accompany each other in war.

This darker reality, the warrior as killer and rapist, represents archetypal behavior that the Army surely does not want to evoke. Yet we persist with poetic *warrior*-inspired names such as "Task Force Conqueror," "Crusader Company," and the like, and this naming happens in an environment in which we claim to take information operations seriously.

Warriors versus Soldiers in Culture and History

Historically, in the West, the paradigmatic warrior was a barbarian akin to the tribal and heroic Celts at the Metaurus River. The magnificent Celts gloried in Homeric combat at the expense of organization and discipline. Their chieftains frequently challenged Roman consuls to single combat, like an "Army of One." History has thus informed popular culture. It has given *warrior* its distinction implying an *individual*. Movies like *Gladiator* illustrate this ethos. The individualistic heroic spirit the character Maximus displays is of course how our Army conceives of the term *warrior* for its Soldiers (i.e., "an Army of One"). Yet, tellingly, Rome honors the dead Maximus not as a warrior but as a "soldier of Rome." He is not honored for his individualistic gladiatorial prowess, but for his leadership of an army that ran roughshod over warrior barbarians.

Hastrubal was a soldier, as was his famous brother Hannibal. So were his Roman enemies. *Soldier* connotes service, submission to authority and discipline, rigor in teamwork, and commitment to a higher need than one's own (including one's need to be a warrior). With *soldier*, the organized *group* dominates the individual. The word is related to a Roman Latin word for pay. In history and literature, the word *soldier* implies cooperation, strength in order and silent obedience, and—at its best—a preference for peace. In popular culture, films like *Saving Private Ryan* demonstrate this ethos. Such films idealize the American Soldier's *selflessness*. They also emphasize how *soldier* evokes the word *citizen* in a way *warrior* does not.[7]

The Spartans, fictionalized as pure warriors in the film *300*, were more the Western ideal of the citizen-soldier and the professional. They believed that argument and political maneuver were superior to combat:

> In Sparta, the returning general—if he had overcome the enemy by deception or persuasion—sacrificed an ox and if by force of arms, a cock. For although the Spartans were the most warlike of peoples, they believed that an exploit achieved by means of argument and intelligence was greater and more worthy of a human being than one effected by mere force and courage.[8]

*…we persist with poetic **warrior-inspired** names such as "Task Force Conqueror," "Crusader Company," and the like, and this naming happens in an environment in which we claim to take information operations seriously.*

Consul Titus Manlius Torquatus Beheading His Son by Ferdinand Bol, oil on canvas, c. 1661-1663.

Spartans understood that resorting to lethal combat represented a failure. They were professionals in that they cooperated, selflessly, for the good of their society as they saw it. That society possessed some morally and aesthetically perverse traits (including eugenics, pederasty, abject slavery, sociopathic xenophobia, and mate-swapping), but they avoided war whenever possible. For all their military efficiency, Spartans were not lovers of the fight. Homeric display was for them bad form.

Romans consciously tried to emulate the military side of the Spartan ethos while rejecting most of the pathologies. Their paradigmatic soldier was the citizen of Republican Rome. He served for pay in an organized, bureaucratic institution with regulations and retirement benefits (when professionalized under Marius). Like the Spartans they admired, Romans prized military efficiency. For them, Homeric display was not just bad form but a military crime. The Roman general Titus Manlius Torquatus famously executed his own son for "a false conception of glory" by advancing from his post to attack, warrior-like, after a barbarian enemy challenged him to single combat.[9]

Romans strove to be more like a team of mechanics in battle, eschewing the fractious disunity of a warrior mentality. As Josephus remarks, "The Romans are sure of victory . . . For their exercises are bloodless battles and their battles bloody exercises."[10] The secret of Roman longevity rested with the legion's practiced organizational teamwork and

mechanical efficiency in both logistics and tactics against enemies imbued with a tribal warrior ethos. Legionary soldiers fought with shovel and shield and a business-like sword drill, and they self-consciously contrasted themselves with Gallic Celts who cared little for formations and less for the discipline implied by shovels. Celts fought with the edge of the blade in over-wrought swordplay honed for surviving individual combat. Vegetius tells us that Romans ridiculed these barbarian warriors for their organizational and tactical folly:

> Care was taken to see that the [legionary] recruit did not rush forward so rashly to inflict a wound as to lay himself open to a counter-stroke from any quarter. Furthermore, they learned to strike, not with the edge, but with the point. For those that strike with the edge have not only been beaten by the Romans quite easily, but they have even been laughed at.[11]

Romans thus spurned the warrior ethos for its theatrical inefficiency. Polybius relates this philosophy in describing the traits of ideal centurions for Republican armies:

> In choosing their centurions the Romans look not so much for the daring or fire-eating type, but rather for men who are natural leaders and possess a stable and imperturbable temperament, not men who will open the battle and launch attacks, but those who will stand their ground even when worsted or hard-pressed, and will die in defense of their posts.[12]

Legionary soldiers—the *milites*—did not over-value "closing" with their enemies—their priority was on keeping the line with vigilance. To the Romans, a competent soldier transcended the mere warrior through his restraint. The Romans brought selfless team effectiveness to high art while their warrior enemies largely reveled in impulsive individualism. Legionnaires were expected to act like soldiers, not individuals. Their disciplined restraint set them apart, and American Soldiers are their cultural and intellectual descendants.

Informing the Subtext of the Army's Ethos

In the age of the "strategic corporal," our Army can ill afford to hearken back to Homeric values.[13] Glamorizing implications of "love for the fight itself" as a subtext by institutionalizing its Soldiers in name

as "warriors" is probably a bad idea given today's conflicts. The term is an intensifier that the Army would not use if it had no such glamour attached. Regardless of its value as an honorific, touting the so-called "Soldiers Creed/Warrior Ethos" is counterproductive precisely because it sends this signal. Good soldiers are not impulsive and selfish, they don't seek glamour, and they do not see fighting as the pursuit of ecstatic gratification. Professionals know their niche in the operating machinery, and they do not relish the business of killing. To attempt to glamorize such an endeavor is in itself a cheapening and amateurish act diminishing the sacred respect good soldiers deserve.

The grandiosity of warrior imagery thus appears self-defeating in today's information age. Marketing a warrior mentality sends the wrong messages. It may help lure some people to enlist, but such imagery can undermine operations by grinding away at a soldier's respect for other people, including those they protect and those who are potential enemies. One can develop a warrior spirit (in the best sense) without advertising. One can foster resolute courage without hyping the warrior's fervor.

Warrior's ethos or Soldier's creed? The Army's official "Soldiers Creed/Warrior Ethos" (from 2003) mixes the associations of *warrior* with the word "soldier" (italics and insertions are mine):

Soldier's Creed and Warrior Ethos—

● I am an American *Soldier*.

● I am a *Warrior* and a member of a *team*. [This is arguably an oxymoron.]

● I serve the people of the United States and live the Army Values.

● I will always place the mission first.

● I will never accept defeat.

● I will never quit.

● I will never leave a fallen comrade.

● I am *disciplined*, physically and mentally tough, trained and proficient in my *warrior* tasks and drills.

● I always maintain my arms, my equipment, and myself.

● I am an expert and I am a *professional*.

● I stand ready to deploy, engage, and *destroy* the enemies of the United States of America in close combat.

● I am a guardian of freedom and the American way of life.

● I am an American *Soldier*.[14]

As it happens, history and literature do not associate warriors with *teams* or *discipline*. Warriors know weapons, but logistics and anything beyond basic tactics bewilder them. Warriors *destroy*, but soldiers *defend* and *protect*. Encouraging American Soldiers to see themselves as "warriors" is stretching a metaphor beyond its limits. Why persist with this conflation? When one pretends that words mean something that they do not, one is more likely to throw out the moral baby with the bathwater.[15] Culturally, legally, and morally, American Soldiers are soldiers and ultimately better than mere warriors.

What the Army values. Language suggests values. The "Army Values" mentioned in the creed need close examination given the dissonance in the professional manifesto: Where is the part about protecting the innocent? Is it implied? If one engages in a profession or occupation the purpose of which, ultimately, is to kill people efficiently, one would want to make his supreme principle of action the avoidance of killing the wrong people. That should be explicit. Admirable as it is, the "Values" list is not sufficient, even with its accompanying commentary (see the FORSCOM website at Note 14). If the Army has an articulated ethos that does not make avoidance of killing the wrong people explicitly the supreme principle, something is wrong.

MacArthur's "sacred trust." Tomoyuki Yamashita, a Japanese Imperial Army general, was formally convicted and executed in 1946 after a war crimes tribunal found him guilty of not controlling his troops (and sailors not under his command) when they sacked Manila in the Philippines in 1944.[16] The Americans had cut him off from communication with his troops in the city, and murder and rape ensued. During Yamashita's trial, General Douglas MacArthur declared that the soldier's first obligation, "the very essence of

> *…one would want to make his supreme principle of action the avoidance of killing the wrong people.*

Lieutenant General Tomoyuki Yamashita (left), the "Tiger of Malaya," is arraigned before the War Crimes Commission in Manila, pleading "not guilty." His trial occurred 29 October 1945.

his being," was the "sacred trust" entailing "protection of the weak and unarmed."[17] Yamashita failed in this regard, so MacArthur thought, and was guilty of the highest crime a soldier can commit—loss of discipline, loss of control while in command. He was found guilty in spite of his not being present and not having any means of control over the rampaging soldiers and sailors. Yamashita was responsible for what happened because some of the troops committing war crimes were in his chain of command, and he had command responsibility. He violated the sacred trust because he was the military commander of some 3,700 soldiers still in the city, and it mattered not that U.S. bombardment, maneuver, and electronic warfare had deprived him of the ability to exercise his command.

If a soldier has a sacred trust to protect the weak and unarmed, directly or as command responsibility, it ought to be part of any code thought to be definitive. If a general has command responsibility for his soldiers' rampaging, for their loss of discipline leading to moral chaos, his most explicit advice to those under his command should be to be disciplined and adhere to that trust.

To give due attention to disciplined self-control in killing, the Army ought to be more emphatic about it than it currently is. If we held Yamashita to such standards, we must also apply them to our commanders and planners. We as an Army do believe the soldier's sacred trust to be a moral reality. We therefore ought to do everything we can to prevent careless killing and to encourage soldierly discipline, especially moral discipline. So why do we have an articulated ethos that clouds the issue by calling American Soldiers warriors?

Institutionalizing the Soldier's Sacred Trust

The Army Values should clearly state that MacArthur's "sacred trust" exists, and that it is paramount in a profession that entails legitimate killing. The sacred trust ought to be clear for all to see, not only to demonstrate moral commitment to the public but to reinforce ethical reflection among one's own troops. In military public relations, such a demonstrated commitment should be fundamental.

Real honor does not derive from sloughing off risk to noncombatants. Restraint is the justifying principle of professional military obligations. It should be connected, recognizably and inherently, with the statement, "I am an American Soldier." Those are the associations that we need now, rather than warrior associations. One can never expect any soldier to be in perfect control in battle. However, the realities of today's world demand that the military reaffirm its commitment to restraint and protection, rather than destruction. That is fundamentally why a rigorous morality for killing should be part of a formally published credo as well as practiced principles—to make the best outcomes as likely as possible given the chaotic circumstances of battle and its aftermath.

The Army has been undergoing an attitude adjustment about killing in counterinsurgencies, and now may be a good time to break its habit of using the term *warrior*. If we believe in a sacred trust, we ought to eliminate any possibility of people misconstruing our intentions. We do not need flamboyant allusions to warrior impulsiveness and egoism. Our creed should reinforce the notion of teamwork without having associations suggesting self-aggrandizement. The real warrior ethos from history is counterproductive because it incites bloody-mindedness at the expense of constructive concerns. Warriors of old song and tradition kill and destroy, and who they kill

doesn't much matter as long as they get the enemy, too. Soldiers, on the other hand, protect. They have a sacred trust. It's not romantic, but it's sublime.

Warriors and Soldiers at the Metaurus

At the Metaurus, Hastrubal arrayed his army on uneven ground near the bank of the river after a failed attempt to ford it and evade the reinforced Romans. He posted his best soldiers (his Iberian and African veterans) on the right under his personal command where he knew the brunt of the Roman attack would come. His distrust of his Gallic warriors was clear in the way he positioned them on the rough ground covering his left flank, which was virtually inaccessible to Roman flanking and frontal attacks.

After the Telamon battle in 225, according to Polybius, the Romans lost their fear of warrior barbarians. That is likely the main reason Hastrubal posted the Celts on such difficult terrain. Clearly lacking the Carthaginian veterans' stamina, the Gallic Celts were also tired. As Livy says in the context of the Metaurus, "Gauls, to be sure, always lack stamina."[18] Indeed, the abiding difference between warriors and soldiers is that "warriors always lack stamina." As long as they are fed and they haven't had too much exertion, they might be of some good when grouped together, but when things turn difficult, warriors are apt to be tired, distracted, and disorganized. In this case, many of Hastrubal's Celts had wandered out of position, confirming his distrust of their ability for teamwork.

As Polybius remarks of the Celts generally, their leaders were "beneath contempt. For not only in the majority of their actions, but in every single instance the Gauls were swayed by impulse rather than by calculation."[19] This observation reveals the essence of the difference between the warrior image in history and that of the soldier. For the warrior, impulse trumps all—as it did at Troy for Achilles. For the Carthaginians at the Metaurus River, the Gauls' impulsiveness compounded their lack of stamina and tactical discipline. When the Carthaginian right began to collapse, and the Romans were able to assault the difficult terrain on the left flank, "they found many of the Celts lying drunk and asleep."[20]

Appetites burden the warrior's undisciplined heart, and Polybius reserves his worst scorn for this particular failing.

Hastrubal's drunken Celts contrasted with the 6,000 Roman soldiers who had just endured six days of forced marches under Gaius Claudius Nero (an ancestor of the notorious emperor) to reinforce the consular army of Marcus Livius facing him. Before the opposing armies formed for battle, Hastrubal realized the Roman force was larger than before. He recalled a Roman trumpet blast during the night and remembered it was the signal for the arrival of a general. When the Carthaginian leader noticed different shield patterns and haggard horses, he guessed he was in deep trouble.[21] Hastrubal understood the discipline required for them to be there and saw in the Roman lines the determination of soldiers who had performed a miracle of maneuver. No mere warrior would ever have endured such a mission. Hastrubal tried to break off but could not. In recalling the earlier Battle of Telamon, Polybius sums up the differences between the Roman citizenry and the warrior tribes threatening the future of Rome: the power of tribes—however well equipped and numerous—can always be defeated "by the resolution and the ability of men who faced the danger with intelligence and cool calculation."[22]

The Army should reevaluate whether it can afford to continue calling its Soldiers *warriors*. In both the perception of our Soldiers and the minds of those people who see armed Americans in their countries, the dissonance implied by "warriors" can produce conflicting psychologies. No matter how one cuts the cards of history, or reads the literary tradition we have inherited, the term *warrior* must emerge as a *faux pas* in the information domain. The word must suffer the stigma that history and literature have foisted upon it. The idea of creating "information warriors" (as advertised in the September-October 2009 edition of *Military Review*) is therefore probably self-defeating. Though we have Soldiers who are warriors at heart—in the best sense—it may be better not to constantly call them that. The Army is full of great Soldiers, not literal warriors, and their mission is to protect, not to destroy. ***MR***

NOTES

1. Only the Air Force and the Army use *warrior* in their basic creeds, and the Army is the only service that makes constant reference to the word. The SEALS and Army Special Forces creeds also briefly mention it. However, the Army's Ranger Creed makes no mention of *warrior*. Its matter-of-fact statement that "I am a specially selected and well-trained Soldier" is admirably accurate and succinct. Arguably, the "Ranger ethos" is the most professional in this sense. The Marine Corps makes notably few official references to *warrior*, and those it makes are mostly associated with their Wounded Warrior program. Among the Wounded Warrior programs across the services, the term appears as a poetic honorific not carrying the implications of a creed. I refer the reader to the official Internet sites of all five services.

2. *Merriam Webster Unabridged Dictionary* online. The primary meaning of *warrior* is "a man engaged or experienced in warfare and especially in primitive warfare or the close combat typical of ancient or medieval times." <http://unabridged.merriam-webster.com/?refr=U_mwol_top>. *The American Heritage Dictionary of the English Language* (New York: Houghton Mifflin, 2006) discusses the etymology of *warrior* as coming from an Old North French word meaning "to make war."

3. J. Glenn Gray, *The Warriors*: *Reflections on Men in Battle* (New York: Harper & Row, Bison Books, 1998), 51-57.

4. Lee's comment to James Longstreet at Fredericksburg, 13 December 1862. Quoted in *The Dictionary of War Quotations*, edited by Justin Wintle (New York: Macmillan, The Free Press, 1989), 286.

5. Gray, 55.

6. Ibid., 53.

7. *Merriam Webster Unabridged Dictionary*. *Soldier* primarily means a member of an organized body of combatants. *The American Heritage Dictionary of the English Language* discusses the etymology of *soldier*, indicating its origins stem from the early medieval concept of serving for pay contrasted with most combatants who served as feudal vassals without pay. *Soldier* equates to the ancient Latin word *milites*, used for Roman legionary regular soldiers.

8. Plutarch, "Marcellus" in *Makers of Rome*, translated by Ian Scott-Kilvert (New York: Penguin Classics, 1978), 109.

9. Livy, *Rome and Italy: Books VI-X of the History of Rome from its Foundation*, translated by Aubrey de Selincourt (New York: Penguin Classics, 1988), 166. Ironically, Torquatus got his name by slaying a Gallic chieftain in single combat.

10. Josephus, quoted in Lynn Montross's *War Through the Ages* (New York: Harper & Row, 1960), 43.

11. Vegetius, quoted in Michael Grant's *The Army of the Caesars* (New York: M. Evans & Company, 1974), xxvii.

12. Polybius, *The Rise of the Roman Empire*, translated by Ian Scott-Kilvert (New York: Penguin Classics, 1979), 322.

13. Charles C. Krulak, "The Strategic Corporal: Leadership in the Three Block War," *Marines Magazine* (January 1999), <www.au.af.mil/au/awcgate/usmc/strategic_corporal.htm> (2 July 2009).

14. U.S. Army "Army Values," "Soldiers Creed," and "Warriors Ethos" on line at the Forces Command website, <www.forscom.army.mil/reeng/Army%20Part1%20Values.htm>.

15. Thomas Paine, "The Author's Profession of Faith," *The Age of Reason* (The Project Gutenberg Etext of The Writings of Thomas Paine Vol. IV), <www.gutenberg.org/dirs/etext03/twtp410.txt>.

16. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, Inc., 1977), 316-22.

17. Ibid, 317.

18. Livy, *The War with Hannibal: Books XXI-XXX of the History of Rome from its Foundation*, translated by Aubrey de Selincourt (New York: Penguin Classics, 1988), 493.

19. Polybius, 146.

20. Ibid, 426.

21. Livy, 490.

22. Polybius, 146.

The soldier, be he friend or foe, is charged with the protection of the weak and unarmed. It is the very essence and reason for his being. When he violates this sacred trust, he not only profanes his entire cult but threatens the very fabric of international society. The traditions of fighting men are long and honorable. They are based upon the noblest of human traits—sacrifice. This officer, of proven field merit, entrusted with high command involving authority adequate to responsibility, has failed this irrevocable standard; has failed his duty to his troops, to his country, to his enemy, to mankind; has failed utterly his soldier faith.

—General Douglas MacArthur (Report to President Harry S. Truman advocating that General Tomoyuki Yamashita be tried for war crimes)

DISCIPLINE, PUNISHMENT, and COUNTERINSURGENCY

Scott Andrew Ewing

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PHOTO: A Soldier in Iraq getting "smoked." When such sessions cross the line into abuse, they become illegal. If unchecked, paternalistic behaviors among leaders can also translate into contempt for their Soldiers and others. Abuse of authority is not consistent with good stewardship. (courtesy of author)

JUST AS COMMANDERS are responsible for the climate in their units, so the Army as an institution is responsible for the moral climate it fosters. In this article, I will outline some of the contradictions and ambiguities in Army regulations (ARs) and field manuals (FMs) that make it difficult for leaders to understand the distinction between corrective training and punishment. I will argue that ARs, case law, the Office of the Inspector General, and higher-echelon commanders have, nonetheless, made it clear that such a distinction exists and must be respected. Failure to recognize and respect this distinction can and often does lead to illegal abuses of authority. These abuses of authority within the Army's ranks, and the cultural undercurrents that condone these patterns of behavior, cripple efforts to wage an effective counterinsurgency (COIN) campaign by fostering a mentality of paternalistic tyranny rather than good stewardship. The moral implications of this mentality are neither consistent nor compatible with counterinsurgency doctrine, which requires support of, and thus respect for, the local population.[1]

In July of 2005, while serving in Iraq, I began a search for the regulations that authorized a noncommissioned officer (NCO) to order a private to do painful, humiliating, or fatigue-inducing exercises as a means of addressing alleged misconduct or minor deficiencies. Such practices are commonly referred to as "smoking" a Soldier.[2] An instance of a Soldier being ordered to do pain-inducing exercises as a response to alleged misconduct or minor deficiencies is called a "smoke session." The practice is ubiquitous in the Army. It is also illegal.

To correct this situation, two things need to occur. First, several ARs and FMs need to be revised to clarify the difference between corrective training and punishment. Additionally, company and field grade officers and senior NCOs must enforce these regulations, and their interpretation, in accordance with judicial findings and the memoranda of higher-echelon officers.

Paternalism Gone Awry

Sergeants smoke Soldiers in the Army every day. Unfortunately, it is not easy to discern the legal boundary between corrective training and punishment by reading regulations. In my experience, NCOs and lower enlisted Soldiers are almost never aware of the location and content of the wording that addresses practices colloquially referred to as "smoke sessions." Indeed, the term "smoke session," while a part of the everyday lexicon of enlisted Soldiers, is nowhere to be found in ARs or FMs.

> *…the cultural undercurrents that condone these patterns of behavior cripple efforts to wage an effective counterinsurgency (COIN) campaign by fostering a mentality of paternalistic tyranny rather than good stewardship.*

Legal guide. The terms, "corrective training," "extra training," "extra instruction," and "punishment" are discussed, but there is considerable ambiguity in their definitions. The clearest distinction between extra training and punishment is in FM 27-1, *Legal Guide for Commanders*: "Do not use extra training and instruction as punitive measures. You must distinguish extra training and instruction from punishment or even the appearance of punishment."[3] This passage exhorts a distancing of the definitions and practices of punishment vis-à-vis extra training.

Such a distinction is important because punishment is illegal when it is administered prior to an Article 15 or a court martial.[4] There is no provision anywhere in the Army that allows NCOs to preside over a court martial, and FM 27-1 explicitly states that NCOs are not authorized to impose nonjudicial punishment on Soldiers "under any circumstances."[5] An NCO's summary decision to punish a Soldier is unauthorized. Smoke sessions, when punitive, are therefore unauthorized.

NCO guide. Unfortunately, FM 7-22-7, *The Army Noncommissioned Officer Guide*, does not specifically state that NCOs must not punish Soldiers. This publication gives some guidelines, shared with AR 600-20, *Command Policy*, for acceptable extra training, or "on-the-spot" corrections: "The training, instruction, or correction given to a Soldier to correct deficiencies must be directly related to the deficiency . . . Such measures assume the nature of the training or instruction, not punishment . . . All levels of command should take care to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards in imposing nonjudical punishment."[6] Here, the wording, "such measures assume the nature of the training or instruction, not punishment," merely declares that corrective training measures will be viewed as training, and *not* punishment, when they are directly related to the deficiency. But there is no statement in this passage that prohibits such training from being essentially punitive in nature.

In FM 7-22-7, a section on command authority states, "The chain of command backs up the NCO support channel by legally punishing those who challenge the NCO's authority."[7] This statement also fails to make it clear that NCOs do not have the legal right to impose punishment. Instead, the wording simply recognizes the obvious fact that the chain of command may use legal measures to punish Soldiers.

FM 7-22-7 then also implies that punishment was historically the means by which NCOs controlled their subordinates, and leaves open the question of where the boundaries between corrective training and punishment lie. The Army began to define NCO duties explicitly during the late 19th and early 20th centuries. The five or six pages of instructions provided by Frederick William Augustus, Baron Von Steuben's *Regulations for the Order and Discipline of the Troops of the United States* in 1778 grew to 417 pages in the 1909 *Noncommissioned Officers Manual*.[8] FM 7-22-7 explains that, although this was an unofficial publication, it was widely used, and the chapters describing the duties of the first sergeant and sergeant major include common forms, a description of duties, what to do and not do, and customs of the service.[9] This 1909 manual also included a chapter on discipline that stressed the role of punishment in achieving discipline. The manual stated that the purpose of punishment was to prevent the commission of offenses and to reform the offender. Notably though, this manual stressed that treatment of subordinates should be "uniform, just, and in no way humiliating."[10]

Although FM 7-22-7 discourages humiliating treatment by reference to the unofficial 1909 manual, this more recent and fully official Army publication does not explicitly state that NCOs lack the authority to punish Soldiers. It almost seems to be an intentional obfuscation of the issue, an underhanded attempt to condone, without really sanctioning, the essentially punitive measures that NCOs traditionally use to control their subordinates.

Another section in FM 7-22-7 reinforces the idea that the routine duties of an NCO include punishing soldiers: "The day-to-day business of sergeants

U.S. Military Academy cadets undergoing physical training in July 2008 as part of Cadet Basic Training. When such training becomes punishment, it is a violation of the Uniform Code of Military Justice. A clearer articulation of the differences between training and punishment can help prevent abuses of authority.

and corporals included many roles. Sergeants and corporals instructed recruits in all matters of military training, including the order of their behavior in regard to neatness and sanitation. They quelled disturbances and *punished perpetrators*" (emphasis added).[11] To administer punishment, the NCOs of the company established the "company court-martial," which was not recognized by Army doctrine or official procedures (which leads one to ask why FM 7-22-7 even mentions it). This institution allowed the NCOs to informally enforce discipline without lengthy proceedings. In the days before the summary court martial, "it proved effective to discipline a man by the company court-martial and avoided ruining his career by bringing him before…officers of the regiment."[12] This argument continues to be used by contemporary NCOs to justify the practice of smoking a Soldier as a sort of kindness, because there is no written record of the incident.

In the passage above, the first sergeant and other NCOs established and presided over this means of enforcing discipline *without* involving commissioned officers. But the summary court martial referenced as the modern-day descendent of the "company court martial" is presided over by a commissioned officer, not an NCO. In a discussion that covers a span of time from the Revolutionary War through the War on Terror, FM 7-22-7 mentions punishment in three separate cases as the legitimate duty of NCOs. Astonishingly, nowhere in this manual is it explicitly stated that NCOs do not have the authority to punish soldiers in today's Army.

Constitutional Guidelines

The Fifth Amendment to the U.S. Constitution states: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."[13] Note *only* the grand jury indictment requirement is waived in "cases arising in the land or naval forces . . . when in actual service in time of War or public danger." If the authors of

the Fifth Amendment had wanted due process to be completely withheld from military members during wartime service, they would have written the amendment that way. But they did not, and therefore, a Soldier's "life, liberty, and property" are protected under this amendment.

There is, however, no constitutional prohibition against pain-inducing *corrective training*, since the Eighth Amendment only prohibits "cruel and unusual punishment."[14] This semantic tug-of-war continues with the Sixth Amendment, which provides details of due process when a crime has been committed: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."[15] The semantic issues thus move the mechanics of law beyond an NCO's reaction. One must first consider the Soldier's action and whether it is in fact a crime. Military law is written so as to allow virtually any form of misbehavior imaginable to be construed as a crime that can be prosecuted. But the procedural safeguards alluded to in the Sixth Amendment are nowhere to be found when an NCO smokes a Soldier.

Crime and Punishment

In AR 600-20, *Command Policy*, commanders are warned that: "Care should be taken at all levels of command to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards applying to imposing non-judicial punishment."[16] So, when an NCO chooses to address a behavior that could be construed as a crime, he cannot use "smoke sessions" *to evade due process*. Also, punishment must not be conflated with extra training because as soon as punishment is sought, and criminal behavior is being prosecuted as such, due process must be involved.

Ordering a Soldier to do a "reasonable number of authorized exercises," however, is a form of extra training, not punishment, according to AR 600-20, which states: "When authorized by the chain of command and not unnecessarily cruel, abusive, oppressive, or harmful, the following activities do not constitute hazing:

(a) The physical and mental hardships associated with operations or operational training.

(b) Administrative corrective measures, including verbal reprimands and a reasonable number of repetitions of authorized physical exercises.

(c) Extra military instruction or training.

(d) Physical training or remedial physical training.

(e) Other similar activities."[17]

In this section, smoke sessions are construed as "not hazing" and are implicitly "corrective measures," as long as they are not, "unnecessarily cruel, abusive, oppressive, or harmful." The point at which a smoke session crosses this line is not given though, and in many cases, only the NCO and Soldier witness this arbitrary judgment. Even when others are present, smoke sessions are almost never challenged, regardless of their severity.

Despite the fact that FM 27-1 asserts the necessity for commanders to make a clear distinction between corrective training and punishment, several other regulations, when read together, bring ambiguity back to the issue by giving unclear guidelines about what is acceptable corrective training. AR 600-20, *Command Policy*, addresses corrective training in the following way:

> "One of the most effective administrative corrective measures is extra training or instruction (including on-the-spot correction). For example, if Soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain their housing area properly, they must correct the deficiency in a timely manner. If Soldiers have training deficiencies, they will be required to take extra training or instruction in subjects directly related to the shortcoming.
>
> (1) The training, instruction, or correction given to a Soldier to correct deficiencies must be directly related to the deficiency."[18]

The passage gives two examples of extra training or instruction. First, a Soldier may be told to correct a deficiency such as an improper uniform. Second, training deficiencies may be overcome through "extra training . . . directly related to the shortcoming."

This wording is then undermined by FM 27-1, which provides the following examples of proper corrective training:

> "A Soldier appearing in improper uniform may need special instruction in how to wear the uniform properly.
>
> A Soldier in poor physical shape may need to do additional conditioning drills and participate in extra field and road marches.
>
> A Soldier with unclean personal or work equipment may need to devote more time and effort to cleaning the equipment. The Soldier may also need special instruction in its maimtenance [*sic*].
>
> A Soldier who executes drills poorly may need additional drill practice.
>
> A Soldier who fails to maintain housing or work areas in proper condition or abuses property may need to do more maintenance to correct the shortcoming.
>
> A Soldier who does not perform assigned duties properly may be given special formal instruction or more on-the-job training in those duties.
>
> *A Soldier who does not respond well to orders may need to participate in additional drink* [sic] *and exercises to improve.*"[19]
> (Emphasis added.)

This last sentence from FM 27-1, along with AR 600-20 paragraph 4-20, essentially sanctions the practice of smoking Soldiers. But wearing a uniform improperly, not cleaning equipment, executing drills poorly, failing to maintain a tidy barracks room, and not performing assigned duties—*any misbehavior or deficiency at all*—can be, and often is, construed as not responding well to orders. Thus, this last corrective training example obviates all of the previous ones in theory and practice. It dilutes the idea that training should be directly related to the deficiency, and "additional drink [*sic*] and exercises" has become the ubiquitous, *almost exclusive* form of extra training.[20]

Crossing the line. The number of "reasonable repetitions of authorized physical exercises" used when smoking Soldiers must *not*, in order to comply with the regulations, assume the nature of punishment.[21] Furthermore, the number of repetitions must *not* "be unnecessarily cruel, abusive, oppressive, or harmful."[22] To determine whether smoke sessions are generally consistent with these criteria it may help to look more closely at what a typical smoke session entails.

To be fair, there are many times when a Soldier is ordered to do twenty pushups, two minutes of flutter kicks, or some other relatively mild amount of exercise. But there are far too many cases where Soldiers are smoked for misconduct in a way that would be considered abusive and defined as improper punishment by any informed observer.

For example, one NCO in my troop smoked two enlisted Soldiers particularly harshly in the blazing heat of Kuwait after they missed an accountability formation. Afterward, our platoon sergeant told the NCO involved that the Soldiers had been given permission to miss the formation in order to eat. By then, the administration of pain-inducing exercises had been wrongfully imposed and the Soldiers simply accepted it, as did all who witnessed the corrective training.

In another instance, a private suffered second-degree burns on his hands after an NCO made him do pushups in the hot gravel in front of our C-huts in Iraq. Late in the deployment, a staff sergeant in my troop stood outside the C-huts one hot afternoon screaming into a private's ear while the Soldier did pushups facing a pool of his own vomit. When we returned from Iraq, a Soldier who returned late from leave was smoked by multiple NCOs for hours, despite the fact that he explicitly requested an Article 15 so that he could have a chance to justify his late return in front of the commander.

In one of my units, the acting commander, a major, posted a memorandum at the staff duty desk that explicitly forbade smoke sessions, counseling in the front leaning rest, and other common practices

…a staff sergeant in my troop stood outside the C-huts one hot afternoon screaming into a private's ear while the Soldier did pushups facing a pool of his own vomit.

deemed abusive. The NCOs in this unit (including one who was pending a medical discharge for PTSD and was heavily medicated) persisted in smoking soldiers for trivialities even after this was brought to their attention. In one particularly memorable platoon meeting, the platoon sergeant explicitly told his subordinate NCOs that they should smoke Soldiers behind the building, so the battalion commander would not interfere.

Virtually any enlisted Soldier in a combat unit could, if given the opportunity, cite similar instances of abusive and illegal "smoke sessions." This is an entrenched part of Army culture, not a few isolated incidents of misconduct by capricious NCOs. Due process is nowhere to be found in the practice of smoking Soldiers. There is no legal hearing, no appeals process, and no evidence needed for an NCO to gratuitously order a Soldier to engage in jumping jacks or pushups until the Soldier passes out from exhaustion.[23]

As I tried to determine when smoke sessions crossed the line between corrective training and punishment, I found that AR 27-10, *Military Justice*, contained a vapid passage of circular reasoning that states: "*Nonpunitive measures* usually deal with misconduct resulting from simple neglect, forgetfulness, laziness, inattention to instructions, sloppy habits, immaturity, difficulty in adjusting to disciplined military life, and similar deficiencies. These measures are primarily tools for teaching proper standards of conduct and performance and *do not constitute punishment*. Included among nonpunitive measures are denial of pass or other privileges, counseling, administrative reduction in grade, administrative reprimands and admonitions, [and] extra training."[24]

Here again, as in AR 600-20 paragraph 4-6, the regulation begs the question of what distinguishes corrective training from punishment by asserting that, "nonpunitive measures . . . do not constitute punishment." This doublespeak seems to want to override our normal understanding of the reality of punishment. For reference, the Merriam-Webster dictionary defines the word "punishment" as follows:

1 : the act of punishing

2 a : suffering, pain, or loss that serves as retribution b : a penalty inflicted on an offender through judicial procedure

3 : severe, rough, or disastrous treatment.[25]

Notably, suffering and pain are included as examples of punishment. Also, it is, "a penalty inflicted on an offender through judicial procedure." Such judicial procedures exist in the Army, and nonjudicial procedures are also available and afford some protections to the accused. When such punishment is "improper," it falls under Article 93 of the Uniform Code of Military Justice (UMCJ), *Cruelty and Maltreatment*, which states, "Assault, improper punishment, and sexual harassment may constitute this offense."[26] When smoke sessions are illegal, presumably they are also "improper."

Improper punishment is a criminal offense that may result in the following punishment: "Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year."[27] I have never witnessed any NCO charged under the UCMJ for the improper punishment of a subordinate Soldier despite the existence of clear cases where such charges should have been sought.

AR 27-10 provides guidelines about punishments that may be imposed after a guilty verdict in a court martial: "Hard labor without confinement will...

(2) Focus on punishment and may include duty to induce fatigue...

(4) Not include duties associated with maintaining good order and discipline, such as charge of quarters and guard duties . . . "[28]

This section of AR 27-10 emphasizes that punishment may include "duty to induce fatigue" but may *not* include "duties associated with maintaining good order and discipline." Yet, FM 27-1 states that "additional drink [*sic*] and exercises," which can certainly be described as a "duty to induce fatigue," may be used as corrective training to maintain order and discipline.[29] To my layman's sensibility, this ambiguity is confusing at best, and perhaps a serious contradiction. This type of inconsistency sets conditions for criminal abuses

of Soldiers, and similar attitudes towards prisoners and noncombatants.

An NCO who orders a private to do pushups, flutter kicks, iron mikes, and low crawls through the mud means, at the very least, to induce pain and fatigue. NCOs in my units have also openly admitted that some of their techniques are meant to humiliate the Soldier in question. For instance, the "star man" exercise involves crouching down and then springing up while flinging one's arms outward, repeating the words "star!" and "man!" upon each repetition. The "little man in the woods" involves crouching down and doing miniature jumping jacks. NCOs sometimes discussed which exercises were most humiliating to privates, and thus the most entertaining to watch.

Sadistic humor and creativity are not uncommon features of corrective training in the Army. A good overview of fairly typical strategies used by NCOs to "effectively" smoke soldiers can be found on a Blog by "Reaper" at: http://www.fatalfitness.com/how_to_smoke_somebody.

Although this is not an official site, it accurately describes (and endorses) many of the techniques used by NCOs, which will be familiar to most enlisted soldiers. Among other things, forcing a soldier to drink water and exercise until they puke is advocated. In general, a smoke session is described as a: "deomoralizing [sic] session of physical activity in which the subject[s] are most often times in trouble for something... punishment-- if done correctly can be an effective training tool to help mold an individual's character, or to deter some action."[30]

There is no effort made to pretend that a smoke session is not punishment. Although it is important to remember that many NCOs do not abuse their authority and generally act in a responsible manner, the guidelines given on this web site are entirely consistent with practices that I frequently observed.

There is no question that NCOs sometimes use exercise repetitions "in an oppressive manner

> *There is no effort made to pretend that a smoke session is not punishment.*

to evade the procedural safeguards applying to imposing nonjudicial punishment."[31] But the point at which this becomes a violation of Article 93 (*Cruelty and Maltreatment*) is difficult to determine from the regulations alone. This ambiguity enables an Army culture that accepts, indeed encourages, summary judgment and the use of painful and humiliating inducements to subordinates to behave in a desired manner.

Put to the test. One final contradiction regarding the imposition of punishment follows, this time in the *Manual for Courts-Martial*:

> "Pretrial restraint is not punishment and shall not be used as such. No person who is restrained pending trial may be subjected to punishment or penalty for the offense which is the basis for that restraint. Prisoners being held for trial shall not be required to undergo punitive duty hours or training, perform punitive labor, or wear special uniforms prescribed only for post-trial prisoners. *This rule does not prohibit minor punishment during pretrial confinement for infractions of the rules of the place of confinement.*"[32] (Emphasis added.)

According to this paragraph, "minor punishment" may be imposed "for infractions of the rules of the place of confinement." This wording then clearly authorizes pretrial punishment, which is, everywhere else, strictly prohibited. With no further clarification about where to draw the line between "minor" punishment and normal punishment, the inclusion of the words "minor punishment" in the above passage is unnecessarily confusing and adds to the ambiguity of the wider issue.

This vagueness is especially problematic when pretrial confinement is of such a nature that the accused is housed with Soldiers convicted and sentenced in a court martial. In *United States vs. Bayhand*, a Soldier was initially "found guilty by general court-martial of willful disobedience of a superior officer and willful disobedience of a noncommissioned officer."[33] The Soldier was accused of committing these offenses while in pretrial confinement, "awaiting trial on charges which were subsequently dismissed." The Soldier, a private first class, refused to do labor alongside a prisoner who had already been convicted in court martial proceedings. After a detailed discussion of

the matter, the judges in this case found that it was unlawful pretrial punishment to force the Soldier who had not yet stood trial to perform the same duties on the same work detail as the convicted prisoner. This was after an acknowledgement that such duties might normally be legitimate routine labor such as cutting grass or digging ditches.[34]

The judge wrote in his decision: "By our holding in this case, we do not mean to suggest that unsentenced prisoners must remain unemployed . . . we are certain persons awaiting trial can be required to perform useful military duties to the same extent as a Soldier available for troop duty. However, it appears to us that when a man who is presumed innocent is ordered to work on a rock pile, in company with those who have been tried and sentenced for crime, the presumption is worth little, for he is already being punished."[35] With regard to the orders to conduct duties that are tantamount to punishment, the judge states, "We conclude the orders were illegal as a matter of law."[36] In his ruling, the Honorable George W. Latimer quotes from a discussion of the original authors of the 1949 *Manual for Courts-Martial* to make clear their intent: "A Soldier cannot be punished, other than by confinement, prior to the time his sentence is approved by the reviewing authority."[37]

In this context, the judge sought specifically to address the matter of Soldiers awaiting trial being assigned to the same work detail as Soldiers already convicted of a crime. However, in so doing, he also makes it clear that a Soldier that refuses an order to perform duties that are tantamount to punishment is not remiss for doing so. It follows then that an NCO who orders a Soldier to perform duties that are tantamount to punishment is giving an unlawful order. When the Soldier in question follows this unlawful order, and is thus subjected to punishment, it is "improper," and therefore constitutes a violation of Article 93, *Cruelty and Maltreatment*.[38]

> *…an NCO who orders a Soldier to perform duties that are tantamount to punishment is giving an unlawful order.*

A 2002 Inspector General newsletter from the Fort Knox Inspector General's office gives the following example for clarification: "A Soldier who failed to show up for formation and was instructed to stay after duty hours and mop floors would be an example of improper corrective training. This would be considered punishment and does not relate directly to the Soldiers [*sic*] deficiency."[39]

We can return to the argument that failing to show up for formation (or any other infraction of the rules) is a result of not following orders well. Corrective training, therefore, might consist of "extra drink [*sic*] and exercises," that is, smoking the Soldier. But if we accept this reasoning, then we should also accept the reasoning that mopping floors is a means of instilling discipline. Through mopping the floors after duty hours, one may argue, one is training the Soldier to follow orders. After all, an arduous back and forth motion with a mop

U.S. Air Force, SSGT Ashley S. Brokop

A Soldier pats down an Iraqi detainee at the Baghdad Correctional Facility in Abu Ghraib, June 2004.

is not so different than an arduous trip up and down the same hallway doing iron mikes, holding a forty-pound weight.

It stands to reason then, that the standard given by the Inspector General's office at Fort Knox would disqualify iron mikes or any other arduous random exercise as suitable corrective training for being late to formation. This would not only be the case because such training could pose a health hazard to the Soldier, but also because it is not sufficiently related to the deficiency to comply with AR 600-20, paragraph 4-6.

There are provisions in the *Manual for Courts-Martial* that allow an NCO to lawfully smoke a Soldier. All an NCO needs to do is recommend to a commander that a Soldier be given an Article 15. Once the process is completed, if the commander decides punishment is warranted, extra duties meant to induce fatigue are clearly authorized.[40] The commander could, for instance, impose a punishment of a single day (or a single hour) of extra duty, instead of the maximum. The crucial elements, though, are command involvement and due process.

The regulations surrounding corrective training and punishment need to be rewritten in clear language that any Soldier can understand. If "smoke sessions" are to be allowed, some guidance needs to be given to set a reasonable standard. If smoke sessions are to be prohibited, they should be prohibited explicitly, using the vernacular of the enlisted Soldiers to whom these issues are relevant.

The Iraq Connection

There are several ways in which this issue is important to the current conflict in Iraq. First, these common practices teach junior enlisted Soldiers and NCOs to treat those people over whom they have control with a lack of respect, and often with unethical or illegal cruelty. The idea that arbitrary punishments are informal tools for behavior modification fosters a careless sense of entitlement and

courtesy of author

U.S. Soldiers searching Iraqi house on 21 September 2006, in Tal Afar.

creates opportunities for physical and verbal abuse. Thus, by pure extension of intellectual habit and moral misconception, this illicit aspect of Army culture condones unproductive, punitive actions toward Iraqi civilians.

Yet Soldiers' actions and attitudes do not need to reach the headline grabbing levels of Abu Ghraib to seriously affect our ability to win the support of the local population. We can interact with Iraqi citizens and military personnel with professional courtesy or, alternatively, with a contemptuous air of superiority. Even when the most egregious abuses are avoided, the latter approach insults the honor of the people whose support we are trying to gain. The cultural currents that permit the widespread unlawful punishment of Soldiers in the Army have contributed to attitudes and actions that fuel the insurgency and cost us lives.

In September 2006, during a major campaign in Tal Afar dubbed Operation Restoring Rights, my platoon was told to search aggressively in an evacuated neighborhood to teach the residents a lesson. In essence, we were instructed to punish civilians, against whom we had no evidence of wrongdoing, for having lived in a neighborhood in which insurgents were purported to have staged missions.

Lieutenant Colonel Christopher Hickey, the Sabre Squadron Commander, is quoted in *The Washington Post* as saying, "If we go in there and tear these people's homes apart, we lose these people."[41] This sentiment made sense to me, given my modest understanding of counterinsurgency doctrine and the dictates of common sense. Our actions, however, were not consistent with this statement. In recent email correspondence with LTC Hickey, I asked him what his view was of the aggressive search techniques we had used and he replied, "The way you describe being 'aggressive in our search' I would characterize as being disrespectful and counterproductive to what we were trying to do. I do not support tactics that ransacked homes."[42]

I also asked him what the squadron's policy was on smoking soldiers, and he responded, "Smoking sessions [*sic*] are wrong and, as you correctly state, against Army regulation. The squadron would never have a policy approving of such actions."[43] There is no question that we ransacked homes, and did so in a punitive manner.

There is also no question that soldiers were smoked in every unit I served with, again, in a

> *…commanders and NCOs are in some sense victims of a system that is highly resistant to change.*

punitive manner. The obvious question that remains is: Why?

It should be relatively easy for commissioned officers to educate and control the actions of the NCOs under their command with regard to corrective training and punishment. The fact that this is not well regulated leads me to consider several possibilities:

● Commanders are oblivious to the conduct of their subordinates.

● Commanders are unwilling to enforce these regulations, perhaps because of the ambiguity.

● Commanders are unable to control the actions of their subordinates.

None of these possibilities bodes well for the counterinsurgency campaign in Iraq or future peacekeeping missions. My view is that commanders and NCOs are in some sense victims of a system that is highly resistant to change. I understand that it is difficult within the system to go against accepted cultural norms, but that is precisely why Army culture needs to be fundamentally changed and such changes subsequently supported at all levels.

There are three correlates with the assertions I have made thus far:

● The U.S. Army is culturally handicapped in its ability to occupy Iraq in a humane manner. The systemic acceptance of such illegal practices as "smoke sessions" is part of a mind-set that has crippled our attempts to implement effective counterinsurgency campaigns.

● The regulations surrounding corrective training, punishment, and "smoke sessions" are confusing and need to be rewritten.

● The problem must first be fully understood by high-ranking officers. To this end, the Army ought to investigate this matter in a substantive way, and encourage Soldiers to candidly testify about these practices without fear of reprisal or prosecution. **MR**

NOTES

1. David Galula, *Counterinsurgency Theory and Practice*, (New York: Praeger, 1964); John A. Nagl, *Learning to Eat Soup with a Knife: Counterinsurgency Lessons from Malaya and Vietnam*, (Westport, CT: Praeger Publishers, 2002); U.S. Army Field Manual (FM) 3-24, *Counterinsurgency* (Washington, DC: Government Printing Office (GPO), 2006); Brigadier Nigel Aylwin Foster, "Changing the Army for Counterinsurgency Operations," *Military Review*, November-December, 2005, 4.

2. For a reasonably accurate description of the practice, see Reaper, "How to Smoke Somebody," Reaper's Blog, <http://www.fatalfitness.com/how_to_smoke_somebody> (24 July 2008).

3. FM 27-1, *Legal Guide for Commanders,* (Washington, DC: GPO, 2006), 7-2.

4. *US vs. Hoover*, 24 M.J. 874, (1987); *US vs. Bayhand*, 6 U.S.C.M.A. 762, (1956).

5. FM 27-1, 4-0.

6. FM 7-22-7, *The Noncommissioned Officer's Guide,* (Washington, DC: GPO, 2002), 2-11.

7. Ibid.*,* 2-9.

8. Ibid., 1-4.

9. Ibid.

10. Ibid., 1-10.

11. Ibid., 1-4.

12. Ibid., 1-6.

13. Cornell University Law School, "Bill of Rights," United States Constitution, <http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendmentiv> (24 July 2008).

14. Ibid.

15. Ibid.

16. AR 600-20, *Command Policy,* (Washington, DC: GPO), 22.

17. Ibid., 29.

18. Ibid., 22.

19. FM 27-1, *Legal Guide for Commanders*, (Washington, DC: GPO, 2005), 7-2.

20. It may be that this was originally meant to be "drill and exercise" but was changed to "drink and exercise" through a typographical error that persisted in the literature. Note that "commander" is also misspelled "commandeer" just two sentences later. If this is the case, then a typo has likely been the impetus for the traditional practice of forcing soldiers to drink excessive amounts of water while getting "smoked."

21. AR 600-20, 29.

22. Ibid.

23. Note that both of these practices were cited as abusive in reports of detainee mistreatment at Abu Ghraib. See Eric Schmitt, "3 in 82nd Airborne Say Beating Iraqi Prisoners Was Routine," *New York Times,* 24 September 2005.

24. AR 27-10, *Military Justice*, (Washington, DC: GPO, 2005), 3.

25. Merriam-Webster online dictionary, <www.merriam-webster.com/dictionary/punishment> (24 July 2008).

26. *Manual for Courts-Martial* (MCM), (Washington, DC: GPO, 2008), IV-25.

27. Ibid., IV-26.

28. AR 27-10, 35.

29. FM 27-1, 7-2.

30. Reaper.

31. AR 600-20, 22.

32. *MCM*, II-21.

33. *U.S. vs. Bayhand*, 6 U.S.C.M.A. 762, (1956).

34. Ibid.

35. Ibid.

36. Ibid.

37. Ibid.

38. *MCM*, IV-25.

39. <http://www.knox.army.mil/center/ig/fort_knox_ig_newsletter> (4 July 2007).

40. *MCM*, V-5.

41. Jonathan Finer, "Informants Decide Fate of Iraqi Detainees: U.S. Military Relies on Guidance of 'Sources' in Tall Afar," *The Washington Post*, A01, 13 September 2005.

42. LTC Christopher Hickey, email message to author, 1 October 2007.

43. Ibid.

Competency vs. Character? It Must Be Both!

Lieutenant Colonel Joe Doty, Ph.D., U.S. Army and Major Walter Sowden, U.S. Army

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PHOTO: A safety brief with Soldiers and Airmen of the Kapisa-Parwan Provincial Reconstruction Team at Forward Operating Base Morales-Frazier in the Kapisa province of Afghanistan, 13 August 2009, prior to a mission. (DOD, SGT Teddy Wade)

Competence without character is perversion and our greatest threat.
—Dr. James Toner[1]

ENVISION AN ARMY where Soldiers never sit through classes and stacks of PowerPoint slides on ethics and leadership. Imagine an Army without classes focused solely on the seven Army Values. Picture an Army in which character development is intentionally part of literally everything we do. Does it sound far-fetched or unreasonable? It shouldn't.

As our Army looks to the future, we need to examine how we educate and develop Soldiers and leaders to have the character and competence that compose the non-negotiable contract between our Nation and its military professionals. Our proposal is to get rid of almost all stand-alone ethical or character development training and education across the Army. No more sexual harassment classes. No more "law of land warfare" classes. No more legal briefs on conflict of interest and taking bribes. Instead, our proposal is to embed ethical and character education into *everything we do,* into all training venues, all educational experiences, everything. This significant cultural change will not only be more productive and efficient, it will ultimately be more effective, more pedagogically sound, and require fewer resources.

We understand that we are asking for an enormous and revolutionary change by calling for this now. Our Army's leaders will have to fundamentally change their mind-set and approach to training, education, and development for character development in our Soldiers. Such complete cultural change in how the Army trains, educates, and develops Soldiers will not be fun or easy. This type of change in an organization as large, diverse, and effective as the Army will have to come from the top-down *and* the bottom-up.

Where Are We Now?

Why this proposal? Why now? Our Army will continue to operate in some of the most morally ambiguous and complex environments in history—with no end in sight. Our Chief of Staff, General George Casey, appropriately calls this an era of persistent conflict. Casey and other senior

leaders recognize that this era will have an effect on the moral and ethical development and climate of our Army.

Our Army is without question the most competent and experienced, best trained and equipped, Army in the world. Our training models, systems, and centers are easily the best, most advanced, and most effective in the world, and our technological superiority is equally impressive. Our Army is an Army where "training is king." And rightly so. However, as we look to the future and take a critical look at ourselves (as professionals must do), we find a competence-character mismatch.

Interestingly, this same topic was addressed 12 years ago by now retired Colonel Darryl Goldman in "The Wrong Road to Character Development," *Military Review*, January-February 1998. In the article, Goldman also focused on the need for a cultural change due to the compartmentalized nature of our "character" training. He correctly notes that in the Army we "fail to provide young adults with the training and education required for appropriate cognitive development and change"—which means the current methods are not achieving the results we want.[2]

Evidence of the Problem

A recent review of the Army's Reserve Officer Training Corps (ROTC) curriculum revealed that more than 90 percent of the curriculum focuses on developing competency while less than 10 percent concerns character education. Additionally, only about 5 percent of Training and Doctrine Command (TRADOC) instruction in both the Officer and Non-Commissioned Officer Education System focuses on ethics and leadership. Is this 5 percent character to 95 percent competence ratio what the Army wants to espouse?

And what about character-focused training and education in our units? The competency vs. character mismatch exists in our units (in terms of time dedicated to each), and experiences compound it. For example, look at any unit's training schedule and compare the time spent on competency with the time spent on character. How often has a squad had to redo a squad tactical exercise lane because it didn't go as planned? Contrast that with how often an instructor had to redo a class on the Army Values. Clearly, we have a mismatch. In addition, the Army has recently started eliminating chaplain slots from schoolhouses through a plan to shift these ethics classes to distance learning. For many years, these classes were the responsibility of the chaplains. These are all examples of a systemic failure to understand and implement a holistic ethical leadership education and development strategy for our Army.

The Army has unwittingly adopted an ineffective corporate model for character *training*. However, people learn best from experience. Training to teach a skill involves attempting to cram a large amount of experience into a short time frame. This is usually in the form of a lecture or class. This approach is effective only if the intent is to arm the learner with a skill. This is a great method if the outcome is to *teach* a Soldier how to load and clear a weapon or change the tire on a truck. However, this is not the way to *develop* someone, especially in the moral or ethical arena. You cannot teach someone in a class via PowerPoint how to recognize a moral dilemma, weigh the potential effects of a decision, and behave in the morally correct way. The only way you can do this is by developing— changing—a person.[3]

Like most topics we teach in the Army, we currently teach ethics and values in a compartmentalized manner. This is evident as you examine unit training schedules. We refer to classes that fall under the umbrella of moral and ethical education (respect, ethics in warfare, sexual harassment, violence at home and in the work place, etc.) as "mandatory training" or "chain teaching." To execute this training, the Army typically issues commanders or instructors "canned" PowerPoint slide decks and orders them to train all members of their unit on that particular topic by a given date. These classes are an hour-long session on the unit-training schedule. During that hour the commander, or another leader in the unit, delivers the training. Once the training is complete, the "block is checked," and the unit moves on to the next task.

…90 percent of the [ROTC] curriculum focuses on developing competency while less than 10 percent concerns character education.

This method is not an effective way to develop an individual or imprint a value regarding the culture of an organization.[4] In fact, it can actually have the opposite effect. This method of transferring knowledge on these important subjects is not unique to company-sized units. It is how moral and ethical training takes place throughout the Army at all levels. Sadly, it does not work and may even be counterproductive:

> This propensity to create new, isolated initiatives to address varied human relations misconduct has been the fundamental failure in the way the U.S. military has addressed character development since the Eisenhower administration. We continually assume that secluded enterprises addressing ethics, morals, or values are consequential just because they give the impression that 'we are doing something.' In fact, this fallacious faith in new, detached projects is evidence that they do more harm than good by diverting the attention of those in leadership who have the authority to cause real change.[5]

In October 2008, the Army held a Sexual Assault Prevention and Risk Reduction Training Summit. At the summit (whose guest speakers included the Secretary of the Army and the Army Chief of Staff), the Army announced its new "I A.M. Strong" campaign to help prevent sexual assaults in the Army. Why would the Army need to address issues of respect for service members in 2008? One of our seven Army Values is "respect." We are confident that most people in the Army have the seven Army Values memorized. However, memorizing them is not enough. For the Army Values to be meaningful, we must internalize them, embody them, and live them. We can and should be better than this.

A powerful example of the "bumper sticker" mentality of our Army Values occurred in 2005 during the court martial of a Soldier charged with forcing an Iraqi off a bridge over the Tigris River. During the sentencing phase at the Soldier's court martial, Lieutenant Colonel Nate Sassaman, his battalion commander, testified that every member in his battalion carried a card "based on Army Values" and "knew Army Values—inside and out—and in fact, strictly followed them."[6] But carrying a card printed with the Army Values, or being able to recite them, is a far cry from understanding what

> *…carrying a card printed with the Army Values, or being able to recite them, is a far cry from understanding what the words mean…*

the words mean, believing in them, internalizing them, and ultimately embodying the values into one's thoughts, feelings, beliefs, and behaviors.

Recently, during interviews conducted with 12 former brigade commanders who had commanded troops in Iraq or Afghanistan, we found there were frustration and discontent with how the Army currently conducts training and education in the area of moral and ethical development. The following themes emerged from those interviews:

● The Army does not do a good job of developing Soldiers morally and ethically.

● Character competency is as important as tactical competency for the future of our Army.

● If I had to do it all again, I would spend more time developing my Soldiers' competency in character.

● Classroom training in ethics is not effective.

Five of the brigade commanders had to relieve or reprimand a platoon leader or platoon sergeant for either detainee abuse or violating rules of engagement or escalation of force rules. A battalion commander in Iraq, who was involved in an Article 15-6 investigation on the circumstances leading up to an instance of kidnapping and gruesome death, stated that it would take a "special commander" to have prevented this unfortunate incident (because of the derogatory climate that existed in the unit following the highly publicized rape and murder of a young Iraqi girl). When asked if the Army has such "special commanders," he responded, "yes, but only very few."[7] How do we grow and develop these special Soldiers and leaders to operate in a complex and morally ambiguous environment that will most likely continue for several years to come?

Training–Education–Development

The primary problem is that the Army does not have a model for character and leader development. We have a piecemeal, catch-as-catch-can training checklist that attempts to *teach* Soldiers character and ethics. We expect leaders to give subordinates

"on-the-job-training" in character without an explicit model or strategy and without equipping the leaders with the knowledge and tools to do the job. Our Army must do better than this.

Character must be developed, not taught. Training results in a skill, education results in more or new knowledge, and development results in a changed person. Therefore our Army needs to develop character, and to undergo development, people must undergo a transformation that fundamentally alters how they think, feel, and behave. In short, there must be permanent change. For example, we can train (transferring skills and abilities) a leader on mentoring techniques. We can educate (transferring knowledge) a leader on the human development process behind those same mentoring techniques. Finally, we can develop (lasting changes in one's identity, perspectives, and meaning-making system) leaders by creating an identity in which they see themselves as a mentor and leader developer.[8]

Soldiers reveal their character through their behavior—in the context of their daily lives and while displaying their competency. A good test of Soldiers' character is how they behave when something has gone wrong. Character does not reveal itself in a vacuum. The construct of "character" is visible in what we do all the time (although we often do not think in these terms). As such, our Army needs to morally *develop* ethical leaders for complex contingencies.

How do people develop character? The research in this area is a mixed bag. A powerful pedagogical method, espoused by Dr. Lee Knefelkemp from Columbia University, is to get people out of their comfort zone—make them feel uncomfortable by facilitating discussions on subjects they don't want to talk about. This process causes cognitive dissonance in individuals' minds, which challenges their beliefs and leads to change.

The Army needs to take a holistic view of character development. A common model used for development is:
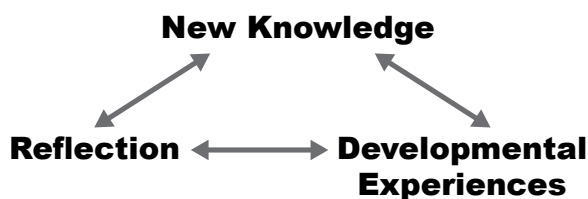
New Knowledge

Reflection ←→ **Developmental Experiences**

> *A good test of Soldiers' character is how they behave when something has gone wrong. Character does not reveal itself in a vacuum.*

Our goal needs to be to intentionally create opportunities and set the conditions for Soldiers to understand and internalize James Rest's four stages of moral development:[9]

- Moral recognition
- Moral judgment.
- Moral intention.
- Moral action.

We need to develop Soldiers who are more intellectually and morally complex and have the moral courage to act on their beliefs and values. This is much easier said than done. Successful programs "begin with a model that includes cognitive, affective, and behavioral dimension … and a program as diverse as values clarification, moral dilemma discussion, role-playing, and conflict resolution." Additionally, there is evidence "that moral development can continue into adulthood, and that particularly dramatic changes can occur in young adulthood in the context of professional school education … [M]oral and ethical development occurs in a variety of settings, both formal and informal."[10]

Our Army needs to create these formal and informal settings and practice (role-play, rehearse) moral intention and moral action. The biggest gap in the Rest model is the step between moral intentions and moral actions. Often, our Soldiers know the right thing to do, but (often due to misplaced loyalty) lack the moral courage to actually do it. There are many examples from our current conflicts (the Bagram Air Base beatings, Abu Ghraib, Operation Iron Triangle); Soldiers knew the right thing to do but failed to do it. Toner notes that this fundamental problem has a solution: "A major problem with ethics education is that it cannot be crammed into neat compartments and nice-sounding, desired learning outcomes. . . There is no 'magic bullet'—no always-certain ethical compass. We must teach moral reasoning, not just 'core values' or 'ethical checklists.'"[11]

Albert Bandura has described the choice to do nothing (or look the other way) "as moral disengagement":

> ***…Soldiers know the right thing to do, but (often due to misplaced loyalty) lack the moral courage to actually do it.***

Simply stated, moral disengagement is what happens to human beings when they're stretched beyond their emotional and psychological capacity. Their bodies, psyches, minds, and souls disengage from events around them and they become detached, in an almost dissociative state. Unchecked, a person will 'reconstrue,' or use strained logic to justify their amoral behaviors.[12]

This era of persistent conflict has stretched, and will continue to stretch, Soldiers beyond their emotional and psychological capacity:

> To develop good character, students need many and varied opportunities to apply values such as responsibility and fairness in everyday interactions and discussion . . . [T]hrough repeated moral experiences students . . . develop and practice the moral skills and behavioral habits that make up the action side of character . . . in a learning and moral community in which all share responsibility for character education and attempt to adhere to the same core values.[13]

How do we create developmental experiences and introduce new knowledge to develop Soldiers morally and ethically? It is not that hard, but it takes time, thought, and mentorship. A start is to provide Soldiers real-world simulated experiences, similar to a tactical exercise lane, and add realistic contexts and situations to confront. Develop real-world problems they must tackle and struggle with. Create opportunities for Soldiers and leaders to practice ethical decision-making and analyze vignettes from a variety of ethical lenses (outcome-focused, rules/process-focused, values-focused). While we expose them to complex, multi-task, tactical operations, we must embed morally intense variables into the equation. We should attempt to get Soldiers out of their comfort zones, create anxiety, and require them to make difficult decisions that do not necessarily have a right answer, but that do have consequences.

Quality coaching and mentorship (guided reflection) must be ongoing throughout the process. A leader, coach, or mentor should help students find meaning in their experiences and examine their perceptions and decisions. Leaders and coaches should also pass along their experiences without passing judgment. We have intentionally chosen the word *coach*, not *teacher* or *counselor* because it is important how we deliver the message. In order for someone to change, he must develop, and this takes realism, experience, and repetition. The bottom line is that training is ineffective when trying to develop people. "It isn't until the 'leader-in-training' is required to live through a problem and has to figure it out first hand that it soaks in."[14]

This idea is not new. Integrating training, education, and development in one holistic model of competence development is beginning to infiltrate into the Army culture. Our Army is slowly moving toward an adaptive leader training and development model. Because of the ever-increasing complexity of the modern battlefield, Soldiers and leaders must make split-second, hyper-important decisions that have second- and third-order and sometimes strategic effects. Not *trained* in particular skills, but *developed* to have certain characteristics and traits—Soldiers and leaders will have to be nimble physically, mentally, socially, and emotionally—and have strength of both character and competence. All Soldiers have to have the ability to think critically and act resolutely.

As mentioned above, an important aspect of the developmental model is reflection. Reflection is a concept that many people in the Army either don't like or don't know about, but it is vital to character development. Reflection involves a person (or group) thinking about, writing about, and discussing in detail an experience, idea, value, or new knowledge. Moreover, for reflection to be developmental, someone (a squad leader, a platoon sergeant or leader, coach, mentor) must push the envelope and facilitate a reflective experience that takes the individual out of his or her comfort zone.

> ***…to be developmental, [one] …must push the envelope and facilitate a reflective experience that takes the individual out of his or her comfort zone.***

What It Looks Like In Action

Let's look at two key components of character—respect and integrity. Topics such as respect and integrity should not be compartmentalized in Soldiers' and leaders' brains. Respect and integrity are not vague, theoretical terms that we should think about and talk about occasionally. They must be who we are. Soldiers cannot understand and display respect and integrity in terms of being "on duty" or "off duty." The recent sex scandal involving drill sergeants and recruits is an example of this "on duty" vs. "off duty" mentality.

For example, a platoon leader can discuss the importance of accurate property accountability and readiness reporting while conducting a motor pool inspection. A battalion commander can initiate a ten-minute discussion about respect at the end of a training meeting. A company commander can discuss conflicting loyalties with fellow commanders or Soldiers while eating in the dining facility. During a selected "down" time in a mission rehearsal exercise, a platoon sergeant can insert a five-minute discussion on the importance of accuracy in reporting. Opportunities such as these are numerous, and it is worth remembering that, from a developmental perspective, "omission of discourse is not value-neutral education. There is no such thing. Omission is a powerful, even if unintended, signal that these issues are unimportant."[15] Consequently, when our Army, in any venue, fails to address moral and ethical implications, a clear message has been sent to the audience: "Right now, this is not that important."

A start in implementing this change can occur in our schoolhouses if instructors simply ask themselves, "What are some of the ethical challenges that occur in my subject (maintenance management, tactics, first aid, communications, intelligence, firing safety, supply management, convoy operations, etc.)?" The instructor can then infuse the challenges into the curriculum or through pedagogical techniques. For example, a class on how to conduct preventive mainte-nance checks and services on a vehicle can include a discussion on the importance of accurate materiel readiness reporting. She might say, "Your fellow Soldiers may be put at risk if you report a vehicle fully mission capable, when it really isn't." The long-term solution will have experts in the field of character development assisting TRADOC and our schoolhouses with integrating character and competency lessons in curricula.

The individuals who can best change this culture in our Army are those selected to lead Soldiers at the company, battalion, and brigade level—commanders and command sergeants major. These key leaders have the most direct influence on Soldiers and subordinate leaders and should lead the way in changing culture (and climate) in our Army. They also set the culture and climate in their units so that Soldiers are, and *feel they are*, a part of the team. Key leaders in an organization have the most success in changing its culture.[16]

Therefore, commanders and command sergeants major at all levels should challenge each other and challenge their Soldiers to help change our culture. This is not resource-intensive. We can and should make subjects such as honesty and integrity a common part of the conversation in motor pools, forward operating bases, training areas, orderly rooms, and athletic fields. We should talk

Soldiers from the Public Affairs Office listen to an NCO at Joint Security Station Zafaraniya, eastern Baghdad, Iraq, 18 April 2009.

U.S. Army, SSG James Selesnick

> *We can and should make subjects such as honesty and integrity a common part of the conversation in motor pools, forward operating bases, training areas, orderly rooms, and athletic fields.*

openly and comfortably about what these words mean. We should have open, honest dialogues on the topic of respect (*What does it look like? What does it not look like?*). These discussions do not have to be formal classes on a training schedule. Developing people to be more morally and intellectually complex (as opposed to training or even educating them about the subjects) requires taking them out of their comfort zones and talking with them, not to them.

Commanders and other leaders should have young Soldiers lead discussions in these areas. A platoon leader can ask a specialist to give an example of a conflict between loyalty and integrity. Two platoon sergeants can discuss what respect does *not* look like in front of their platoons. A group of Soldiers can role-play examples of honesty. Peer interaction on these difficult and uncomfortable topics is one of the most effective developmental techniques. We are limited in this area only by our imaginations, and we do not need to set aside a one-hour block of instruction to initiate such discussions.

Ensuring Soldiers in a unit genuinely have character (and are competent) is a leadership and command responsibility at its most basic level. Like most "issues" in the Army, this is simply a leadership issue. Historically, "commanders are responsible for everything a unit does and/or fails to do." This is a simple, yet powerful concept. Interestingly, in terms of accepting responsibility for the "character" climate and behavior in a unit, we can learn something from our Navy comrades-in-arms. If our Army adopted the Navy's concept that "if the ship runs aground, it is the captain's responsibility," it would create a different paradigm in commanders' minds. Commanders will realize that if they fail to properly and fully develop character in their Soldiers, they are setting the conditions for failure.

Changing a Culture

The shift we are advocating would be a revolutionary change in the Army's culture, not an incremental or methodical one. To be effective, leaders at the highest levels of the organization would have to require it. These leaders need to create, drive, and propel this change to ensure it affects every facet of the Army's leader development and education systems.[17] The current status quo separates competency and character-based development. The new paradigm will always develop competence and character simultaneously—and thus increases the time spent in character development.

After the cultural shift, competence and character will be a part of everything we do. As a guide to propel this change, we propose to use John Kotter's eight steps in changing an organization's culture:

1. Establish a sense of urgency (from the top-down *and* the bottom-up).

2. Create a guiding coalition (to take the ball and run with it).

3. Develop a vision and strategy to integrate character and competence.

4. Communicate the change vision using senior leaders.

5. Empower broad-based action by removing barriers to change.

6. Generate short-term wins by integrating character education into our curriculums.

7. Consolidate gains and produce more change (by integrating character education into our training venues).

8. Anchor new approaches in the culture by challenging others in the organization to talk about the change.[18]

There will be a steep learning curve for instructors and leaders on how to create and facilitate these uncomfortable conversations. However, a good part of the strategy to implement this change is to "just do it." We need to set the conditions and create opportunities for Soldiers to think about the way they understand difficult issues such as killing, murder, torture, rape, and how to relate to detainees and foreigners. Soldiers need to test and challenge their thoughts, beliefs, and values. This simple first step will actually be a huge step toward addressing the cultural change we propose.

If the Army decides to make this cultural change, it will actually save time and money. The net saving

occurs because Soldiers will no longer have to sit in classrooms and theaters for ethics-related training. Our Army will have transformed into a profession where character and competence training, education, and development occur simultaneously—with the outcome being Soldiers who understand and have internalized what it means to be an American Soldier. Ultimately, our Army and our Nation will benefit from such a change. It is the right thing to do, and now is the time to do it. *MR*

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(U.S. Army, SSG Andrew Smith)

U.S. Soldiers and Afghan border policemen walk along a mountain trail during a patrol in the Paktiya province of Afghanistan, 13 October 2009.

Moral Disengagements
When Will Good Soldiers do Bad Things?

Christopher M. Barnes, Ph.D., and Keith Leavitt, Ph.D.

There is no moral precept that does not have something inconvenient about it.

—Denis Diderot

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THROUGH INTUITION, VARIOUS EXPERIENCES, reactions to the experiences of others, and exposure to standards held by others, people develop a set of moral standards that they apply to their own actions. For Soldiers, the Army plays an important role in the development of these standards. Leaders, trainers, and educators aid Soldiers in inculcating institutional values. Moreover, the Army provides Soldiers explicit codes, such as the Geneva Convention, the Law of Land Warfare (Field Manual 27-10), and the U.S. Soldiers Creed.

Through these and non-Army sources, most Soldiers develop a cogent ethical framework that they use to inform and guide their behavior. Personal values serve a powerful self-regulatory function. Following this framework gives us a sense of satisfaction and self-worth, and violating our standards makes us feel guilty. Even in situations where doing the wrong thing brings benefit and doing the right thing places one at risk, many Soldiers use their ethical frameworks to select ethical behaviors. However, sometimes individuals with even the most codified and stringent moral standards can selectively disengage their ethical frameworks.

Moral disengagement involves avoiding applying an ethical framework to a situation by using four distinct rationalizing techniques. By removing the standards of ethical behavior that they normally hold themselves to, Soldiers can engage in unethical and inhumane acts they would otherwise describe as inexcusable. How does this process work? And, more practically, how do we recognize and attenuate it in Soldiers under our command and ourselves?

...officials may euphemize the behaviors by calling them "advanced interrogation techniques" or "threat neutralization."

As noted by Bandura and colleagues in 1996, ethical frameworks can be disengaged by—
- Reconstruing the conduct.
- Obscuring personal responsibility.
- Misrepresenting or disregarding the harmful consequences of one's actions.
- Vilifying the recipients of maltreatment by blaming and devaluing them.[1]

We draw from recent research to describe this process, analyze a recently sensationalized (and controversial) example, and provide suggestions for preventing moral disengagement.

How Does Moral Disengagement Work?

Disengagement occurs through different psychological processes of restructuring the situation.

Reconstruing conduct through framing. One road to moral disengagement is to flip the framing of the issue. Rather than focusing on how a behavior is unethical, Soldiers reframe the behavior as in service of a higher ethical purpose. Former Lieutenant Colonel Allen West retired from the Army after a scandal in which he allegedly violated ethical codes of conduct by discharging a firearm next to the head of an Iraqi detainee. West had received information that someone in the area planned to make an attempt on his life and believed that the detainee had relevant information. Rather than focusing on how discharging the firearm threatened the reputation of U.S. forces in a situation where cooperation was essential, West focused on how obtaining information would help prevent an attack against his life. West emphasized that an attack on him could also place those around him in danger, so obtaining information from the detainee would protect his men as well. A respected Army officer and a recipient of the Bronze Star for previous meritorious actions, West was able to violate ethical standards that he would otherwise value (such as the Geneva Convention). West was so successful in his moral disengagement

that, as of this writing, he still adamantly defends his action even though it clearly violated explicit ethical codes of conduct and no evidence has ever emerged that his actions protected Soldiers' lives.

Reconstruing conduct through the use of euphemistic language. Certain words–such as *torture* or *execution*—automatically raise red flags that prompt the use of ethical frameworks and standards. However, other words may not have the same effect even if they mean the same thing. Some behaviors clearly violate the rules

Steven D. Green, shown shooting off a lock at an abandoned house in December 2005.

of engagement, but officials may euphemize the behaviors by calling them "advanced interrogation techniques" or "threat neutralization." Many people refer to a captured person as a prisoner, but others often use the word "detainee." Soldiers can avoid ethical processing that would otherwise occur by using sanitized language.

Reconstruing conduct through advantageous comparison. We often determine how *moral* a behavior is by comparing it to another behavior. Soldiers make advantageous comparisons by comparing their behavior to even worse behaviors. The worse the comparison behavior is, the less harmful the behavior in question appears to be. In the television show *The Sopranos*, protagonist Tony Soprano claimed that his actions as a leader of organized crime were "not as bad as [those of] rapists and serial killers." Soldiers may do the same thing. Compared to Saddam Hussein's prolonged chemical attacks on the Kurds, any harm American Soldiers visit on Iraqis some see as trifling.

Obscuring responsibility via displacement. To the degree that Soldiers believe that others determine their actions, they do not feel responsible for the ethical outcomes. An especially famous example of this is the Nuremburg defense. When prosecuted for war crimes, many former Nazi Soldiers argued that they were "just following orders." Soldiers sometimes believe that social pressure or command pressure is too difficult to contend with and believe that they are not responsible for the outcomes.

Obscuring responsibility via diffusion. Diffusion of responsibility is a similar phenomenon. If multiple people share the responsibility for an act, no one individual feels responsible for it. One way for this to occur is for an unethical task to be broken up into steps that are relatively harmless and each of those steps assigned to a different person. A good example of this is a firing squad. Many people feel bad about executing someone (even when it is legal to do so), so having a group of people all fire simultaneously diffuses the responsibility. No single person knows the lethality of his own shot (or whether their weapon contained a live round), and therefore no one feels he is responsible for the death by firing squad.

Distortion. Disregarding or distorting the consequences of an action can result in moral disen-

gagement. People remember the benefits of their actions, but often forget the harmful outcomes. They find ways to avoid seeing the harm of their actions. They may try to discredit any source of information that suggests their action was or might be harmful. By not acknowledging the harmful outcomes of an action, they avoid the normal process of ethical evaluation.

Derogation. How a Soldier views the recipients of his actions is important in the process of moral disengagement. Dehumanization involves ignoring any human qualities of a person or group of persons and treating him or them as an object. Because the potential recipient of a Soldier's actions is no longer a human but merely an object, ethical considerations are not relevant. Blaming the recipient is a similar process. By blaming the receiver, people can view themselves as victims driven to their behavior by his provocations. The people running Abu Grahib prison at the time of the prisoner abuses may have believed that all of the prisoners were terrorists who had done terrible things and deserved retribution from the guards.

What Happens When People Morally Disengage?

Moral disengagement is a process that can occur in almost anyone and has important consequences. In studies of elementary and middle school students, Albert Bandura and colleagues found that moral disengagement led to verbal and physical aggression, stealing, cheating, lying, destructiveness, less help to others, and less personal guilt. In a study of college students, moral disengagement led to unethical business decisions.[2] In two studies examining adults, the morally disengaged tended to seek harsher sentences for criminals and had fewer negative reactions to reports of American Soldiers beating Iraqi detainees.[3]

Moral Disengagement at the Canal

In March 2007, three sergeants attached to Alpha Company, 1st Battalion, 18th Infantry Regiment, captured four Iraqi nationals after a firefight and discovered a small cache of weapons. Citing frustration with policies and procedures that frequently led to detainees being turned loose, the sergeants and nine other Soldiers from their unit drove to an isolated spot along a canal, shot the four detainees

> *...moral disengagement that allowed them to summarily execute four prisoners in their charge.*

in the back of the head, promptly disposed of the bodies in the canal, and swore their subordinates to secrecy.

Interrogation tapes of the three sergeants hint at the processes of moral disengagement that allowed them to summarily execute four prisoners in their charge. A statement from Sergeant Michael Leahy shows the use of *a diffusion tactic*: "Like, my arm went up to the right, and I fired again. I'm pretty sure I didn't hit anybody, but I'm not gonna say that because I don't know for sure. I wasn't even looking when I shot the second time. My arm just went to the right." Although Leahy later admitted to shooting the man, he was careful to point out that his shot might not have been the fatal one. In a letter from prison, his co-conspirator, First Sergeant John Hatley (who was in charge that day) defended his actions through *displacement*, blaming those in charge of setting policy regarding the evidence required to hold detainees: "The guidelines established for detaining and prosecuting the enemy has [*sic*] extensive flaws. Furthermore, the enemy is well aware of these flaws and consistently exploits these to facilitate their release." Of course, individuals who are on trial or in prison are motivated to restructure guidelines for their own benefit, but more telling (and a more dangerous practice) has been the general public's seeming desire to disengage their own standards on behalf of those acting as their agents.

The media has recently provided us with an analogous incident in the form of a videotape of Sri Lankan soldiers capturing and executing members of the Tamil Tigers. Although Sri Lankan officials currently deny the authenticity of the videotape and the veracity of the claims, one can imagine that the justifications of the individual soldiers is quite similar to that of the sergeants at the canal. More meaningful, however, is the difference in the American and Sri Lankan public's

response to the two incidents. An Internet search of reactions to the Sri Lankan incident reveals language such as "atrocities," "war crimes," and "murder," but commentary on the American Soldiers' canal killings produces examples of—

● *Victim derogation* (e.g., "they're all second from the bottom on the evolutionary totem pole"; "you're all feeling sorry for the same uncivilized creatures that would make you a victim in a heartbeat").

● *Distortion by ignoring harm* (e.g., "they did the job they were sent to do. A little late, but . . . better late than never").

● *Reconstruing conduct by advantageous comparison* (e.g., "It's War . . . They cut our heads off and drag us through the streets").

● *Obscuring responsibility via displacement* (e.g., "you can thank Bush for this").[4]

The stark contrast in the way we apply our moral standards to others compared to ourselves is obvious. In other words, we (as a Nation) often engage in moral disengagement in an attempt to excuse the behavior of those acting on our behalf.

Strategies for Keeping Morally Engaged

There are ways in which we can monitor the kinds of self-deception involved in restructuring for moral disengagement.

Monitoring cynicism. One antecedent of moral disengagement is highly evident in the canal killings—cynicism. Detert, Trevino, and Sweitzer found that individuals high in the trait of cynicism (i.e., a low opinion of human nature, with the opinion remaining stable across time) are more likely to be morally disengaged; further, cynical individuals are subsequently more likely to make unethical decisions. However, cynicism may also increase over time. Leaders, especially those in-theater, should monitor the morale of their troops. (Morale is a weather vane for the inclination for moral disengagement.) Although frustrations, fatigue, and emotional exhaustion are consequences of long and repeated deployments, consistent and growing cynicism is a sign that a Soldier might need additional guidance or oversight in ethically challenging situations.

Increasing accountability. Another way to reduce moral disengagement is to increase

accountability, either formally (within systems) or informally (through reminders from leaders and other unit members). Just as diffusing responsibility can lead to moral disengagement, tying individuals directly to their own actions reduces the likelihood of unethical behavior. This is the reason why many retailers keep mirrors near expensive items; most people are unable to steal while literally looking themselves in the eye.

Creating an internal locus of control. Detert, Trevino, and Sweitzer found that an external locus of control (a pervasive belief that the events in one's life are due to random processes, rather than their own actions) predicts increased moral disengagement. In other words, if individuals do not believe that they control meaningful outcomes in the world, they are less likely to hold their behavior to their own moral standards. Paradoxically, many of the features of our operations in Iraq and Afghanistan, including long periods of silence punctuated by surprise attacks, changing objectives, and repeated deployments, might lead Soldiers to adopt a less internal (and more chance-based) locus of control.

Focus on benefits and harms of actions at hand. As noted above, one way to morally disengage is to reframe the action as serving a higher principle, such as when West reframed detainee mistreatment, ostensibly to protect his troops. In discussions and decision making processes, combatants stay morally engaged if they take a full view of the decisions being made. Forcing themselves to see the harm in their actions, however ugly and painful that may be, will leave them less likely to morally disengage. Moreover, we shouldn't compare the harms of a course of action to prototypical extreme harms, such as Nazi internment camps. We should evaluate the harms of an action in comparison to its benefits and the harms and benefits of alternative courses of action. This does not mean that Soldiers should never do harmful things, but they should screen such behaviors through their moral frameworks rather than morally disengaging.

The power of language. The language that combatants use can influence their actions. Army leaders may do well to consider using language that is less euphemistic. By avoiding the use of euphemistic language that obscures the nature of certain actions, Soldiers will find it more difficult to morally disengage. Similarly, Soldiers should avoid using language that dehumanizes people on the other side of the conflict. By accepting that the populations involved in our current conflicts are people with complex motivations (and not simply evil monsters who deserve retribution), we will be less likely to morally disengage.

Conclusion

Clearly, there will be times when our Soldiers must engage in behavior intended to harm the enemy. That is the nature of war. However, Soldiers should not indiscriminately engage in such harm. They should first run contemplated behavior through moral frameworks in the hope of preventing more incidents like the killings at the canal in Baghdad. Indeed, important portions of Army training attempt to build moral frameworks for that very purpose.

The recent research summarized above highlights when our Soldiers will be most likely to morally disengage and cause incidents that are harmful not only to the victims but also to the very missions our Soldiers are working so hard to accomplish. The strategies we recommend are:

- Monitor cynicism.
- Increase accountability.
- Increase internal locus of control.
- Focus on both the harms and the benefits of a given course of action.
- Avoid dehumanizing those who oppose us in conflict.
- Use transparent and non-euphemistic language. *MR*

The language that combatants use can influence their actions. Army leaders may do well to consider using language that is less euphemistic.

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4. All quotations are from the "25 most liked comments" as of 26 January 2010, regarding the "killings at the canal" story on CNN.com. Many of those quoted claim to be active duty Army or veterans of recent conflicts, although the anonymity of comments makes verification impossible.

DOD

Unidentified bodies near burning house, My Lai, Vietnam, 16 March 1968.

The Inclination for
WAR CRIMES

Lieutenant Colonel Robert Rielly, U.S. Army, Retired

———————

PHOTO: Exhibit photo for the Peers Inquiry (Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident). RON HAEBERLE, Former U.S. Army Photographer: "I happened upon a group of GIs surrounding these people and one of the American GIs yelled out, 'Hey he's got a camera.' So they kind of all dispersed just a little bit, and I came upon them and looking at the photograph I noticed the one girl was kind of frantic and an older woman trying to protect this small child and the older woman in front was just, you know, kind of pleading, trying to, beg, you know, begging and that, and another person, a woman was buttoning her blouse and holding a small baby. Ok, I took the photograph, I thought they were just going to question the people, but just as soon as I turned and walked away, I heard firing, I looked around and over the corner of my shoulder I saw the people drop. I just kept on walking. At the time I was just, you know, capturing a reaction, but when you look at it later on in life, you know, now that those people are dead, they were shot, it's just kind of an eerie type feeling that you, that goes over, you know, goes through your whole body and you think back, could I have prevented this? How could I have prevented this? And it's a question I still kind of, you know, ask myself today." (Library of Congress)

DO YOU THINK your unit cannot be involved in a war crime? How do you know? Most leaders believe it would never happen in their unit, yet one story after another concerning American Soldiers and Marines who allegedly participated in war crimes has been in the news. Abu Ghraib, Haditha, Hamandiya, and Mahmudiya are now part of military history. Investigations are ongoing, and some courts-martial have been held, yet the questions haunting commanders of these Soldiers and Marines remain. What went wrong? Did I miss something? Could I have prevented this? Other commanders are thankful that war crimes did not happen in their unit. Some are convinced it could never happen in their organizations. While there are many differences between the incidents listed above, the tragedy for the military is not just that these acts were committed, but that groups of Soldiers or Marines committed or condoned them. Thus, in effect, none of the safeguards the military associates with cohesive groups worked in these units.

Leaders are now left searching for answers and wondering if it will happen again. Unfortunately, the record indicates that it will. How to identify the likelihood of a unit committing a war crime is a leadership concern. Part of the answer to that question may be in the findings of an inquiry conducted 39 years ago into another regretful and tragic event in American military history, the My Lai Massacre. The Army conducted an inquiry into why the My Lai tragedy occurred. The results of this inquiry are important. They give today's leaders ways to monitor and assess units to determine if they could possibly commit a war crime. Leaders can then implement preemptive measures to prevent this from happening.

The Peers Inquiry

The words "My Lai" are synonymous with a significant breakdown in leadership. All too often, we dismiss events such as My Lai as isolated incidents, the actions of a rogue platoon or a failure of direct-level leadership. This simple analysis fails to grasp the depth, breadth, and complexity of the events and decisions associated with My Lai. Many people, although horrified with My Lai's magnitude, recognized a similar current and worried that My Lai

could happen again given the right circumstances. The Army recognized this as well and, much to its credit, attempted to find out why the events of 16 March 1968 occurred. Although few people realize it, in addition to the criminal investigation conducted into My Lai, the Army also investigated additional areas associated with the operations that day.

In November 1969, Army Chief of Staff General William C. Westmoreland selected Lieutenant General William Peers to conduct an inquiry into My Lai to determine—

- What had gone wrong with the reporting system.
- Why the commander of U.S. Forces in Vietnam, at the time, had not been fully informed.
- Whether the operation had been investigated.[1]

The investigation's official title was the "Department of the Army Review of the Preliminary Investigations into the My Lai Incident." But it was more commonly referred to as the Peers Inquiry. One of the most significant parts of the report is in the chapter discussing factors contributing to the tragedy. This chapter contains information of immense value to commanders today.

In deciding who would direct the investigation, General Westmoreland could not have selected a better-suited officer. William Peers was the chief of the Office of Reserve Components, had a reputation for objectivity and fairness, and had served in Vietnam as the 4th Infantry Division commander and the I Field Force commander. He had joined the Army immediately after graduation from UCLA in 1937 and served in Burma during World War II. Because Peers did not graduate from West Point, Westmoreland recognized no one could accuse him of loyalty or favoritism to fellow West Point graduates.

Peers had an unenviable task. The Army was essentially investigating itself and would be open to severe criticism if it did not handle the investigation properly. In addressing the members of the inquiry, Peers explained, "No matter what any of us might feel, it [is] our job only to ascertain and report the facts, to let the chips fall where they may. It [is] not our job to determine innocence or guilt of individuals, nor be concerned about what effects the inquiry might have on the Army's

> ## …My Lai could happen again given the right circumstances.

image, or about the press or public's reaction to our proceedings."[2] To ensure objectivity, Peers even went so far as to include two civilian lawyers on the panel, Robert MacCrate and Jerome Walsh, to serve as the "public conscience."[3]

The inquiry was under a time crunch from the start. It had to finish the investigation in four months because military offenses such as negligence, dereliction of duty, failure to report, false reporting, and misprision of a felony all had a two-year statute of limitation.[4] Under Peer's direction, the Soldiers and civilians of the inquiry completed their investigation in 14 weeks, interviewing over 400 witnesses, many of whom had separated from the service.[5] The inquiry members had to arrange travel, schedule the appearances of witnesses before the panel, and collect all the associated documents—which eventually comprised over 20,000 pages of testimony alone. In December 1969, barely two months into the investigation, Peers and several panel members traveled to Vietnam to get a firsthand look at the village of My Lai.

In the end, the inquiry members compiled a "list of 30 people who had known of the killing of noncombatants and other serious offenses committed

LTG William R. Peers, 10 December 1969, heading an Army panel investigating the My Lai massacre.

during the My Lai operation but had not made official reports, had suppressed relevant information, had failed to order investigation, or had not followed up on the investigations that were made."[6]

When concluding the report, Peers asked panel members to draw some conclusions as to why My Lai occurred based on the evidence they had examined. Peers believed it was important to include findings detailing why and how the operation developed into a massacre. Several members argued against including conclusions because there appeared to be no single reason or pattern. Bob MacCrate, one of the two civilian attorneys working on the inquiry, argued that including the chapter could invalidate the entire report if readers found the conclusions faulty. Peers understood the risk, but believed that the chapter needed to be included "to not only highlight the deficiencies in the My Lai operation but also to indicate some of the differences between this operation and those of other units in South Vietnam."[7] He also wanted to "point out problems of command and control that existed within the Americal Division, problems that would require vigorous corrective action by the Army in order to prevent repetition of such an incident in the future."[8] Ultimately Peers was able to persuade the panel to include the chapter, and after much study, the panel determined that 13 factors contributed to My Lai.

This list of factors compiled by the Peers Inquiry provides commanders today with a way to assess their organizations and determine if Soldiers or small units in their command have an inclination to commit war crimes. Peers' intuition to include the panel's findings was correct and he unknowingly provided the Army a tool with far-reaching implications.

Nine Factors

Although the official report listed 13 factors that contributed to My Lai, Peers pared the list down to nine in his 1979 book. In doing so, he seems to have combined several factors rather than eliminate any of the original 13. The nine factors Peers arrived at include—
- Lack of proper training.
- Attitude toward the Vietnamese.
- Permissive attitude.
- Psychological factors.
- Organizational problems.
- Nature of the enemy.

> *…the [Peers] panel determined that 13 factors contributed to My Lai.*

- Plans and orders.
- Attitude of government officials and leaders.
- Leadership.

Each of the nine factors deserves some explanation.

Lack of proper training. The inquiry determined that "neither units nor individual members of Task Force Barker and the 11th Brigade received the proper training in the Law of War, the safeguarding of noncombatants, or the rules of engagement."[9] The inquiry determined the lack of training was due to an accelerated movement schedule, large turnover of personnel prior to deployment, and the continual arrival of new Soldiers to the unit.[10] However, the problem of lack of training was not so cut and dried. The investigation discovered that some Soldiers did receive Law of War training, but some could not remember it. The inquiry determined that part of the reason for this was that the training was conducted in a "lackadaisical" manner. Furthermore, higher headquarters passed out pocket cards and memoranda, but never explained or reinforced the information they contained.[11] Peers states, "Some panel members thought the MACV policy of requiring Soldiers to carry a variety of cards was nothing short of ludicrous. They might have served as reminders, but they were no substitute for instruction."[12]

In today's military, many leaders would argue that lack of training is not a problem because all units receive training on Law of War, safeguarding of noncombatants, and rules of engagement prior to deployment. However, the same problems that plagued the 11th Brigade in 1968 also plague units today. Accelerated movements, excessive personnel turbulence, turnover of small unit leadership, and new arrivals in theater all occur during operations today. The lesson for leaders at all levels is to ensure the quality of the training matches the subject's importance and that they constantly conduct, integrate, and reinforce it. Assessing training quality and ensuring training is continuous and that Soldiers understand the rules provide the leader a check on the climate of his organization.

Attitude toward the Vietnamese. If Soldiers make derogatory or racial comments and seem to treat the local population as a lower form of human being or as beneath the status of an American, commanders should take notice. The low regard in which some unit members held the Vietnamese, routinely referring to them as "gooks," "dinks," or "slopes," disturbed Peers.[13] One only has to talk with U.S. Soldiers and Marines today or read magazine and newspaper interviews to hear derogatory terms used to describe Iraqi citizens. Even if the commander does not actually hear it, it would be naïve to think some Soldiers in the command do not possess a negative attitude toward the local population. This problem is greater during an insurgency when the population's loyalty is in question or there is a significant cultural gap, both of which are likely conditions in the contemporary operational environment.

To prevent this from occurring, leaders must assess their organization's attitude, beliefs, and

> *One only has to talk with U.S. Soldiers and Marines today… to hear derogatory terms used to describe Iraqi citizens.*

Graffiti left in an Iraqi's house after an American unit conducted a search, September 2005.

operating norms toward the enemy and the local population. In addition, commanders must prevent junior leaders from condoning a derogatory attitude from their Soldiers and Marines toward the local population.

One of the historically tried and true ways armies have attempted to overcome their soldiers' fear of killing others in combat was to dehumanize the enemy and get soldiers to hate them. Killing out of hate is a powerful motivator but can yield unintended consequences. For example, if we train a unit to hate insurgents and kill them in combat, and the unit finds it increasingly difficult to distinguish the insurgents from the population, in the minds of the Soldiers, the population may soon become the hated enemy and thus victims of unlawful conduct. To deter this, as leaders prepare their Soldiers and Marines for the realities of combat, they must emphasize positive rationales for killing the enemy.

Permissive attitude. Peers writes, "The Americal Division and the 11th Brigade had strong, well-designed policies covering the handling of prisoners, the treatment of Vietnamese civilians, and the protection of their property. However, it was clear that there had been breakdowns in communicating and enforcing those policies."[14] In fact, incidents of mishandling and rough treatment of prisoners did not start at My Lai but were present for some time prior to the operation. Peers suggests that commanders failed to discover unlawful treatment was occurring or allowed it to occur by tacit approval. The result was that it quickly became part of the way the units operated. As operations continued in Vietnam, Soldiers suspected the local population of collusion with the enemy because of the population's ability to avoid mines and booby traps.[15]

Historical examples of counterinsurgency operations have shown Soldiers and Marines will become frustrated by the ambivalence of the population they are trying to help and protect. This can frustrate Soldiers and Marines, and disrespect and rough treatment of the population can quickly follow. Incidents in Iraq have led to emphasis on the proper treatment of prisoners, detainees, and civilians, but in a stressful environment attitudes can quickly shift. Commanders must set the proper tone for the organization and assess how their units

are treating prisoners, detainees, and civilians and their property. Leaders at all levels must clearly articulate to their subordinates what behavior to tolerate and what not to tolerate and continually reinforce that guidance.

Psychological factors. When enlisted Soldiers at My Lai testified before the inquiry, Peers stated that they frequently used the words "fear," "apprehension," and "keyed up" to describe their emotions.[16] Soldiers from Charlie Company 1-20 Infantry in particular were apprehensive and frustrated by the number of casualties the unit had suffered from mines and booby traps and from their inability to establish any contact with the enemy. To the men of Charlie Company, seeing fellow Soldiers wounded or maimed on operations without any way to retaliate led to a mounting frustration.

In addition, commanders in the American Division and Task Force Barker had pressured units to "be more aggressive and close rapidly with the enemy."[17] In the case of My Lai, Task Force Commander Lieutenant Colonel Frank Barker's aggressive nature and his promotion of competition between companies put pressure on the Soldiers to gain contact with an elusive enemy.

Apprehension, frustration, and pressure from above are a volatile mix for any organization. Each of these elements in isolation can lead to troubles, especially in stability and support operations. As casualties mount from an unseen, elusive enemy, commanders need to be more visible and exert more influence and guidance. Leaders must assess and monitor the attitudes of their Soldiers and their small cohesive units to determine if there is an unhealthy level of pressure and frustration. In addition, commanders must set a climate in their organization that promotes open discussion of Soldiers' emotions, especially fear.

Organizational problems. Peers writes that although "organizational problems existed at every level, from company through task force and brigade up to the American Division headquarters," the problems could be found in every major unit in Vietnam.[18] Task Force Barker was an ad hoc battalion with one company from each of the battalions assigned to the brigade. The commander was actually the 11th Brigade operations officer and he took his staff "out of hide" by pulling a minimum number of personnel out of the brigade staff to assist him. Peers opined that although organizational

problems contributed, they could not be "cited as the principal cause."[19]

We can see many of the organizational problems the units encountered at My Lai in organizations today. Small staffs, ad hoc organizations, temporary attachments, and shortages of personnel are still issues some organizations face. Leaders struggle with the "troops-to-task" ratio associated with fighting an insurgency. Determining if units have enough men to accomplish their missions without fracturing their chain of command or group cohesion is an important consideration. To alleviate any potential problems associated with organizational structure, unit commanders should assess the impact their organizational structure has on operations as well as the effect new organizations have on the original organization when they join the unit.

Nature of the enemy. Much as it is with operations today and will probably be for the near future, it was difficult to distinguish combatants from noncombatants in Vietnam. Peers wrote that in "traditional communist strongholds and VC [Viet Cong] dominated areas…, it could be fairly well assumed that every male of military age was a VC of some form or another."[20] However, this was not the case throughout the country.

Commanders will face situations like this in the future and must consider the nature of the enemy when assessing their units. Because the enemy has little or no respect for the Law of Land Warfare, does not play by what we consider "the rules," and will constantly test our commitment to morality, it becomes tempting for stressed troops to respond in kind. Enemy forces will continue to use this tactic to their advantage. In an environment like this, commanders must appreciate the effect the enemy's tactics are having on their own troops and assess the impact on the organizational climate and small-unit operating norms.

Plans and orders. Peers observed that in My Lai, "as Barker's orders were passed down the chain

> ***We can see many of the organizational problems the units encountered at My Lai in organizations today.***

of command, they were amplified and expanded upon, with the result that a large number of Soldiers gained the impression that only the enemy would be left in My Lai 4 and that everyone encountered was to be killed."[21] The problem was exacerbated due to a command climate in which subordinates were afraid to question or to ask for clarification on any instructions provided by the company commander, Captain Ernest Medina, by TF commander Barker, or by the division commander Major General Samuel Koster.[22] In addition to setting a climate where Soldiers believe they can ask questions, commanders must ensure all personnel in their units or attached to their organizations believe subordinates can approach them at any time with any kind of information. In ambiguous, fluid situations, leaders must ensure they and their subordinates issue clear orders that units at all levels understand. Furthermore, although training and institutional schooling emphasize the importance of clarity in orders and plans, leaders do not always stress the importance during actual operations, where time and familiarity affect the process. Leaders must continually ensure that all personnel, especially those in attached organizations, clearly understand their orders or instructions.

Attitude of government officials. The United States will not always have the luxury of working with national and local governments that have a high regard for human life. Peers writes that the local Vietnamese officials believed anyone living in the area of My Lai was either Viet Cong or a Viet Cong sympathizer, and therefore considered it a free-fire zone, automatically approving any request to fire in the area.

Leaders could encounter similar situations today where a local government does not value the lives of its citizens or is using the area for political purposes such as controlling opposition party support through military operations. At the time of My Lai, the attitude of the South Vietnamese officials rubbed off on some American Soldiers, who soon began to view the population as expendable. If the government is nonchalant about civilian casualties, U.S. forces can also become nonchalant and careless in reducing noncombatant casualties, as happened at My Lai.[23] As commanders assess their units they must take into account the beliefs, attitudes, and customs of the local and national govern-

Haberle, Library of Congress

U.S. Soldier burning domestic agricultural items at My Lai, Vietnam, 1968. Such acts are war crimes.

ments toward their citizens. If a nonchalant attitude exists, they need to ensure their subordinates do not adopt a similar attitude. It will be difficult but critical to determine if the attitude exists at the local government level.

Leadership. The Peers Inquiry determined that, above all, a lack of leadership was the main cause of the massacre.[24] Failure to follow policies, lack of policy enforcement, failure to control the situation, failure to check, failure to conduct an investigation, and lack of follow up were all present. The panel members determined that, although Barker used mission-type orders, he failed to check to determine if his subordinates carried out his orders properly.[25] In addition, the command climate throughout the organization did not foster open communications. In the task force, Barker did not have "a close working relationship with his subordinates." [26] Thus, no one questioned his orders. It was much the same situation with the Charlie Company commander, Ernest Medina, whom his Soldiers and subordinates held in high regard. The inquiry commented, "Nobody questioned his authority or his judgment."[27] Major General Samuel Koster further exacerbated this situation by creating a command climate in which his staff was afraid to approach him with bad news or a problem.[28] Thus, when information began to come forward about what happened at My Lai, no one on the division staff had the courage to tell the commanding general. Instead, members of the chain of command ignored the information.

The inquiry concluded that Charlie Company platoon leaders identified more with their men than they did with higher headquarters. The lieutenants wanted to fit in with the men of their platoons and be one of the boys. Peers concluded that because they were young and inexperienced, they did not take positive corrective action to correct wrongdoings.[29]

Failure to foster the right climate and enforce standards is bad enough, but it falls short of being the comprehensive reason for a leadership failure. Among the My Lai massacre's principal causes is the fact that a cohesive unit's values and norms tolerated committing these crimes and also ensured loyalty to the group rather than to the institution, thus condoning silence about the crimes. In the case of My Lai and some recent incidents, it took the courage of individuals outside the organization to report what happened, because no one inside the unit did. Cohesion was too strong.

Leaders often assume their Soldiers and Marines will place loyalty to the organization above loyalty to their comrades. Historian Richard Holmes' research proves otherwise. Holmes writes, "There is every chance that the group norms will conflict with the aims of the organization of which it forms a part."[30] A sobering conclusion for any leader—but one to heed. Findings from the Center for Army Lessons Learned (CALL) validate Holmes' conclusion that one of the challenges small-unit leaders face is identifying too much with the men with whom they are living and sharing the dangers of operations. CALL cautions that the mission rather than relationships should be the key element of decision-making.[31]

Implications for Today

Commanders today have to assess unit climate to determine if their subordinates feel that they can question ambiguous or unclear instructions or take bad news to higher headquarters. It is equally as important for commanders to assess the climate of subordinate units. Leaders must recognize that values can change during significant emotional events such as combat, and assess small unit cohesiveness and the underlying values present in such groups. Commanders make a mistake in assuming that once inculcated, every unit forever

> *Iraq [has] taught us…
> that war crimes can still happen,
> even in a professional,
> disciplined military.*

retains good organizational values. Values need constant reinforcement, and commanders must monitor the values of small groups in their organization to determine if they meet the standards of their institution.

The most significant lesson these latest incidents in Iraq have taught us is that war crimes can still happen, even in a professional, disciplined military. Commanders have to remain vigilant and realize it could indeed happen in their units. Understanding the areas to assess in their organizations may give them an edge in identifying incipient problems and attitudes. William Peers and his commission did the Nation a service by identifying areas military commanders should monitor and assess. Sustained vigilance and commensurately focused education will help future commanders prevent a war crime from occurring. **MR**

NOTES

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2. Ibid., 10.
3. Ibid., 20.
4. Ibid., 50.
5. Ibid., 11.
6. Ibid., 212.
7. Ibid., 229-230.
8. Ibid., 230.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid., 230-231.
14. Ibid., 232.
15. David L. Anderson, *Facing My Lai: Moving Beyond the Massacre* (Lawrence: University of Kansas Press, 1998), 100.
16. Peers, 234.
17. Ibid.
18. Ibid., 235.
19. Ibid.
20. Ibid., 236.
21. Ibid.
22. Anderson, 126.
23. Peers, 237.
24. Ibid., 232.
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29. Peers, 233.
30. Richard Holmes, *Acts of War: The Behavior of Men in Battle* (New York: The Free Press, 1985), 323.
31. Center for Army Lessons Learned, *Leader Challenges: Initial Impressions Report* (Fort Leavenworth, KS, December 2005), 14.

The Embedded Morality in FM 3-24 COUNTERINSURGENCY
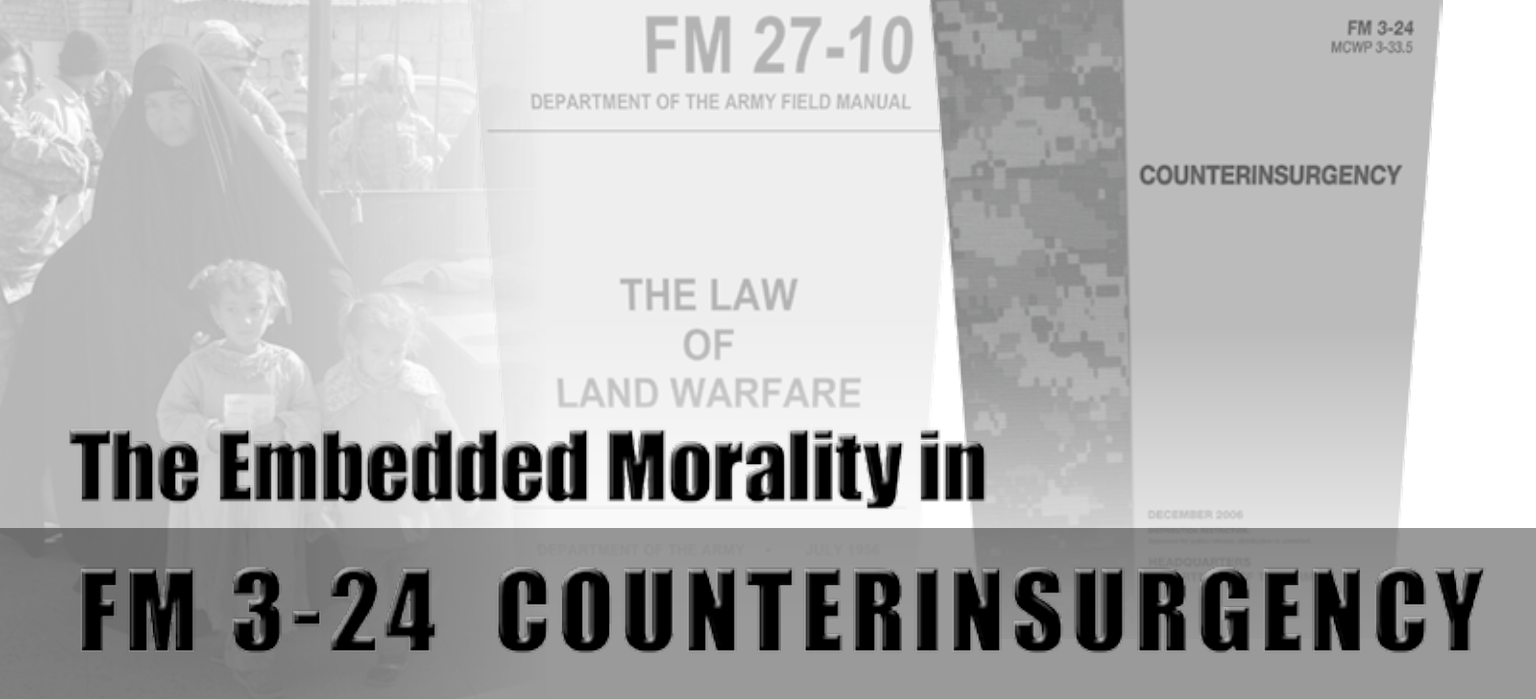
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PHOTO: An Iraqi woman brings her
children to be seen by the medical
staff at the Fira Shia Tabuq Primary
School in Samalaat, Iraq, December
2008. (U.S. Navy, Senior Chief Petty
Officer Kevin S. Farmer)

TODAY'S ARMY DOCTRINE describes a new era of "persistent conflict" in which military professionals must apply their skills in "complex" and "multidimensional" environments and conduct operations "among the people."[1] Marines and Soldiers trained in the nuances of attack, defense, and movement-to-contact must become, in General David Petraeus's words, "pentathlete leaders comfortable not just with major combat operations but with operations conducted throughout the middle- and lower-ends of the spectrum of conflict."[2]

The profession of arms once demanded a strict separation between war and politics. Young leaders today have become politically savvy dealmakers, agenda framers and setters, and economic planners. Senior military leaders do not consider these young professionals' agility to be above and beyond the call of duty. On the contrary, Field Manual (FM) 3-24, *Counterinsurgency*, states, "Soldiers and Marines are expected to be nation-builders as well as warriors."[3]

The world's heightened complexity has an ethical component. Remote desert warfare poses mostly instrumental challenges related to the synchronization of means. Operations conducted among and with the people demand that U.S. forces continuously demonstrate ethical judgment. Although the scandal of Abu Ghraib signifies failure, innumerable successes occurring daily in Iraq and Afghanistan show that the overwhelming majority of military professionals are meeting the ethical challenge.

Nevertheless, the Military Health Advisory Team IV survey yielded troubling results when it became public in May 2007. The survey queried fewer than 2,000 Soldiers and Marines who had served in units with "the highest level of combat exposure" in Iraq and found that—

● "Approximately 10 percent of Soldiers and Marines report mistreating noncombatants or damaging property when it was not necessary.

● Only 47 percent of the Soldiers and 38 percent of Marines agreed that noncombatants should be treated with dignity and respect.

● Well over a third of all Soldiers and Marines reported that torture should be allowed to save the life of a fellow Soldier or Marine.

● Less than half of Soldiers or Marines would report a team member for unethical behavior."[4]

> *Approximately 10 percent of Soldiers and Marines report mistreating noncombatants or damaging property when it was not necessary.*

Although Army doctrine specifies that "preserving noncombatant lives and dignity is central to mission accomplishment" in counterinsurgency, the survey reported that between one-third and one-half of the Soldiers and Marines who answered the survey's questions dismissed either the importance or the truth of the dignity attendant to noncombatants.[5]

Shortly after the publication of the MHAT's findings, General Petraeus urged troops to use the survey results to "spur reflection on our conduct in combat." He stated, "We should use the survey results to renew our commitment to the values and standards that make us who we are and to spur re-examination of these issues."[6] This essay follows General Petraeus's call to reflect on the values "that make us who we are" and reexamine our commitment to them by focusing on human dignity.

Army doctrine explicitly emphasizes "human dignity," although it is not immediately clear whether the Army posits that preserving human dignity as an intermediate end (or means) or as an ultimate, moral end. Also not readily apparent is the relationship between human dignity and the military ends sought. Nevertheless, FM 3-24, *Counterinsurgency*, contains an ethical subtext and entails an implicit but substantial morality. This implicit morality raises two questions:

● How does the military professional come to accept these implicit obligations?

● How is this morality relevant to our current military struggles?

Reading Between the Lines

There are two ways to understand the declaration that "preserving noncombatant lives and dignity is central to mission accomplishment."

In one sense, this counterinsurgency tenet is utilitarian; that is, we ought to preserve lives and dignity because it pays, or is in our interest, or is conducive to mission success. If a Soldier fails to preserve the dignity of indigenous persons, enemy insurgents will reap success. Preserving the dignity of indigenous people increases the probability of a counterinsurgent's tactical, operational, and strategic success. Similarly, the nation-builder may choose to become culturally appreciative merely as a means to mission accomplishment. This concern-for-consequences approach to cultural awareness is certainly present in our doctrine:

> Cultural awareness has become an increasingly important competency for small-unit leaders. Perceptive junior leaders learn how cultures affect military operations. They study major world cultures and put a priority on learning the details of the new operational environment when deployed. Different solutions are required in different cultural contexts. Effective small-unit leaders adapt to new situations, realizing their words and actions may be interpreted differently in different cultures. Like all other competencies, cultural awareness requires self-awareness, self-directed learning, and adaptability.[7]

This text suggests that respect for the human dignity and culture of *the other* is a way to develop a militarily expedient solution and end state.

Nevertheless, a non-utilitarian understanding of the declaration that "preserving noncombatant lives and dignity is central to mission accomplishment" also emerges from the doctrine. Inherent is the claim that the human dignity of *the other* is in fact the ultimate end that determines (or makes sense of) the vast array of tactical and operational ends in military orders and campaign plans. Such dignity is both central to military success and a fundamental moral end.

Field Manual 3-24 considers military action to be in the service of human dignity. Yet it is not explicit about this relationship. I must therefore justify my interpretive approach, which is—to put it plainly—to read between the lines and thereby draw out the implications of the language. FM 3-24 introduces the terms *ideology* and *narrative*

> *Field Manual 3-24 considers military action to be in the service of human dignity.*

as concepts useful for analyzing enemy insurgents. Hence, "ideology provides a prism, including a vocabulary and analytical categories, through which followers perceive their situation."[8] Moreover, "the central mechanism through which ideologies are expressed and absorbed is the narrative. A narrative is an organizational scheme expressed in story form. Narratives are central to representing identity, particularly the collective identity of religious sects, ethnic groupings, and tribal elements . . . Stories are often the basis for strategies and actions, as well as for interpreting others' intentions."[9]

The FM's discussion of ideologies and narratives occurs mostly within the context of the insurgent's thought. Yet political philosophers and theorists have long recognized that all persons and groups possess narrative self-understandings. At times, these self-understandings become explicit. President George W. Bush's first inaugural address in 2001 provides an example of a self-consciously produced narrative:

> We have a place, all of us, in a long story—a story we continue, but whose end we will not see. It is the story of a new world that became a friend and liberator of the old, a story of a slave-holding society that became a servant of freedom, the story of a power that went into the world to protect but not possess, to defend but not to conquer. It is the American story—a story of flawed and fallible people, united across the generations by grand and enduring ideals.[10]

Wherever there is a *we*—be it a political party, a football team, a town, a movement, a nation, or an insurgency—there is an accompanying narrative that describes one *we* in contradistinction to another *we*. Bush's narrative resonates with most Americans *as Americans*, irrespective of political stance, since his narrative is merely a variation of the typical American narrative.

Political theorists and social scientists agree generally about the role that explicit narratives play within communal and political life. They also agree that we possess implicit and often unarticulated beliefs about how we understand ourselves, others, and the world. These background premises enable or sustain our explicit narratives. Our narratives, in turn determine the reasons we choose to perform such actions as waking up in the morning, seeking employment, praying, or developing a national security strategy.

The political theorist Stephen White approaches this intangible but decisive aspect of reality with two related concepts. One concept is the *lifeworld*, which he describes as "the unthought of our thought, the implicit of our explicit, the unconscious background of our conscious foreground."[11] White employs a second, related concept, which he calls an *ontology*. By using this term, which has a contested pedigree, he means to put his finger on a person's "most basic sense of human being"[12] or a person's "most basic conceptualizations of self, other, and world."[13]

My argument relies on three social-scientific claims. First, I rely on the plausibility of FM 3-24's conclusion that a group's self-generated meanings, strategies, and goals are in large part a function of the group's aggregate narratives. Second, I rely on the plausibility of White's claim that narratives are

AP Photo, APTN video

Many Iraqis sympathized with Muntadar al-Zaidi, the journalist who threw his shoe at President Bush in December 2008. They consider him a hero for calling attention to their perception that the U.S. often failed to protect the population.

in large part a function of implicit, unarticulated premises that sustain (or make possible) our conscious thoughts and outspoken declarations about ourselves, others, and the world.

I rely on a third claim, which is that our often unarticulated premises determine what we hold to be morally right and wrong. Thus, the Canadian philosopher Charles Taylor's version of White's "unthought of our thought" is the "social imaginary" (or "image of a moral order"), which "is an identification of features of the world, or divine action or human life that make certain norms both right and (up to the point indicated) realizable. In other words, the image of order carries a definition not only of what is right, but of the context in which it makes sense to strive for and hope to realize the right (at least partially)."[14]

> *…our often unarticulated premises determine what we hold to be morally right and wrong.*

A concrete example illustrates the plausibility of these three claims. No one in the West entertains the Divine Right of Kings doctrine partly because John Locke's *First Treatise of Government* demolished it in the 1600s. Moreover, Locke's *Second Treatise* has shaped our political self-understandings insofar as such notions as political rights, private property, political consent, and church-state separation roll trippingly and without controversy off our tongues. Today, Americans never need to articulate general arguments against kingship and in favor of rights, property, consent, and secular politics because these principles have become part of our implicit intellectual baggage. These implicit and taken-for-granted notions are part of our equally implicit ontologies. We are Lockeans, even if we don't know it. It is precisely the ontological depth of the human being that drives the requirement for cultural-awareness training, explains the substance of our military and national security strategies, and shapes our ethical stance toward innocent human life.

Reflection on the relationships among ontologies, narratives, and our actions may serve as a way to evaluate moral commitments. Yet the Army's ethical training does not focus on narratives or ontologies. The Army's institutional approach to ethics hinges on lists and models. The Army Values, the Soldier's Rules, the Code of Conduct, the Warrior Ethos, the Law of Land Warfare, and specific rules of engagement and escalation-of-force requirements clearly prescribe rules of behavior. Some Army leaders receive additional instruction in the Army's Decision Making Model and the Ethical Triangle.[15] Yet the implicit morality discernible in our doctrine is more expansive than simple rules or decision criteria.

A Soldier's rules are not encapsulated, stand-alone structures. Rules only exist and are fully intelligible when considered in the wider context of a person's (often inchoate) notions about himself, others, the world, and symbols of ultimate meaning. Such notions, overlapping matrices of self-understanding, are often barely perceptible.

Ethical decisions involve not simply the application of rules and models, but an orientation. The philosopher Russell Hittinger reveals this fact when he describes the situation of a professor returning home from an academic conference:

> An agent who is seriously inclined to, and who actually deliberates about, marital infidelity might make the "correct" decision according to rules advocated by one or another theory, yet the correctness of the decision does not alleviate, and indeed can obscure, the specifically moral dimension of the quandary. We can imagine, for example, a professor who returns from an academic conference and confesses to his wife that although he felt strongly urged to commit a marital infidelity, he deliberated about the moral significance of the action and concluded that it was a violation of the golden rule (if he is a deontologist), or perhaps that he came to his senses and saw that such an action would not bring about the greatest good for the greatest number (if he is a utilitarian). None of us would blame his spouse if she were as much or more concerned with the man's character than with the fact that he successfully resolved a quandary according to a rule.[16]

If our ethical choices involved nothing more than a cut-and-dried application of rules or theories, Hittinger's observation would not appear as strange as

it does. The hypothetical professor appears to us as morally depraved *despite* his fastidious application of venerable ethical rules and theories.[17] Our ethical selves do not "kick into gear" only during those moments of ethical decision; we carry a lifetime's worth of implicit baggage into these moments.

The Ethical Subtext of Field Manual 3-24

Stephen White's technique is to unearth the underlying premises of a thinker's or group's narrative. He explains: "I want to shift the intellectual burden here from a preoccupation with what is opposed and deconstructed, to an engagement with what must be articulated, cultivated, and affirmed in its wake." White holds that "conceptualizations of self, other, and world" are "necessary or unavoidable for an adequately reflective ethical and political life."[18] If he is right, one way for the military professional to reflect on the place of human dignity in military theory and practice is to examine the implicit claims of our doctrine, particularly insofar as that doctrine takes a definite moral stand.

We can tease out our doctrine's unarticulated premises by attending closely to FM 3-24's critique of what it describes as the "all-encompassing worldview" of the extremist. Applying White's technique enables the careful reader to discern what FM 3-24 leaves in the wake of its critique of the extremist's worldview. It turns out that Army doctrine is demanding and stern, ethically speaking; that is, the manual is no specimen of moral relativism.

Counterinsurgency doctrine takes a strong normative stand against the narratives and goals of the enemy we have fought and are fighting against:

> Religious extremist insurgents, like many secular radicals and some Marxists, frequently hold an all-encompassing worldview; they are ideologically rigid and uncompromising, seeking to control their members' private thought, expression, and behavior. Seeking power and believing themselves to be ideologically pure, violent extremists often brand those they consider insufficiently orthodox as enemies.[19]

Whether our enemies are religious (e.g., bin Laden) or secular (e.g., Stalin and Hitler), they adopt worldviews and narratives that—

- Eschew compromise in favor of violence.

> *Our ethical selves do not "kick into gear" only during those moments of ethical decision; we carry a lifetime's worth of implicit baggage into these moments.*

- Advance an all-encompassing or totalitarian worldview that specifies licit and illicit private, public, and political activity.
- Encourage the control of a person's private thoughts, expressions, and behavior.
- Applaud the application of violence against persons whose worldviews differ from theirs.

Field Manual 3-24's description of the extremist's intellectual and spiritual habits includes a subdued but integral normative preference for non-extremist or reasonable worldviews and narratives that—

- Prefer compromise to violence.
- Acknowledge a difference between private life, public life or civil society, and politics.
- Value freedom of thought, freedom of conscience, and freedom of action.
- Tolerate or even rejoice in the fact that a plurality of peoples, each with a distinct complex of worldviews and narratives, exists in the world.

Army counterinsurgency doctrine distinguishes between the extremist, who calls for the forceful imposition of his worldview on others at the price of death, and those whose worldview cherishes the free flourishing of moral and cultural diversity.

Let us be clear about FM 3-24's preferences. Throughout the field manual, the reader (i.e., the warrior) comes to appreciate the prohibition against "causing unnecessary loss of life or suffering."[20] In fact, the manual asserts an aggressive preference for life: "*Under all circumstances*, [the American warrior] . . . must remain faithful to basic American, Army, and Marine Corps standards of conduct of proper behavior and respect for *the sanctity of life*."[21] Each and every life, whether belonging to the American warrior or an indigenous person encountered during deployment, has "sanctity." The sanctity of life and human dignity extend even to those whom the warrior *rightly* aims to destroy or capture, as we can see in rules specifying the treatment of captured, wounded, or killed enemies. The prohibition against

desecrating the enemy dead or dehumanizing enemy prisoners makes no sense apart from a narrative that specifies the sanctity and dignity of each human being.

A substantial understanding, or ontology, of the person and the world begins to emerge from and between the lines of FM 3-24: the world entails diversity. It is not surprising that diversity arises when persons are free to live, think, and act. Moreover, each person individually possesses sanctity and dignity simply by virtue of his or her existence. If not restricted by extremist ideologies or crushing poverty, persons think and act in ways that sustain and multiply a vast array of narratives, worldviews, and cultures. A multiplicity of moral norms, religious attitudes, and voluntary civil associations flourish because of the free exercise of moral and cultural freedom. They produce diverse political attitudes and systems. Field Manual 3-24 values freedom of thought, conscience, and activity by espousing the democratic principle of consent. Regardless of the specific governmental system that arises, in its implicit and often utilitarian fashion, the manual acknowledges the value of consent: "Long term success in COIN [counterinsurgency] depends on the people taking charge of their own affairs and consenting to government's rule."[22]

Whereas the extremist is "rigid and uncompromising," FM 3-24's principal advocate, General David Petraeus, in his opening remarks to the Senate Armed Services Committee hearing on Iraq in April 2008, stated that he hopes to see local reconciliation, an attitudinal shift against indiscriminate violence and extremist ideology, debate over violence, and "political dialogue rather than street fighting."[23] Note carefully that General Petraeus calls for (a) "reconciliation," (b) an "attitudinal shift," and (c) mutual antagonists' participation in "debate" and "dialogue." This approach places heavy demands on the *interior* or *spiritual* dimension of Iraq's protagonists and antagonists.

Surprisingly, FM 3-24 prescribes the adoption of an alarmingly substantive interior disposition toward *the other*. If we wonder whether FM 3-24's prescription to respect human dignity is an end in itself or merely a means for an end, we soon learn that the warrior assumes the "responsibility for everyone in the AO [area of operations]. This means that leaders must feel the pulse of the local populace, understand their motivations, and care

about what they want and need. *Genuine compassion and empathy for the populace are effective weapons against the insurgents*."[24]

The manual directs Army leaders not to simply *exhibit* or *portray* compassion and empathy for people, but to *cultivate genuine* compassion and empathy for them. In this era of the strategic Soldier, it seems plausible that leaders must cultivate not only their own sense of authentic compassion, but cultivate it as well among those serving within his or her command. Hence, "Leaders at every level establish an ethical tone and climate that guards against the moral complacency and frustrations that build up in protracted COIN operations."[25] Field Manual 3-24 suggests that the cultivation of genuine compassion is one way to establish this ethical tone and climate.

True to its stated norms, FM 3-24 eschews cultural imposition:

> Cultural knowledge is essential to waging a successful counterinsurgency. American ideas of what is 'normal' or 'rational' are not universal . . . For this reason, counterinsurgents—especially commanders, planners, and small-unit leaders—should strive to avoid imposing their ideals of normalcy on a foreign cultural problem."[26]

On the other hand, the FM cherishes—

● Compromise.

● Distinctions between spheres of life (e.g., private, public, political, religious, and secular).

● Freedom of thought, conscience, and action.

● Moral and cultural pluralism.

● Political legitimacy via consent of the governed.

These norms are not utilitarian ends, but ends in and of themselves. They prescribe the cultivation of *genuine* compassion and empathy. Just as the manual prescribes a substantive morality or ethos for American warriors, *it expects American warriors to promote this same morality among the indigenous population*.[27]

> **The manual directs Army leaders not to simply exhibit or portray compassion and empathy for people but to cultivate genuine compassion…**

Does the Warrior "Buy In"?

A composite rendering of FM 3-24's implicit and explicit understanding of the world suggests that one's estimate of the dignity of *the other* during deployments is equal to that of one's friends and loved ones back home. The American warrior accepts no difference in moral worth between the elderly taxi driver who lives in the village where he patrols and an elderly taxi driver back home. The American warrior accepts no difference in moral worth between those indigenous children who nag him for pens, soccer balls, and chocolates and their counterparts back home. And, perhaps most surprisingly, the American warrior accepts no difference in moral worth between the insurgents or terrorists whom he rightly strives to kill or capture and the warrior's own best friends from home.

What are the implications of FM 3-24's embedded morality for the moral preparation of the military leader? How ought a leader to respond when he overhears a young specialist declare: "I would torch this entire village if it would bring back my buddies"? Or when a captain recommends, "We should just blow this country and its people off the face of the earth"? Or when a major concludes, "The problem with this country is Islam itself"?

Before deployment, the military professional lives within a complex of social structures and institutions, each of which demands a narrative and supporting ontology. He has intimate relationships, a network of family and friends, a job, an array of recreational activities, a political view, a spiritual orientation, and his Nation. Moreover, each of these associations and activities has some relationship to the others. Were he to ascribe consciously a purpose to his involvement in each of the relationships and activities, the purposes or ends may be sufficiently complementary such that his life is free of contradictory aims. Another possibility is that his purposes and ends are grossly incongruous. For an extreme but illustrative example, one can imagine the moral incongruity of a Nazi military officer who attends Mass on Sunday, shows up for work to the human crematorium on Monday, instructs a child's soccer team on the character-building aspects of sports on Tuesday, and engages in spousal abuse on Wednesday. The same inter-narrative frictions would appear were an American noncommissioned officer to be a closet white supremacist, or an officer were to act on the premise that women have no place in the military.

Is it possible for someone to develop a coherent framework in which all aspects of one's life—work, recreation, love, family, friendship, household management, finances, worship —are part of a rational plan for a well-lived life? If all human actions, from the minutest to the gravest, aim to realize or preserve a specific goal or end, are the retail and wholesale ends in each of life's aspects congruent and justifiable? For instance, how does the American military officer accommodate his vocation with his religious beliefs? How does one's religious catechism mesh with the principles of the U.S. Constitution or the military requirement to obey orders?[28]

Accommodating the retail and wholesale ends in one's life has a special urgency for the U.S. military officer, who must justify a decision to risk a life's worth of devotions and concerns as well as other persons' lives, devotions, and concerns for the sake of an ultimate end or value. Yet, the accommodation is necessary. A military officer must operate "on all cylinders" in a new era that demands that he "achieve victory . . . by conducting military operations in concert with diplomatic, informational, and economic efforts."[29]

General Petraeus has said, "Our primary mission is to help protect the population in Iraq."[30] To this end, over 4,200 professional warriors have sacrificed their lives. Over 31,000 American men and women have been injured. These military professionals have sacrificed their lives and health during stability operations as well as offensive military actions to destroy an enemy. They have put their lives at risk to preserve life, improve essential services, advance civil associations, facilitate education, help the economy, and create self-sustaining governance. Each of these endeavors makes sense only to the extent that they enable the flourishing of human beings in accordance with the morality embedded in FM 3-24, which posits not employment, or governance, or military targeting as ends in themselves, but as ways to preserve and enhance the sanctity and dignity of human life and freedom of thought, conscience, and action.

If FM 3-24 does have an embedded morality, one of many challenges for the American military professional is to make sense of his associations at

home so that he will be better able to perform his duties overseas and explain to his peers and subordinates why they must perform their duties as well.

The manual states, "Performing the many non-military tasks in COIN requires knowledge of many diverse, complex subjects. These include governance, economic development, public administration, and the rule of law. Commanders with a deep-rooted knowledge of these subjects can help subordinates understand challenging, unfamiliar environments and adapt more rapidly to changing situations."[31]

Thus, Army doctrine requires a fair amount of technical knowledge of economics, politics, and law in addition to cultural understanding. And (to complicate things further), today's military leader must devote some reflection to the moral purposes inherent in economics, politics, law, and the other structures that touch upon modern human life.

The Interior Dimension of Our Campaigns

General Petraeus's opening remarks to the Senate Armed Services Committee in April 2008 mostly focused on the establishment of security to enable political progress in Iraq. He emphasized that the security gains were "fragile and reversible," and the political problems were significant: "In the coming months, Iraq's leaders must strengthen governmental capacity, execute budgets, pass additional legislation, conduct provincial elections, carry out a census, determine the status of disputed territories, and resettle internally displaced persons and refugees. These tasks would challenge any government, much less a still-developing government tested by war."[32]

Clearly, we have a series of obstacles to surmount if we are to achieve peace in Iraq. There are the problems of establishing security against a variety of enemies, and achieving political consensus on a variety of questions whose resolution is necessary to establish self-governance. Yet, if the embedded

morality in FM 3-24 is correct, in the long term the key to resolving the security and political challenges is promoting widespread acceptance of FM 3-24's values.

Having established local security, our forces may pacify an area by spending large sums of host-nation and U.S. money on reconstruction efforts to improve employment, governmental legitimacy, and the quality of life, but a bigger challenge remains. Do Arab youths refrain from violence out of a respect for the sanctity and dignity of all life or merely because we pay them to do so?[33] If too many young persons are motivated by the latter incentive, then our reconstruction spending equates to a policy of peace through placation. Rational-actor analysis simply does not exhaust the full range of politically relevant variables at play. For this reason, Iraqi reconstruction must be more than just paying people not to slaughter innocents.

A robust, deeply rooted, and long-term peace will require what General Petraeus calls an "attitudinal shift." Put simply, either we shall see an attitudinal shift that rejects extremist ideology and embraces the sanctity, dignity, and flourishing of human life, or the attitudinal shift will remain but only amidst "fragile and reversible" improvements. Fleeting decisions not to forgive, not to reconcile, not to respect the dignity of life, not to respect life's flourishing will drive diplomatic, informational, military, and economic decision making. If this is true, is the key to reconciliation and campaign success principally a military, or even a political, matter?

Socrates tells us that true statesmanship consists not in deliberation and lawmaking, but in the cultivation of souls. Hence, in Plato's *Gorgias*, true statesmanship requires the desire to serve, curiosity about the highest good as an end in itself, and reflection on how to make people into good citizens.

If political leaders oblige the Soldier to be a student and a practitioner of politics, elected servants and military professionals must consider the implications arising from the insight that true statecraft provides more than mere security and essential services. True statecraft is soulcraft. To use General Petraeus's term, we will know we have achieved the best effects of our political and military art when we finally observe the attitudinal shift that our young military professionals await with hope, even as they continue to fight and build. ***MR***

NOTES

1. FM 3-0, *Operations* (Washington, DC: Government Printing Office [GPO], February 2008), Foreword.

2. David Petraeus, "Beyond the Cloister," *The American Interest*. 8 July 2008, <www.the-american-interest.com/ai2/article.cfm?Id=290&MId=14> (10 April 2009).

3. FM 3-24, *Counterinsurgency* (Washington, DC: GPO, December 2006), Foreword.

4. Gale Pollock, DOD News Briefing with Assistant Secretary Casscells from the Office of the Assistant Secretary for Defense (Public Affairs) News Transcript, 4 May 2007, <www.defenselink.mil/transcripts/transcript.aspx?transcriptid=3958> (10 April 2009).

5. FM 3-24, para. 7-25.

6. David Petraeus, letter to Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen serving in Multi-National Force-Iraq, 10 May 2007, <www.mnf-iraq.com/images/stories/CGs_Corner/values_message_%2810_may_07%29.pdf> (10 April 2009).

7. FM 3-24, para. 7-16.

8. FM 3-24, para 1-75.

9. FM 3-24, para 1-76.

10. George W. Bush, First Inaugural Address, 20 January 2001.

11. Stephen White, *Sustaining Affirmation* (Princeton: Princeton University Press, 2000), 54.

12. Ibid., 8.

13. Ibid., 6.

14. Charles Taylor, *Moral Social Imaginaries* (Durham: Duke University Press, 2004), 8-9.

15. Jack D. Kem, "The Use of the 'Ethical Triangle' in Military Decision Making," *Public Administration and Management*, 11, no. 1 (2006).

16. Russell Hittinger, "After MacIntyre: Natural Law Theory, Virtue Ethics, and Eudaimonia" *International Philosophical Quarterly*, 29, no. 116 (December 1989): 451-52.

17. If "moral orders" and "social imaginaries" are truly operative in the United States and the West, perhaps a more rigorous cultural awareness demands that leaders come to learn those "moral orders" and "social imaginaries" that have shaped and are operative in those theaters wherein we work.

18. White, 8.

19. FM 3-24, para. 1-79.

20. Ibid., para. 1-142.

21. Ibid., para. 7-2. The emphasis is mine.

22. Ibid., para. 1-4.

23. David Petraeus, "Gen. Petraeus's Opening Remarks on Iraq: Addresses the Senate Armed Services Committee Hearing," *CQ Transcripts*, *Washington Post online*, 8 April 2008.

24. FM 3-24, para. 7-8.

25. Ibid., para. 7-12.

26. Ibid., para. 1-80.

27. Of course, this embedded morality may be of interest in civil-military discussions about a posited gap between the Soldier and the state.

28. I note briefly that non-Muslims in academic and public fora are asking these same difficult questions of our Muslim neighbors.

29. FM 3-0, Foreword.

30. Petraeus, "Opening Remarks."

31. FM 3-24, x.

32. Petraeus, "Opening Remarks."

33. This critical mass may be a small minority yet still be gravely problematic.
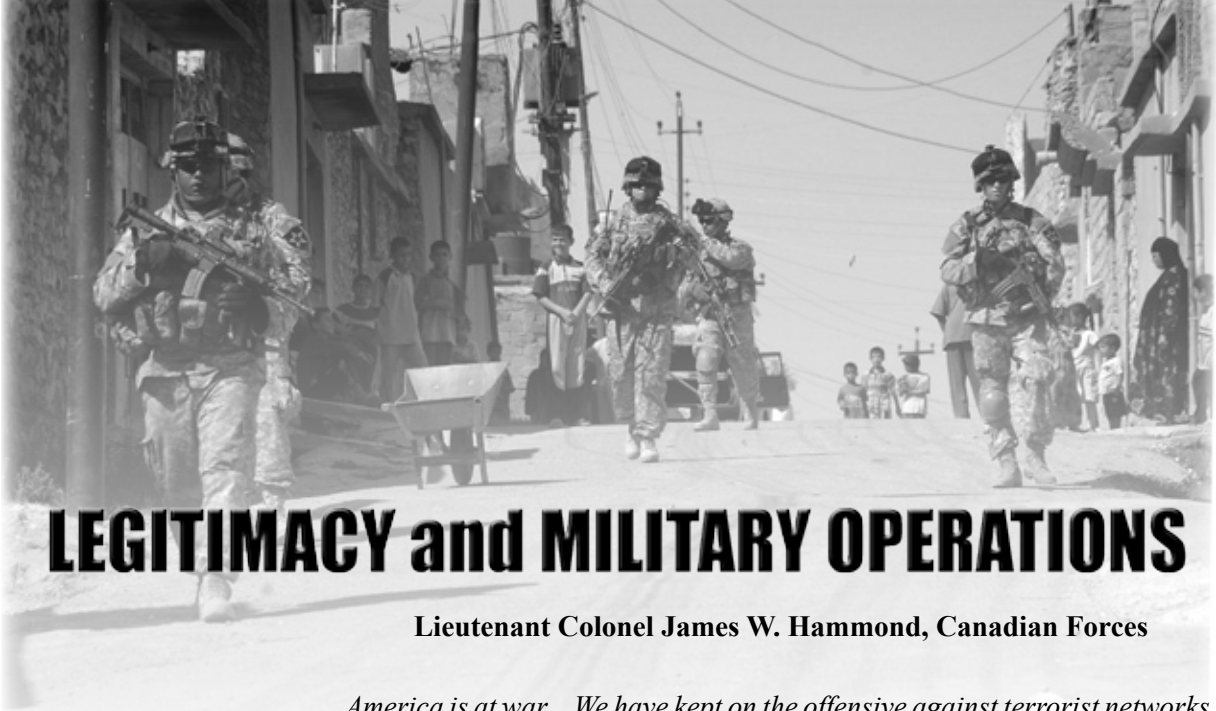
LEGITIMACY and MILITARY OPERATIONS

Lieutenant Colonel James W. Hammond, Canadian Forces

America is at war…We have kept on the offensive against terrorist networks, leaving our enemy weakened, but not yet defeated…The struggle against this enemy…has been difficult. And our work is far from over.

—President George W. Bush, 16 March 2006[1]

Lieutenant Colonel James W. Hammond serves as commander of the Canadian Special Operations Regiment in Petawawa, Ontario. He has operational experience in Afghanistan and Bosnia. LTC Hammond holds a B.A. from the University of Victoria and an M.A. from Carleton University. He also holds a Masters of Strategic Studies from the U.S. Army War College.

PHOTO: SSG Akira Taylor, with Mortar Platoon, 5th Battalion, 20th Infantry Regiment, leads fellow Soldiers through the streets of Abu Sayf, Iraq, during a foot patrol, 6 August 2006. (U.S. Army, CPL Sam Kilpatrick)

ALTHOUGH OVER TWO YEARS have passed since the president wrote these remarks, his words still ring true. While the United States has remained on the offensive, the enemy is not yet defeated. In Iraq alone, the United States has lost over 4,000 servicemen and women, while another division's worth of personnel have been medically evacuated from that theater of operations.[2] The vast majority were killed, wounded, injured or became sick in the years after major combat operations ended in May 2003. In Afghanistan, coalition casualties are increasing, and Taliban fighters are as numerous as at any time in the past six years.[3] Globally, Al-Qaeda seems as effective as ever in spawning its terrorist ideology. The pace of operations against this threat is straining western nations, none more so than the United States, which continues to do almost all of the "heavy lifting." Despite a defense budget that amounts to over 48 percent of total world defense spending, the U.S. military could be ready to break at the seams under the strain. Even with supplemental congressional appropriations, the U.S. Department of Defense (DOD) will be hard-pressed to sustain current operations, let alone be ready for another regional challenge.[4] If, as so many have claimed, we are only in the early stages of a "long war," then we had all better learn some serious lessons, and fast, or in the president's words, our work will be far from over for years to come.

The pressures of the current security environment have resulted in a drive to define, dissect, understand, and meet these challenges. Although reviews of the war have been productive, they have not yet produced an epiphany. On the plus side, experienced officers like U.S. Army General David H. Petraeus and Marine Lieutenant General James Mattis have sparked a renewed interest in counterinsurgency (COIN) experts like David Galula, T.E. Lawrence, Robert Thompson, and Frank Kitson.[5] The search for solutions has also resulted in an in-depth review of key U.S. doctrinal tenets and a complete rewrite of U.S. Army and U.S. Marine Corps counterinsurgency doctrine.

Among the significant changes to U.S. doctrine has been the increased attention paid to "legitimacy," particularly during COIN operations. Legitimacy has become a defining principle for most COIN theorists, and the conflict itself, in Galula's words, a "battle for the population," where "the exercise of political power depends on the tacit or explicit agreement of the population."[6] U.S. counterinsurgency doctrine now states clearly, "Victory is achieved when the populace consents to the government's legitimacy and stops actively and passively supporting the insurgency."[7] In fact, the term "legitimacy" is so pervasive that it appears 131 times in the new COIN field manual, FM 3-24. Even more significantly, the keystone operations doctrine of the U.S. services, Joint Publication 3-0, *Joint Operations*, has been rewritten to include legitimacy (and the concepts of restraint and perseverance) as "Other Principles" to join the nine traditional "Principles of War" in a new list of 12 "Principles of Joint Operations."[8]

We should consider the potential impact of this change carefully because the principles of war have been the bedrock of military operations in one form or another since the era of Baron Antoine de Jomini.

Five Aspects of Legitimacy

No state can survive for very long exclusively through its power to coerce. . . . [A]cross time, the maintenance of social order is negotiated.
—Christopher Pierson[9]

While Joint Publication (JP) 3-0 introduces the concept of legitimacy, it does not define the term. The word "legitimacy" comes from the Latin *legitimare*, to declare lawful; it therefore connotes rightfulness and legality. In political science, legitimacy refers to the population's acceptance of a set of rules or an authority. In addition, through their consent, they acknowledge a duty of obedience to that authority. Legitimacy differs from legality because it implies that the citizenry respects or consents to the authority irrespective of the existence of a legal justification of it.[10] This is a notably important distinction, particularly in international relations, where overarching legal authority is nonexistent.[11] While legitimacy is a complex and contested concept in political theory, it has five important aspects that have a direct impact on military operations.

Sources of legitimacy. German sociologist Max Weber posited three sources for legitimacy: the legal-rational source, which most Western governments enjoy, based on a framework of legal rules (e.g. the government elected in accordance with a legal framework and constitution); traditional authority, based on custom, upbringing, and birth (e.g. the governing family or clan); and charismatic authority, based on the power of personality of an individual or group.[12]

The importance of Weber's observation on charismatic leadership is clear to anyone who considers Osama bin-Laden's status in certain parts of Pakistan's Federally Administered Tribal Areas, and in fact, all three sources of legitimacy are at play today in both Iraq and in Afghanistan.

Legitimacy and obligation. Legitimacy and obligation are two sides of the same coin.[13] At the very least, accepting some authority as legitimate implies some level of consent on the part of the population to the actions of that authority. This further implies the obligation to accept that authority's decisions, even if some decisions are undesirable. The implication for emerging governments or military forces operating in an area is that local populations will accept even significant infringements on their rights and freedoms if the demands come from an authority they view as legitimate. The inverse, of course, also applies: the people will resist even the slightest imposition from an authority they view as illegitimate.

Legitimacy and force. The ability to apply force does not confer legitimacy. Weber identified one of the most salient features of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."[14] While Marxist theory suggested that the surreptitious threat to exercise this monopoly on violence was what kept capitalist governments in power, even neo-Marxists today accept that "without some level of legitimacy, it is hard to see that any state could be sustained."[15] Political philosopher Hannah Arendt observed, "Since authority

…people will resist even the slightest imposition from an authority they view as illegitimate.

always demands obedience, it is commonly mistaken for some form of power or violence. Yet authority precludes the use of external means of coercion; where force is used, authority itself has failed…If authority is to be defined at all, then, it must be in contradistinction to…force."[16] Military officers implicitly understand this when tasked to support civil authorities at home. Any actual use of force implies that authority has already failed to some extent, at least with some sector of the population. Interestingly, studies of police forces in the United States suggest that increased police violence erodes police legitimacy. In fact, studies show that reducing police use of force has a positive effect in reducing violent crime.[17] The findings of further research into police legitimacy show that it "changes the basis on which people decide whether to cooperate with legal authorities" and has a "significant influence on the degree to which people [obey] the law"; it also shows that police "fairness and effectiveness are not mutually exclusive, but mutually reinforcing."[18] In short, using force unnecessarily, inappropriately, or out of proportion to the requirement to do so undermines police legitimacy and effectiveness. If that is the case with peaceful populations at home in North America, surely the relationship between force and legitimacy is something military forces should carefully consider when operating in foreign theaters where legitimacy is more tenuous.

Perceptions and legitimacy. The fourth aspect of legitimacy that military commanders must understand is that the legitimacy is relative to the audience. For example, a military force operating in Iraq must primarily be concerned about the local Iraqi population's perception of Iraqi government legitimacy. The less legitimate an operation seems, the less support it can expect. If the people regard it as legitimate, a U.S.-led operation to track an IED cell that killed hundreds of civilians can elicit local assistance. On the other hand, the people may regard a cordon-and-search operation in an area where insurgents have harmed few locals as unnecessary and less legitimate. In the same vein, the international community will be less supportive of actions

A U.S. Army Soldier kicks in the door of a building during a cordon and search in Buhriz, Iraq, 14 March 2007.

deemed arbitrary, if the force has intervened illegitimately in a territory or conducted overly aggressive operations. In addition, the domestic audience is also critical to success, as the United States learned during the Vietnam era. Once the people viewed that war as illegitimate back at home, the likelihood of a successful conclusion to it became more remote. Finally, the men and women of the deployed military force make up an important audience that questions the force's legitimacy as rigorously as any other audience does. Once the mission loses legitimacy in their eyes, whether due to immoral or excessive action, regaining effectiveness will take a complete overhaul of trust, which may well be impossible. Forced obedience in such circumstances will never compensate for willing obedience lost with squandered legitimacy.

Contested legitimacy. A final characteristic of legitimacy is that it applies to both sides in a conflict. Often, coalition officers will point out that the enemy targets innocent civilians, tortures and beheads hostages, and refuses to observe any rules of combat. We know from experience that all of this is true, but we must also consider whether such conduct is an effective strategy for the enemy in the long run. General David H. Petraeus notes, "Al-Qaeda's indiscriminate attacks . . . have finally started to turn a substantial proportion of the Iraqi

population against it."[19] James Fallows adds: "What they have done is to follow the terrorist's logic of steadily escalating the degree of carnage and violence—which has meant violating the guerrilla warrior's logic of bringing the civilian population to your side . . . [I]nsurgents have slaughtered civilians daily . . . But since American troops are also assumed to be killing civilians, the anti-insurgent backlash is muddied."[20]

Al-Qaeda leaders at the highest levels recognize the negative impact of violence on their strategy. According to Peter Bergen, "It was Al-Zawahiri who wrote a letter to Al-Qaeda's leader in Iraq, Abu Mousab Al-Zarqawi, gently suggesting that he stop his habit of beheading hostages because it was turning off many Muslims."[21] Similar negative responses occurred in the fall of 2005 after bombs exploded in Amman, Jordan, and in Bali, Indonesia. In the day-to-day struggle for legitimacy, both insurgents and counterinsurgents wrestle on the fulcrum of the relationship between force and legitimacy.

Strategic and Operational Legitimacy

If you just look at how we are perceived in the world and the kind of criticism we have taken over Guantanamo, Abu Ghraib and renditions, whether we believe it or not, people are now starting to question whether we're following our own high standards.

—Colin Powell, 2007[22]

Before examining legitimacy's role during military operations overseas, we must ask how the legitimacy of the strategic decision to deploy a military force affects the legitimacy of the force itself. Traditional just war theory examines the justness of a war on two scales: *jus ad bellum,* the justness of the decision to go to war; and *jus in bello,* the justness of how military forces prosecute it. *Jus ad bellum* considerations ask if the cause for war is just, if the good toward which the war aims is greater than the evil the fighting causes, if a legitimate authority made the decision to go to war, if

war was the last resort, and if there is a reasonable chance of success.[23] All of these questions arose during the debates over the U.S. administration's decision to go to war against Iraq in 2003.[24]

A war's legitimacy, or *strategic legitimacy*, is not something a Soldier can influence; we should not hold him responsible for the justness of the decision to go to war. He or she must simply follow orders and make the best moral choices during the ensuing operations. Under international law, the military commander is protected by what Francisco de Vitoria described five centuries ago as "invincible ignorance" to distinguish between the justness of the war itself and the justness of specific military actions during the war.[25] Nevertheless, military commanders would be foolish not to understand the context in which they operate, including the perceived legitimacy of their cause.

Commanders on the ground sometimes see legitimacy as water in a bucket. Both strategic and operational decisions affect the volume of the water. If the decision to deploy is suspect, the commander starts his operation with a reduced volume of water (or none). How the force conducts the operation will define how quickly he uses it up (or whether the force can regain greater legitimacy through operationally effective and morally virtuous actions on the ground).

As they did to many Islamic cities, the Mongols utterly destroyed Baghdad. Just war theory was mature at the time. Mongols employed terror on a massive scale to control the Arab population.

Military leaders can do little about the legitimacy of the decision to go to war, but they can assert and protect the legitimacy of operations, or *operational legitimacy*. Overzealous use of force can undermine even the most legitimate intervention. Actions on the ground should demonstrate *jus in bello* considerations of proportionality. Quite simply, all military operations should discriminate clearly between combatants and non-combatants and any use of force should be proportional only to the military end and avoid unnecessary collateral damage. Both concepts are difficult to apply in what General Rupert Smith called "war amongst the people," in which combatants wear no uniforms and operate from population centers.[26] Even so, restraint and focused application of force are critical to sustaining the support of both local and U.S. populations. I will now turn to the conduct of recent military operations to examine their impact on operational legitimacy.

Operational Legitimacy in Iraq and Afghanistan

This I realized, now watching Dienekes rally and tend to his men, was the role of the officer. . . . To fire their valour when it flagged and rein in their fury when it threatened to take them out of hand.

—Steven Pressfield, *Gates of Fire*[27]

Security actions must be balanced with legitimacy concerns. . . . Restricting the use of force, restructuring the type of forces employed, and ensuring the disciplined conduct of the forces involved may reinforce legitimacy.

—Joint Publication 3-0, *Operations*[28]

The story of current coalition operations is generally a story of heroism, courage, and self-sacrifice. During the initial stages of Operation Iraqi Freedom in particular, there were many daring acts that should take their place in the annals of military history. One of those actions occurred on the night of 31 March 2003 near the town of Haditha in west-central Iraq. After an overland infiltration across unproven territory, B Company of 3rd Ranger Battalion of the 75th Ranger Regiment secured objective Lynx, which was critical to ensuring that Saddam Hussein's regime could not sabotage the Haditha Dam and unleash a humanitarian disaster on the Iraqi citizens of the Tigris and Euphrates valleys.[29] Operating with adequate but incomplete intelligence, the Rangers secured

the dam after a four-hour firefight. Over the next six days, this lightly armed Ranger company, with air force combat controllers and later reinforced by two M1 tanks, fought off a series of uncertain counterattacks to secure the dam and destroy 29 enemy tanks and over 65 artillery, air defense, and mortar pieces. This small operation is a fine example of light forces demonstrating agility, courage, and determination in an honorable cause against a numerically superior enemy while respecting the rules of engagement and laws of armed conflict. As such, it deserves to be remembered.

Only four years later, however, the historical record of Haditha reads very differently. In the public imagination, the events at the dam have long been overshadowed by the actions of a small number of other U.S. servicemen, who, it is alleged, murdered 24 Iraqi civilians, including women and children, during a vengeful rampage after an improvised explosive device (IED) killed a 20-year-old lance corporal on the morning of 19 November 2005.[30] The initial press release about the incident gave a plausible explanation, which suited the expectations of military personnel: "A U.S. Marine and 15 civilians were killed yesterday from the blast of a roadside bomb in Haditha. Immediately following the bombing, gunmen attacked the convoy with small arms fire. Iraqi army soldiers and [U.S.] Marines returned fire, killing eight insurgents and wounding another."[31] An Iraqi human rights organization began to investigate almost immediately, but it was not until *Time* obtained a video in January 2006 and subsequently gave it to U.S. authorities for comment that the U.S. launched significant military investigations.[32]

The evidence is damning. The video shows blood spattered on walls inside family bedrooms; there was testimony from a survivor whose family members (but for one sibling) were killed in their night clothes in their rooms; while some adult males

were killed, many of the deceased were women and children ranging from 2 to 14 years of age. There was no evidence of bomb fragments on any of the civilian bodies and no evidence of crossfire outside the houses. The director of the local hospital stated that "no organs were slashed by shrapnel. . . . Most of the victims were shot in the chest and head—from close range."[33] Undeniably, something went terribly wrong in Haditha.

While the legal process brought against accused murderers will demonstrate U.S. determination to apply U.S. values and the rule of law to its own citizens, it will not in itself address the event's broader implications. Criminals may exist in any military force, but the killings at Haditha require more basic self-examination by a military force that dedicates itself to promoting security and the rule of law and protecting innocents. When innocent civilians die during stabilization, humanitarian, or combat operations, we must ask hard questions. How could highly trained, disciplined, and selected personnel commit such an act? How could authorities not discover and deal with the criminal nature of the incident for four months? How could a chain of command fail to ask more questions in the days immediately after the events?

To answer these questions, Major General Eldon A. Bargewell examined the broader issues related to the killings. His report, completed in June 2006, focused on the reporting of the incident as well as the command climate within the Marine Corps' leadership in western Iraq.[34] While the Bargewell Report did not find direct evidence of an orchestrated effort above squad level to cover up the incident, he found complicity from platoon to division level to ignore indications of serious misconduct and "an unwillingness, bordering on denial, on the part of the battalion commander to examine an incident that might prove harmful to him and his Marines."[35] The Marine Corps relieved the battalion commander and three other officers of their duties and charged them with violation of a lawful order, dereliction of duty, and making a false statement.

These failings, like the killings themselves, are individual acts of commission or omission, and Bargewell could therefore deal with them on an individual basis, but he discovered a systemic problem with the collective attitudes of the chain of command:

All levels of command tended to view civilian casualties, even in significant numbers, as routine and as the natural result of insurgent tactics . . . Statements made by the chain of command during interviews for this investigation . . . suggest that Iraqi civilian lives are not as important as U.S. lives, their deaths are just the cost of doing business, and that the Marines need to 'get the job done' no matter what it takes. These comments had the potential to desensitize the Marines to concern for the Iraqi populace and portray them all as the enemy even if they are noncombatants.[36]

Bargewell further noted that the regimental combat team commander "expressed only mild concern over the potential negative ramifications of indiscriminate killing based on his stated view that the Iraqis and insurgents respect strength and power over righteousness."[37] While Bargewell does not suggest that the chain of command directly condoned any of the actions at Haditha, he reported some fault with the command climate within the 2d Marine Division at the time.

As an isolated event, Haditha is a tragedy and potentially a crime that tarnishes the reputation of all who serve. It was the culmination of a number of factors, triggered by the death of a U.S. Marine by an IED and stoked by the tensions of operations and a command climate that seems to have implicitly condoned the attitude that Iraqi civilians are different from U.S. civilians and suspect. The real problem, however, is that Haditha was not an isolated incident.

On 26 April 2006, a group of U.S. Marines reportedly took Hashim Ibrahim Awad, a disabled father of 11 children, out of his home, beat him, and then shot him to death. Authorities charged seven Marines and a navy hospital corpsman with crimes ranging from murder and kidnapping to conspiracy, making false official statements, and larceny.[38] Again, this incident is clearly a criminal act, perhaps as some suggest, the act of a few "bad apples" that does not reflect the conduct of the vast majority of coalition Soldiers in Iraq.

Nevertheless, like most such events, it resulted from multiple factors, including a command climate that either condoned mistreatment of Iraqi civilians or, at the very least, was unable to enforce the Marine

Corps' commitment to its core values.[39] As they collected evidence, they discovered other unrelated assaults, some weeks before the Awad murder.[40] In one case, Second Lieutenant Nathan P. Phan allegedly beat, choked, and threatened detainees in Hamdani earlier in 2006. Phan acknowledged ordering his men to choke a detainee because he believed it was necessary to gather information from suspected insurgents. He also pressed an unloaded pistol against the mouth of another detainee to frighten him. In an unsubstantiated but telling admission intended to justify the assault, Phan's attorney stated that "the information [Phan] gained from these terrorists was highly important and valuable in saving Marines' lives."[41] Not only can this justification not be proven, but also such acts are contrary to the Uniform Code of Military Justice, *The Law of Land Warfare* (FM 27-10), the Geneva and Hague Conventions, the U.S. Constitution that officers swear to defend, and, significantly, the core values of the U.S. Marine Corps. Such actions supplied subordinates with a leadership example that would have tragic consequences for all concerned.

Some suggest that the attitudes displayed toward Iraqi civilians in the above incidents are simply the tip of an iceberg. In his book *Assassin's Gate*, George Packer describes the detention of two suspected insurgents at a U.S. airfield in Iraq. After witnessing the verbal abuse heaped on two detainees, Packer wrote, "It wasn't Abu Ghraib, just the ugliness of a bored and probably sadistic young man in a position of temporary power. But I left the airfield . . . with an uneasy feeling. I'd had a glimpse under the rock of the occupation; there was bound to be much more there."[42] While it may be that the two detainees were insurgents, the unprofessional handling techniques Packer observed did nothing to gain the detainees cooperation or conversion. The acts simply added to their disdain for America and the U.S. military.

Thomas Ricks provides further evidence of the attitudes of U.S. Soldiers and their leaders toward the Iraqi population. One brigade commander in early 2004 reportedly told a civil affairs officer that his forces were there to "kill the enemy, not win their hearts and minds," while his division commander later wrote, "Most nights we fired H&I fires [harassment and interdiction], what I call 'proactive' counter-fire . . . artillery plays a significant role

> *Some suggest that the [abusive] attitudes displayed toward Iraqi civilians…are simply the tip of an iceberg.*

in counterinsurgency."[43] A psychological operations officer reported, "4th ID fueled the insurgency . . . guys would come up from Fallujah, set up next to a farmhouse, set off a mortar, and leave. In addition, the 4th ID would respond with counterbattery fire. The 4th ID's CG [commanding general] would foster that attitude. They were cowboys." Another U.S. officer reported, "I saw so many instances of abuses of civilians, intimidating civilians. Our jaws dropped."[44]

While most of the incidents that undercut U.S. military legitimacy have occurred in Iraq, operations in Afghanistan have not been without problems. On 4 March 2007, an element from a newly formed Marine special operations company was patrolling in Nangahar Province in eastern Afghanistan when a suicide bomber in a van ambushed it. A preliminary investigation revealed that the Marines started firing and continued shooting at no fewer than six locations, miles beyond the site of the ambush. According to a draft report the *Washington Post* obtained, they fired at stationary vehicles, passersby, and others who were "exclusively civilian in nature" and had made "no kind of provocative or threatening behavior."[45] Central Command quickly ordered the company out of Afghanistan, and the Marine Special Operations Command relieved the company commander and senior non-commissioned officer.[46]

While one can argue that strategic legitimacy in Afghanistan was more persuasive than in Iraq, both theaters have experienced varying levels of success in maintaining operational legitimacy. The response to the Marine's actions in Nangahar Province was predictably hostile locally where anti-coalition sentiment runs high, but the national response was rather muted. In Iraq, where U.S. strategic legitimacy was weak from the start, overcoming such incidents has been challenging. Efforts to buttress U.S. legitimacy through humanitarian and reconstruction operations have not been successful, and

the shocking revelations at Abu Ghraib exacerbated the situation.

The handling of detainees has done more damage to U.S. strategic and operational legitimacy in the past few years than any other single issue. American and world public opinion has been harshly critical of the handling of detainees since Seymour Hersh first broke the story of the Abu Ghraib photos in April 2004.[47] The furor and rioting sparked in May 2005 after *Newsweek* reported that the Qur'an had been mishandled at Guantanamo demonstrates that the implications of abuse go far beyond issues of internal military discipline.[48] The August 2004 Schlesinger Report was damning in its criticisms of the policy, command, and disciplinary failures that contributed to the shocking level of abuse of detainees that occurred.[49] On 6 May 2005, through a report to the UN Committee Against Torture, the United States formally explained the results of its nine detainee investigations to the world and said it is dealing with over 300 recommendations to improve detainee handling, accountability, investigation, supervision, and coordination.[50] The detainee issues are by now well-known, and the effect on U.S. legitimacy has been devastating. Sheik Mohammed Bashir summed up Iraqi frustrations at Friday prayers in Um al-Oura, Baghdad, on 11 June 2004: "Freedom in this land is not ours. It is the freedom of the occupying Soldiers in doing what they like . . . abusing women, children, and the old men and women whom they arrested randomly and without any guilt. No one can ask them what they are doing because they are protected by their freedom. . .No one can punish them."[51]

The real impact of Abu Ghraib, Haditha, Hamdani, and other de-legitimizing incidents is not just a reduction in local cooperation for U.S. efforts, censure by the international community, and fading U.S. domestic support for the operations.

The real impact is to strengthen the enemy. RAND researcher David Gompert has suggested that "careless COIN violence, indiscriminate arrests, nonjudicial detention, and cruel interrogation can delegitimize the governing power, validate the jihadist story, legitimize terrorism, and spawn new martyrs."[52] From January to September 2006, Iraqi approval rates for attacks on U.S. forces grew from 47 percent to 61 percent. Among Sunnis, support for targeting U.S. troops has dropped significantly from its high of 92 percent only because U.S. force commanders under General Petraeus finally started getting the message.[53] Based on polling results, Gompert notes, "When more than a third of American Muslims—known for their moderation—believe that their own government is 'fighting a war on Islam,' one can begin to fathom the difficulty of persuading non-American Muslims that this is not the case."[54]

Rebuilding Legitimacy

Military action can address the symptoms of a loss of legitimacy. In some cases, it can eliminate substantial numbers of insurgents. However, success in the form of a durable peace requires restoring legitimacy, which . . . requires the use of

AP Photo/Pablo Martinez Monsivais

A protester dressed as an Abu Ghraib prison detainee stands across from the White House during anti-war protests, 26 September 2005.

all instruments of national power. A COIN effort cannot achieve lasting success without the HN [host nation] *government achieving legitimacy.*

—FM 3-24, *Counterinsurgency*[55]

Rebuilding U.S. legitimacy for current operations will require a long-term, multi-agency effort at the strategic and operational levels, but there are already signs that the effort may be worthwhile.

First, although U.S. legitimacy in Iraq remains weak, Muslim support for the Taliban or Al-Qaeda's vision of the world is at less than 10 percent. As one observer put it, "Many people would like to see Bin-Laden and Zarqawi hurt America. But they do not want Bin-Laden to rule their children."[56] While we have not won the war, we are far from losing it. Improving the perceived legitimacy for the Iraqi government and the U.S.-led effort in Iraq will save Iraqi and coalition lives, as well as serve to undermine insurgent and Al-Qaeda recruiting efforts.

The second note of optimism is the genuine effort we are making to correct the situation. Whether in determined pursuit of justice against wrongdoings, thorough doctrinal review, or selection of commanders with proven counterinsurgency experience, the U.S. military has taken the first steps in recognizing and correcting the problem. To complete the process, six important strategies are prerequisites for success.

Create a truly integrated list of principles of joint operations. The recent changes to U.S. doctrine have renamed the military operations other than war principles—legitimacy, restraint, and perseverance—as "other principles" and made them subordinate to the traditional principles of war as if to suggest that one should not consider legitimacy until some magic moment when it is time to replace one set of principles with another. Suggesting that a shift in mentality will occur on demand brings to mind the comments an officer made as the 3d Armored Cavalry Regiment arrived in Iraq in 2003: "Their attitude in terms of rules of engagement suggested to me that they had not made the change from combat operations to stability operations."[57] Officers cannot begin thinking about legitimacy, restraint, and perseverance in Phase IV. During modern combat operations, we must consider these principles long before Phase IV begins. A mind-set that still views high-intensity combat as the only real work for Soldiers will result in confusion. Serving the Nation can take on many forms, all of which require professionalism and reflection on bedrock principles, among which legitimacy must urgently take its place. Soldiers need to learn that reinforcing legitimacy is a core business of all combat forces.

Recognize that professional officers are protectors of legitimacy. The administration's decision to support harsher interrogation methods may have produced some information of intelligence value, but its negative impact has far outweighed any value gained. Many, particularly in the judge advocate branch, saw the crisis looming, but were marginalized by non-military advisors suggesting that "the new paradigm rendered the Geneva Convention obsolete" and "rendered quaint some of its provisions."[58] The reality was, however, that senior officers requested, accepted, and implemented these provisions, often with insufficient oversight given the risks involved. Senior officers must consider their organization's long-term legitimacy when requesting or implementing such extraordinary measures.

State the unstated clearly. Leaders at every level must recognize that they could have prevented many actions that eroded legitimacy were it not for the tacit approval that the troops assumed their senior leaders had given for such actions. Second Lieutenant Phan's example of poor leadership in Hamdani reflects an attitude of implicit justification. The Schlesinger Report's observation that "leaders conveyed a sense of tacit approval of abusive behaviors towards prisoners" verbalizes what many in the military could feel—a command climate where restraint was not a clear concern. Comments about complacency in the Bargewell Report on Haditha also reinforce conclusions that leaders at all levels clearly failed to state how legitimacy fit into the concept of the operation.[59]

Consider a tactical operation's impact on legitimacy. Soldiers like kicking in doors. It gives them an adrenaline rush and a sense of accomplishment

> *Soldiers need to learn that reinforcing legitimacy is a core business of all combat forces.*

> *Soldiers like kicking in doors. It gives them an adrenaline rush and a sense of accomplishment and cuts the boredom. Unfortunately, it also creates new enemies.*

and cuts the boredom. Unfortunately, it also creates new enemies. Hard intelligence must guide cordon-and-search operations and 0200 hours takedowns. If the local police could ring the doorbell the next morning with the same effect, should a platoon have to break its way in? Can we leave the small fish behind until after we catch the big fish in order to ensure the locals understand our intent? Can special operations forces (SOF) deal with this target? Are SOF too focused on direct-action missions instead of the more subtle paths to victory? As the staff war games all options, it must consider the longer-term results of the tactical actions.

Take a lesson from American history. As police forces in the United States increased in professionalism, they learned hard lessons about legitimacy. In 1965, two years before some of the worst riots in Detroit history, Detroit Police Commissioner George Edwards wrote the following: "Although local [white] police forces generally regard themselves as public servants with the responsibility of maintaining law and order, they tend to minimize this attitude when they are patrolling areas that are heavily populated with Negro citizens. There, they tend to view each person on the streets as a potential criminal or enemy, and all too often that attitude is reciprocated . . . It has been a major cause of all recent race riots."[60]

The tendency to view most citizens as potential enemies is often the default setting for coalition forces. While no Soldier should be naïve, the assumption that most people in the streets just want to get on with their lives peacefully is probably correct. The respect Soldiers show to those citizens should be similar to the respect they show to U.S. citizens during responses to domestic crises.

Recognize that legitimacy in a single operation is influential and enduring. U.S. legitimacy in Iraq affects how people in Afghanistan, Yemen, and the Philippines view U.S. operations. The Abu Ghraib revelations had a direct impact on attitudes around the world. The success of the U.S. in regaining legitimacy in Iraq will have an impact on some future operation in another region of the world. A single operation will have an affect on all future operations in the region because local memories

U.S. Air Force, SSGT. Jason T. Bailey

An M1A1 Abrams tank enforces a "no walking, no stopping, no vending, no loitering, deadly force authorized" zone near Baghdad, 7 December 2007.

tend to last longer than the institutional memories of deployed forces. In 1979, the anger of Iranian students who took 54 citizens of "the Great Satan" hostage shocked the U.S. In fact, a long-term view of U.S. legitimacy in the region influenced Iranian students who used the phrase. From the local perspective, the hostage taking was a form of insurance against a repeat of the clandestine U.S. intervention of 1953 that overthrew a popular prime minister in favor of the pro-U.S. and authoritarian shah.[61] Whatever reputation one sets today in a region will have second- and third-order effects years from now.

Conclusion

For wee must consider that wee shall be as a citty upon a hill. The eies of all people are uppon us.
—*John Winthrop, 1630*[62]

To achieve long-term successes, the U.S. must conduct *all* military operations with the concept of legitimacy in mind. While military officers must play the hand that fate deals them in geopolitics, they can influence how people view their actions on the ground. Good influence requires an integrated force that comprehends the importance of legitimacy. The objective may be the first principle of all operations, but legitimacy ranks second. **MR**

NOTES

1. President George W. Bush, *The National Security Strategy of the United States of America*, Washington, DC: The White House, 16 March 2006, Introduction, 1, <www.whitehouse.gov/nsc/nss/2006/nss2006.pdf>.

2. Official DOD casualty totals are available at <www.defenselink.mil/news/casualty.pdf>. The most useful reference for running totals including coalition and (tentative) Iraqi totals is at <icasualties.org/oif/>.

3. Not including Pakistani or Afghan forces, fatalities among coalition troops in 2006 totaled 191, far in excess of the 12 killed in 2001 and the 68 killed in 2002. The sites noted above give up-to-date figures. For official DOD reports, see <www.defenselink.mil/news/casualty.pdf>. More complete reporting of coalition casualties is available at <www.icasualties.org/oef/>.

4. While there is much debate over what constitutes a defense expenditure, the 48 percent figure comes from *Stockholm International Peace Research Institute's Yearbook 2006: Armaments, Disarmament and International Security*, (Oxford: Oxford University Press, 2006), chapter 8. Extracts are available at <http://yearbook2006.sipri.org/chap8/chap8>. The United States has taken on an immense burden. Were it a national defense budget, the budget supplemental request alone (in addition to the departmental request) would rank as the second largest national defense budget in the world (approximately $30 billion more than China's). For current budget requests, see <www.whitehouse.gov/infocus/budget/BudgetFY2008.pdf>.

5. Too many useful references on counterinsurgency exist to provide a full list here. Full bibliographical references as well as reviews can be found at the U.S. Army Command and General Staff College in Fort Leavenworth website at <www-cgsc.army.mil/carl/resources/biblio/CAC_counterinsurgency.asp> or at the very useful *Small Wars Journal* website at <http://smallwarsjournal.com/reading-list/>.

6. Quotes are from David Galula, *Counterinsurgency Warfare: Theory and Practice* (New York: Praeger, 1964), 8.

7. U.S. Army, Field Manual (FM) 3-24 *Counterinsurgency* (Washington, DC: U.S. Government Printing Office [GPO], 15 December 2006), 1-3. The U.S. Marine Corps also issued this publication as Marine Corps Warfighting Publication 3-33.5, <http://usacac.army.mil/cac/repository/materials/coin-fm3-24.pdf>.

8. The principles of war are objective, offensive, mass, economy of force, maneuver, unity of command, security, surprise, and simplicity. See U.S. Joint Chiefs of Staff, Joint Publication 3-0, *Joint Operations*, 17 September 2006, <www.dtic.mil/doctrine/jel/new_pubs/jp3_0.pdf>. Joint Publication (JP) 3-0 took the new list of "other principles" directly from earlier U.S. doctrine for "Operations Other than War." See U.S. JCS, Joint Publication (JP) 3-07, *Joint Doctrine for Military Operations Other than War*, 16 June 1995, available at <www.dtic.mil/doctrine/jel/new_pubs/jp3_07.pdf>. The fact that JP 3-07 refers to these other principles as "MOOTW-specific" suggests that in U.S. military thinking until recently, issues such as restraint, legitimacy, and perseverance were not part of mainstream doctrinal thinking. Note that JP 3-07 is no longer extant. Similar terminology appeared in earlier U.S. Army doctrine, notably FM 100-5 and FM 100-20.

9. Christopher Pierson, *The Modern State* (London: Routledge, 1996), 22.

10. For discussions on legitimacy as a political concept, see Andrew Heywood, *Key Concepts in Politics* (New York: St Martin's Press, 2000), 29-30; David Held, *Political Theory and the Modern State: Essays on State, Power and Democracy* (Cambridge: Polity Press, 1989), 99—157; and, John Hoffman, *Beyond the State* (Cambridge: Polity Press, 1995).

11. A good example of this was the NATO decision to conduct operations in Kosovo in 1999. While the legality of that operation remains debatable (since there was no formal UNSC resolution), based on polling, the majority of NATO populations generally viewed it as a legitimate application of force.

12. Max Weber, *The Theory of Social and Economic Organization*, (New York: The Free Press, 1964), 124-32; see also *Basic Concepts in Sociology*, Part IV Social Order available on-line in English translation at <www.ne.jp/asahi/moriyuki/abukuma/weber/method/basic/basic_concept_frame.html>.

13. Larry Johnston, *Politics: An Introduction to the Modern Democratic State*, (Peterborough, ON: Broadview Press, 1997), 24.

14. Max Weber, quoted in Pierson, 22.

15. Ibid., 22-23.

16. Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought*, 4th ed, rev. (New York: Penguin Books, 1983), 92-3, quoted in Jean-Marc Coicaud, *Legitimacy and Politics: A contribution to the study of political right and political responsibility*, trans., David Ames Curtis (Cambridge: Cambridge University Press, 2002).

17. The experiences of Miami Police Chief John Timoney are of particular interest. As a senior member of New York Police Department, Timoney examined police shooting rates in New York in 1972 and noted that when a policy restriction on firearms use was imposed, shootings dropped immediately by 50 percent. By 1985, the number of people killed by the police in New York had dropped from 90 to 12 and the number of police officers killed dropped from 12 to zero. As Miami Chief of Police, he imposed similar restrictions, resulting in significant reductions in shootings (from an average of 12 police shootings and 2.8 people killed by police annually before his tenure to less than two police shootings per year and only two people killed by police in four years under his tenure). Importantly, these reforms had a positive effect on crime in Miami, including a significant decrease in the murder rate. See, Elsa Walsh, "Miami Blue: The Testing of a Top Cop," *The New Yorker*, 5 March 2007, 47.

18. All quotes are from a useful summary of research in Wesley Skogan and Kathleen Frydl, eds, *Fairness and Effectiveness in Policing: The Evidence*, Report of the National Research Council Committee to Review Research on Police Policy and Practices (Washington, DC: The National Academies Press, 2004), 18-19 and 304-6.

19. GEN David H. Petraeus, "Commanding General's Letter about Values," *Multi-National Force—Iraq Website*, 10 May 2007, <www.mnf-iraq.com/images/stories/CGs_Corner/values_message_%2810_may_07%29.pdf>.

20. James Fallows, "Declaring Victory," *The Atlantic Monthly*, 298, no. 2 September 2006, <www.theatlantic.com/doc/200609/fallows_victory>.

21. Peter Bergen, "Ayman Al-Zawahiri," in *Time Magazine*, Sunday, 30 April 2006, <www.time.com/time/magazine/article/0,9171,1187180,00.html> and at <www.peterbergen.com/bergen/articles/details.aspx?id=259>. In the same vein, Fallows continues to argue: "Telhami's polls, like those from the Pew Global Attitudes Survey, show a steady increase in hostility toward the United States—but no surge of enthusiasm for Taliban-style fundamentalist life . . . 'many people would like bin Laden and Zarqawi to hurt America. But they do not want bin Laden to rule their children.' His polls asked people to identify an aspect of Al-Qaeda with which they most sympathized. Only 6 percent of respondents chose Al-Qaeda's advocacy of a puritanical Islamic state." Fallows, Ibid.

22. Quoted in <http://projects.washingtonpost.com/staff/email/karen+deyoung++and+peter+baker>. "Bush Detainee Plan Adds to World Doubts of U.S., Powell Says," *Washington Post*, 19 September 2006, A04, <www.washingtonpost.com/wp-dyn/content/article/2006/09/18/AR2006091801414.html?referrer=email>.

23. While there are many references for just war theory, a good introductory text is Paul Christopher, *The Ethics of War and Peace: An Introduction to Legal and Moral Issues*, 3d Edition. (Upper Saddle River, NJ: Pearson Prentice Hall, 2004).

24. Many argue that the decision to go to war was largely pre-conceived and that briefings to the UN Security Council or the search for further evidence of weapons of mass destruction in Iraq were simply efforts to seek legitimacy for a decision already taken. See Bob Woodward, *Plan of Attack* (New York: Simon and Schuster, 2004).

25. See Paul Christopher, Chapter 4.

26. Rupert Smith, *The Utility of Force: The Art of War in the Modern World*, (London: Penguin Books, 2006), 16-17.

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The Need for Discretion in Resilient Soldiering

Lieutenant Colonel (Chaplain) Robert Roetzel, U.S. Army

Professionalism is the continuing exercise of discretionary judgment in applying expert knowledge.

—Don M. Snider

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PHOTO: A Soldier communicates with his troops standing guard in the village of Luy Tanah, Zabul Province, Afghanistan, 9 June 2010. (U.S. Army photo by SPC Eric Cabral)

A SERGEANT MANNED A guard post in Iraq. His tour of duty had been relatively uneventful, when suddenly a young man appeared on top of the perimeter wall that he was guarding. The young man scaled the wall, jumped over the top, landed inside the forward operating base (FOB), and brandished what appeared to be a white flag. Recalling his rules of engagement (ROE), the sergeant recognized that, having breached the security barrier and penetrated the interior of the base, the intruder was now considered a hostile threat. The ROE directed that deadly force be used against anyone breaching the wall. In those immediate seconds, this noncommissioned officer remembered similar incidents where intruders had breached security barriers and killed American Soldiers using suicide vests or bombs. If he did not shoot this intruder and he proved to be a terrorist, his comrades' very lives could be at risk within moments. The sergeant had become the final security barrier. His required course of action was clear and unambiguous. As he leveled his weapon and aimed at the intruder, something stopped him from pulling the trigger. He noticed the person was not moving and was holding up the white flag. His mind raced as he recalled how terrorists had previously used such flags and other deceptive techniques to trick Americans into allowing them time to strike. Still, the NCO did not fire. He asked himself if the intruder posed a clear and imminent danger at that moment. He knew he had two other sentries in the area who could engage the intruder with fire should he get past the guard post. The man was also still at a relatively safe distance from the rest of the seargeant's fellow Soldiers. Should a bomb go off at that moment, it would not injure anyone. He made a decision to vary from his ROE and not use deadly force unless the intruder tried to move further into the compound. The NCO's judgment in those immediate moments was: "If the man moves he will die. If the man remains still, I will try to determine his identity and purpose,without risking the safety of my fellow Soldiers."

The FOB's quick reaction force subsequently secured the intruder and found him to be unarmed. They also discovered that he was the son of a local sheik who had been a major source of assistance to the coalition forces and exercised significant influence in the local community. It was then clear that had the NCO followed the ROE, a tragedy would have resulted. Tragedy was averted because the NCO exercised what is referred to as "discretion." Had

he killed the young man, he would have been legally correct according to the ROE, and yet, in hindsight, everyone was grateful that he did not.

Discretion, a Challenging Virtue

The discretion displayed by the NCO on that eventful day is a valuable yet challenging virtue to possess. One might define it as the ability to recognize the right thing to do, given a particular set of circumstances where the correct decision is not apparent. Referring to the virtue of discretion by one of its philosophical synonyms, "prudence," philosopher D.Q. McInerny describes it this way:

> From the broad and basic knowledge that good is to be done and evil avoided, we must determine what is the specific good to be done here, what is the specific evil to be avoided now. Again, the particular virtue we call upon to aid us in this altogether critical task is prudence; prudence which enables us to do the kind of investigating that the circumstances call for, prudence which enables us to make the proper judgments pertaining to those circumstances, prudence which enables us to give ourselves the requisite directives to do what has to be done in order to attain the end that is to be attained.[1]

Understanding the nature and value of discretion is one thing; enabling Soldiers to employ it is quite another. The challenge consists of two components: developing the capacity to use discretion and providing Soldiers the freedom to exercise it. Acquiring discretion requires achieving one of the higher levels of moral reasoning. One can appreciate this fact by considering the contrast between the NCO's actions in the case cited above and what a robot would have been capable of doing in that same situation. The advantage of a robot is that it can be programmed with a vast amount of data. Where a robot comes up short, compared to a human being, is in situations for which the circumstances are not described by means of pre-programmed information. Here a human being has a potentially unlimited capacity to reach an appropriate decision, while a robot would encounter an impasse. Had a robot been on guard that day at the FOB, programmed with the current ROE, the robot would have instantly shot the intruder.

The robot would not have been capable of dupli-cating the decision making process of the NCO. That would have surpassed its capability. In fact, one of the current focuses in advanced robotic research is the attempt to imitate the human capacity for discretion. Why is this so? It is because the ability to operate in ethically complex scenarios is vital to many areas of human endeavor, and the military is a prime example. In today's operating environment, Soldiers continually find themselves in distant lands facing unexpected ethical challenges for which prior explicit guidance is missing and with little time to reach a decision.

Training for Discretion

To achieve the capacity for discretion, Soldiers must be taught to perform moral reasoning using well defined, ethical decision making methods. Such moral reasoning involves more than an understanding of fundamental values. Values are indeed essential building blocks for ethical reasoning, but a Soldier who is capable of discretion must also learn how to apply values within a disciplined framework of ethical analysis. This is especially necessary when values appear to be in conflict with one another. Here we are talking about the need for a type of ethical decision making that has been referred to as a "multilevel approach to the professional military ethic."[2] It includes such components as the teleological (outcome focused), deontological (rules/process focused), and virtue (values focused) "moral lenses."

The multilevel approach also includes the sequence of moral processing and the ethical "battlespace" of numerous moral influences affecting the decision. This is not a simplistic approach to moral decision making that can be accomplished by an annual, half-hour slide presentation. It requires cognitive education, as well as a Socratic type of mentorship. This means that it transpires through an

The challenge consists of two components: developing the capacity to use discretion and providing Soldiers the freedom to exercise it.

Iraqi Police exchange gunfire with anti-Iraqi forces moments after a suicide car bomb exploded in front of them at an intersection they were working in Tameem, Ramadi, Iraq, 10 August 2006.

ongoing exchange of thought between leaders and those they are morally forming. And the setting is not only in the classroom, but everywhere that discretionary judgment can be demonstrated in concrete ways. This could include motor pools, professional development seminars, training areas, and deployment theaters of operation.

As an example of the ubiquitous opportunities which leaders have to develop their Soldiers' discretionary capacity, consider the following possible scenario: During the briefing of an operations order, leaders can demonstrate to subordinates the art of identifying the commander's intent and implied missions. This provides an opportunity to explore how one goes about the process of recognizing considerations that are not explicitly stated and why an understanding of the commander's overall intent is important for correctly carrying out specific tasks. In a similar way, the use of ROE briefings can demonstrate the kind of discernment that reveals not just the "what" of the ROE, but also the "why" behind its stated guidelines. Again, leaders can develop their subordinates' ability to recognize values that are at stake, which the ROE

is attempting to balance (e.g., force protection and respect for innocent human life), and to appreciate how the application of discretion makes such balancing possible in unforeseen circumstances.

Leaders can likewise mentor their Soldiers in the use of discretion when they decide to "circle X" (discretionally certify) a vehicle's maintenance status. They can use the occasion to demonstrate the discretionary reasoning through which the decision was made: e.g., consideration of the nature of the maintenance deficiency, the intent of the applicable "deadline" criteria, the skill of the operator, road and weather conditions, duration and importance of the mission, the risk assessment (the "worst case" scenario), other options, and finally how the leader balanced all of these factors in arriving at a

> *...achieving a capacity for discernment occurs not just through education, but also through the experience...*

course of action. This is just one more example of common opportunities where leaders can develop their Soldiers' capacity for discretion.

Soldiers who are able to observe leaders exercising the use of such discretionary judgment are very likely to develop that same capacity for higher-level moral reasoning. In short, achieving a capacity for discernment occurs not just through education, but also through the experience of having it modeled by leaders who do it well.

It should be apparent that achieving the capacity for discretionary judgment requires the same intentionality as is used to develop a Soldier's occupational skills. And that is why the first component of achieving Soldier discretion is a challenge—it requires an understanding and commitment of time and resources on the part of leaders. Further, the evidence of discretionary capacity is often not as easily measured as other Soldier qualities, and hence it can be easily overlooked or devalued. Thus,

the first component of discretionary judgment will not be achieved accidentally, but only through a deliberate plan of action.

Using Discretion

The second component is likewise a challenging one. No amount of discretionary capacity will be of any use unless there is a freedom to act upon it. Military leaders must therefore empower Soldiers to exercise their capacity for discretionary judgment. Unfortunately, I think there is a certain reluctance to do so, due to a fear that it might create a situation in which Soldiers' conduct cannot be adequately controlled. This concern on the part of leaders is certainly understandable. Command and control is essential to successful operations. However, I suggest that the answer lies not in forgoing the benefits of discretionary judgment, but in adequately preparing Soldiers to exercise it. To this end, leaders need to mentor their Soldiers to understand and apply the "reason-

U.S. service members with Provincial Reconstruction Team Zabul listen to a rules of engagement brief by U.S. Army 2LT Anthony Chesini, a security forces platoon leader, prior to a convoy to Shar-e-Safa, Afghanistan, 25 October 2009.

> *...the current operating environments routinely put Soldiers in situations where they must rapidly make complex ethical decisions.*

able person" criterion. This criterion belongs to the higher level of moral reasoning referred to earlier. The "reasonable person" criterion asserts that taking all things into consideration (e.g., explicit guidelines, absolute obligations or prohibitions, the intent of orders, extenuating circumstances, and likely consequences), one should act in a manner that most people would agree reflects a reasoned attempt to balance all the important factors at stake. This criterion is based on the obvious fact that no set of predetermined guidelines can adequately cover every possible contingency.

To ignore this crucial factor is to invite tragic consequences if preestablished guidelines are rigidly followed in all cases. Such a rigid, "robotic" type of conduct is embodied by the dictum: "If this, then that." Using such nondiscretionary reasoning, a Soldier who encounters a situation that matches a "this" is trained to respond in only a "that" manner. When an event occurs that is not described by the explicit guidelines, a Soldier tries to match it with the most similar "this" addressed in given guidelines. Therein lies the Achilles' heel of such conventions. They generally work adequately 90 percent of the time, but it's the other 10 percent of situations where they fail and where tragic mistakes occur as a result.

The real-life scenario at the beginning of this article, involving the sergeant and the intruder, is a prime example of those potentially tragic 10 percent situations. Tragedy was avoided in that case only because the Soldier involved had both the capacity and the sense of freedom to act upon his discretionary judgment, and in the process, he demonstrated the application of the "reasonable person" criterion. This criterion is thus not a license for anarchy. Rather, it makes it possible to guide Soldiers in accordance with the ROE without losing

the capacity to do the right thing when unusual circumstances call for higher levels of moral judgment. It serves the critically important need to keep the "human factor" within the process of resolving complex ethical and legal dilemmas. It also serves to increase the likelihood that in such situations, Soldiers' decisions will be both ethically right and in accordance with the intent of the law.

What is at Stake?

The ramifications if our Soldiers are not prepared and empowered to exercise discretionary judgment are the most important aspect of this matter. What is at stake involves the loss of innocent lives and the ruining of our Soldiers' professional and moral well-being. As noted before, the current operating environments routinely put Soldiers in situations where they must rapidly make complex ethical decisions. We speak today of the "strategic corporal" whose decisions can have far-reaching consequences. In an effort to ensure those decisions are correct, commanders have provided ROE and other guidelines. However, when the capacity and freedom to exercise professional discretion are absent, a false dichotomy can arise in the Soldier's mind between doing what is "right" and doing what is "legal." This can lead Soldiers to assume a "survival mentality," which asserts, "I'm not going to risk doing what I think is right, and end up going to jail for it. If I follow the rules, they can't hold me responsible for what goes wrong." In the grip of such ethical and legal schizophrenia, Soldiers nonetheless do hold themselves responsible for harm associated with the execution of their military duties.

The fact that they remain legally innocent by virtue of having strictly adhered to legal guidelines does not eliminate the attendant feelings of guilt for having ignored their voice of moral conscience. This is always the case when in hindsight it is obvious that adherence to directives did not serve the humanitarian purpose for which they were issued, and as a result innocent people suffered injury or death. And the longer Soldiers are subjected to these kinds of experiences, the greater becomes the risk of undermining their mental and spiritual health. To thereby jeopardize the professional resilience of our Soldiers creates not only a concern for sustaining the force, but also raises a fundamental issue of justice. It is simply unjust to subject Soldiers to

the ethical challenges posed by today's Army while denying them the capacity and freedom to exercise necessary professional discretion. For in doing so, one prevents them from acting in the fully human manner necessary to remain psychologically and spiritually sound.

The Army's understanding of professional responsibility includes the essential concept of mutual obligations, moral duties that exist reciprocally between leaders and those they lead. Empowering Soldiers with discretionary judgment is one of those fundamental obligations which Army leaders owe to their Soldiers. Fulfilling that leadership responsibility is essential for maintaining the welfare of the individual Soldier, ensuring the highest quality of mission accomplishment, and strengthening the resiliency of the force in the present environment of persistent conflict. To be sure, it is a challenging responsibility. We might easily choose to forego it in the name of limited time and resources, but we do so at great risk. *MR*

A National Guard member stands watch on a ridge above Nogales, AZ, at the U.S. border with Mexico on 19 July 2006.

U.S. Army, SGT Jim Greenhill

NOTES

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2. Colonel Sean T. Hannah, Ph.D., and LTC Joseph Doty, Ph.D., "Building Moral Resources in Leaders for an Era of Persistent Conflict and Beyond" (The Center for the Army Profession and Ethic, West Point, NY: an unpublished document presented at the USMA Senior Leader Conference, June 2008).

Automatic Ethics: What We Take for Granted Matters

Keith Leavitt, Ph.D., and Major Walter J. Sowden, U.S. Army

I N NEARLY EVERY decision we make or action we take throughout the course of the day, we rely upon a vast set of assumptions that we take for granted. When visiting a new grocery store, we can assume the milk will be in the dairy case. We also expect a certain kind of container, know what it should cost, and whom we should pay. In stepping into a crosswalk, we make a tremendous assumption that the driver of that car is law-abiding, awake, and functionally sane. As Soldiers, we make these assumptions during training and contingency operations. For example, while on a land navigation course, we make various assumptions as to what types of terrain features we'll come across based on what we see (i.e., low ground means a stream or creek) and make the proper plans to negotiate that terrain. In addition, in the operational environment of combat, we assume that our fellow Soldiers will perform their mission, adhere to the Soldier's Creed, and embody Army Values. Our behavior relies completely on the truth of these assumptions, yet most of us have never thoroughly considered or formalized them, and we most certainly do not think about them during the moments when we act. Very often, the decisions we must make quickly have the most gravity, and they draw heavily on our moral foundations and assumptions.

Implicit Attitudes and Assumptions

Recent behavioral research suggests that many of our automatic assumptions might be inaccurate and possibly even harmful. Social psychologists have recently discovered the importance of "implicit attitudes." These simple associations operate outside of conscious awareness, are difficult to suppress, and drive a lot of our behavior when we do not have the time to really think about a situation. Scientists have developed valid and reliable rapid response tasks to tap these automatic processes and have produced interesting and sometimes disturbing findings.

For example, an implicit association between "male" and "science" was a better predictor of undergraduate females' choice of majors than their grade point average, entrance exam scores, or their own stated interests.[1] Put simply, intelligent, confident, and skilled female students who implicitly believed that the sciences are related to being "male" did not consider their own abilities when making a career choice.

More disturbingly, in a task known as the "shooter game" in which images of people appear on the screen holding either a weapon or a benign object (a banana, book, etc.), participants quickly press a key to "shoot" those holding weapons, and a "don't shoot" key for those holding

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PHOTO: An Iraqi surrenders just north of the An Nu'maniyah Bridge along Highway 27 in Iraq during Operation Iraqi Freedom. (DOD, SGT Paul L. Anstine, II, USMC.)

benign objects. Results showed that participants were fastest and most accurate when deciding to shoot African Americans holding weapons, or to not shoot whites holding benign objects. In other words, "African Americans" and "weapons" are automatically more compatible in our minds than are "whites" and "weapons." Multiple studies (using different populations) showed a similar pattern; regardless of whether participants were white, black, college students, or police officers, it was easier to recognize (and shoot) a dangerous African American than a dangerous Caucasian.[2]

Our implicit beliefs cut much deeper than attitudes about race and gender. In a recent study, researchers looked at lay persons, business students, and working managers' implicit beliefs about the ethical nature of business. First, they found that managers held a stronger association between the concepts of "business" and "ethics" than did business students, and that business students in turn held stronger associations than other lay persons did. It makes sense that the longer people spend in an occupation, the more they would believe in it. More disturbing was the finding that those who believed business was highly ethical were the most likely, in a business exercise, to "pad" an insurance claim for their company or negotiate using illegal insider information. In short, an assumption (that business is ethical) kept them from using personal discretion. They erroneously assumed that if business is inherently ethical, then anything they do in the name of business must be ethical too.[3]

One doesn't need to stretch one's imagination too far to see the implications of all this for ethical decision making and behavior within the Army. During a recent interview, a team leader serving in Iraq recounted that one night when he and his team were on guard duty, an Iraqi national carrying a white flag attempted to get his attention. Before anyone on the ground could get to the Iraqi, he began climbing the forward operating base security wall and effectively breached the perimeter. The rules of engagement set forth competing directives: the sergeant should shoot the man for breaching the perimeter and yet not shoot him because of the white flag. In that moment, with little time to act, we can imagine how automatic assumptions influenced the sergeant's judgment—his beliefs about the Iraqi people, his role as a Soldier, and his beliefs about human nature.[4] In short, the sergeant's automatic assumptions shaped his reaction to the intruder. More infamous examples, such as prisoner abuse at Abu Ghraib and the murder of Iraqi citizens at Iskandaria, might also be understood in this way.[5]

In Field Manual (FM) 6-22, *Army Leadership*, we recognize that the men and women who make up the Army join the organization with their character preshaped by their backgrounds, beliefs, education, and experience. During a Soldier's initial entry training, we, as an organization, attempt to compensate for the multitude of differences in various preset characters and level the playing field by putting each Soldier through an extensive and thorough socialization process. However, we cannot expect the process to fully override associations built from a lifetime's worth of experience and exposure to varied sources of information.

Because implicit assumptions frequently operate outside of our own awareness, this creates something of a paradox. On the one hand, the information contained in these assumptions is not our "fault," because we form them unconsciously through the experiences life brings us. (One study of implicit race associations shows that these beliefs strongly correlate to our parents' expressed attitudes about minorities rather than to our own).[6]

On the other hand, we must own our decisions and our behavior in critical situations, particularly when there are moral and ethical implications. Although limited empirical research exists to show how implicit assumptions can change, most potential interventions focus on reducing our reliance on assumptions by increasing awareness. We must make an effort to consider a situation before we act.

In short, the sergeant's automatic assumptions shaped his reaction to the intruder.

A Soldier provides security during the arrests of Iraqis, Baghdad, Iraq, 13 August 2007.

We may be able to decrease the detrimental impact of our implicit assumptions by—

● Becoming aware of the content of our implicit assumptions.

● Actively monitoring our "knee jerk" reactions to situations and practicing overriding them with good judgment.

● Building complexity into our thinking by elaborating and questioning our assumptions.

Increasing Awareness

Developing awareness of our implicit assumptions is part of developing self-awareness. We define self-awareness as being aware of oneself, including one's traits, feelings, and behaviors (FM 6-22, Chapter 8).[7] As an organization, we put a premium on self-awareness, under the Army's old leadership and training doctrine ("Be, Know, Do"). FM 6-22 espouses 11 principles of leadership, the first of which is "know yourself and seek self-improvement." Because automatic assumptions frequently operate outside conscious awareness, it's often the case that we can't know our own minds.

Fortunately, behavioral researchers have begun to develop a wide array of tools to capture "hidden assumptions."

To date, one of the most reliable is the implicit association test which is available online (www.projectimplicit.com). The site provides anonymous scores and feedback to help you understand your own automatic assumptions. It's called "Project Implicit" and is a nonprofit research organization located at Harvard, the University of Washington, and the University of Virginia.

Monitoring Our Reactions

Although complex and powerful situations unfold quickly, daily life presents us with plenty of opportunities to preview and correct assumptions that might emerge in important situations. For example, if a bad customer service interaction leads to an automatic negative thought about the person's race, this moment should serve as a warning, as well as an opportunity to address this automatic assumption's appearance in our thinking. Once we recognize our own automatic assumptions and the behavioral

tendencies that come from them, we can work to interject further consideration and "thought stopping" analysis, instead of taking immediate action. It is obvious how this could play in an interaction with an Afghan or Iraqi if we implicitly believe that Middle Easterners are lying; we may miss out on valuable information or damage constructive relationships.

Challenging Our Assumptions and Our Beliefs

Just as the managers and business school students who believed "business" was inherently "ethical" failed to use any personal discretion in their business behaviors, we run the risk of believing that our mission brings automatic morality to our behavior within it. Modern battlefields and theaters are inherently complex, and bring with them the ability to do both great good and grave irreparable harm. The values and history of the U.S. Army frequently lead to doing good, but if we begin to believe that our efforts are *inherently* ethical, we run the risk of not recognizing serious moral hazards. A recent study found just this: when a task discretely reaffirmed participants' moral identity (i.e., shored up a belief that they themselves are moral people), they demonstrated *less* motivation to behave well.[8] In short, taking for granted that "mission" and "moral" are always closely related can lead us to do the wrong thing. Talking about these issues within your units and forcing yourself to recognize and question the assumptions you take for granted can trigger personal and unit-level growth. *MR*

NOTES

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3. J. Correll, B. Park, C.M. Judd, B. Wittenbrink, M.S. Sadler, and T. Keesee, "The thin blue line: Police officers and racial bias in the decision to shoot," *Journal of Personality and Social Psychology* 92 (2007): 1006-23.
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5. The sergeant involved in this incident wisely trained his gun on this individual but resisted the impulse to fire. When reinforcement arrived, it turned out that the man was both a local police officer and the nephew of a local Sheik friendly to coalition forces. This case study can be found on the ACPME AKO website at <https://acpme.army.mil>.
6. The Michael Hensley case study can be found on the ACPME AKO website.
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What Does Contemporary Science Say About Ethical Leadership?

Christopher M. Barnes, Ph.D., and Lieutenant Colonel Joseph Doty, Ph.D., U.S. Army

AUTHENTIC, TRANSFORMATIONAL, and ethical leadership is at the heart of our military profession. Leaders at all levels set the ethical tone for subordinates in their units either by omission or commission and have a significant impact on how their subordinates act and perform. Indeed, leaders are often the most important source of information that subordinates look to for guidance in their behaviors. Engaging in ethical leadership is among the most important components to leadership. Ethical leadership is a topic that should be important to anyone in the Army who is in a leadership position or considering occupying one.

Some people believe that ethical leadership is simply a leader who behaves ethically. Others believe that ethical leadership reveals itself more in the behavior of followers than in that of the leader himself. Even when people agree on how to define ethical leadership, they may be unclear how it influences people. Does it influence only ethics-related behaviors? Does it have a broad effect on a large set of behaviors? Or, do followers tend to ignore ethical leadership altogether?

What is Ethical Leadership?

Researchers in the field of applied psychology define ethical leadership as the demonstration of appropriate conduct through personal actions and relationships and the promotion of such conduct to subordinates through two-way communication, reinforcement, and decision making. This definition highlights three key components of ethical leadership. A discussion of each follows.

First, leaders become credible and authentic as ethical role models by engaging in ongoing behaviors that subordinates deem unselfish and ethically appropriate. These behaviors include being honest, showing consideration for others, and treating people fairly and with respect. As noted by M.E. Brown and colleagues, ethical leadership entails engaging in transparent, fair, and caring actions.[1] By so doing, leaders become an example of how to behave and a model for others to identify with and imitate. This is an ongoing process; subordinates are continuously evaluating their leaders, so a leader who is ethical at one point in time and not at another sends mixed messages that damage his authenticity.

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Second, ethical leadership entails directing attention to ethical issues and standards. Soldiers, like all people, have only a finite attention span and a lot of competing information to process. Ethical leadership requires emphasizing the importance and significance of ethics. Communicating about ethics on a consistent basis is a key component to ethical leadership; leaders who behave ethically but never talk to their subordinate about ethics will fall short in ethical leadership.

Third, ethical leadership entails creating ethical command climates that set the conditions for positive outcomes and ethically appropriate behavior and provide negative outcomes for inappropriate behavior. Soldiers pay close attention to rewards and punishment, and they quickly learn to engage in behavior that gains rewards and avoids punishment. It is also important that Soldiers perceive the rewards and punishment process as fair, or the leader loses credibility.

Ethical leadership is a two-way process. Ethical leaders must direct attention to ethical issues, enforce ethical standards, and allow subordinates to bring up ethical issues with them. Rewards and punishments should take place in an environment of open two-way communication. Subordinates must inform their leaders about ethical issues they may face (that the leader is unaware of), and ethical leaders must clearly inform followers of ethical standards.

> *Ethical leadership is a two-way process.*

How Does Ethical Leadership Affect People?

Brown and colleagues conducted a series of three studies that included outcomes of ethical leadership. In addition, A.H.B. De Hoogh and D.N.D. Hartog and D.M. Mayer and colleagues examined outcomes of ethical leadership. In this section, we will briefly summarize those findings.[2]

Ethical leadership results in positive relationships between the leaders and their subordinates. Brown and colleagues found a strong positive relationship between ethical leadership and trust in the leader. They also found that ethical leadership had

> *...a leader lends legitimacy to his behavior.*

a positive relationship with subordinates' satisfaction with their leaders and their perceptions of how fairly their leaders treated them. De Hoogh and Hartog found that followers were more optimistic about the future when their leaders ranked high in ethical leadership.[3]

Ethical leadership results in important behavioral outcomes as well. Brown and colleagues found that ethical leadership led subordinates to be more willing to report problems and to engage in higher levels of effort. Mayer and colleagues found that ethical leadership was associated with less unethical behavior and more positive helping and citizenship behavior by subordinates.

In short, ethical leadership leads to ethical behavior and followers that are more effective. In a 2009 information paper, officers at the Combined Arms Center, Fort Leavenworth, Kansas, noted that command climate was one of the key factors affecting Army attrition rates. Specifically, they noted a "disparity between what is said and what is done"—often an indicator of ethical leadership issues. Future research will examine when these effects are small and when they are large, in hopes of maximizing the positive effects of ethical leadership. To date, no research has revealed any negative effects of ethical leadership, and that is not expected to change.

How is Ethical Leadership Transmitted?

How can we instill ethical leadership in our Soldiers? Soldier development is an important priority, and developing subordinates is a leader responsibility. Field Manual 6-22, *Army Leadership,* discusses attributes and core competencies expected of our Army's leaders. Three of these core competencies, found in Appendix A1, are—
- Leads by example.
- Creates a positive environment.
- Develops others.

As Brown and colleagues note, ethical leadership occurs in a context of social learning. Soldiers learn not only through their direct experiences but also

from observing the behaviors of others. Leaders, in particular, are role models for Soldiers. This is in part because the assigned role of a leader lends legitimacy to his behavior. In addition, leaders enjoy status and success, which directs their subordinates to pay attention to the behaviors that lead to that status and success. Perhaps more in the military than in other organizations, leaders have power over others. People pay close attention to those who wield power over them and often imitate their behavior.

Mayer and colleagues found that ethical leadership can spread through an organization all the way to the front lines. Front-line workers behaved more ethically and cooperatively when their immediate supervisors ranked high in ethical leadership. Even more interesting, ethical leadership in top management and leader teams predicted ethical and cooperative behavior of front-line employees and lower-level supervisors. This indicates that high (or low) ethical leadership from leaders at the very highest levels influenced leaders at lower levels, who in turn influenced the ethical behavior of everyone else.

The findings are vitally important for two reasons. First, they emphasize that the ethical leadership of Soldiers in leadership positions affects more people than they may realize. It influences not only subordinates directly under the leader, but Soldiers two or three levels removed. Second, the ethical leadership of Soldiers in leadership positions extends over more time than they may realize. Leaders of today are shaping the leaders of tomorrow. Leaders with low ethical leadership affect many people over a long time in ways one cannot anticipate. On the other hand, ethical leaders will help many people in unanticipated ways.

What Does This Mean for Soldiers Today?

Soldiers can make bad decisions, as highly publicized incidents of moral failures from Abu Ghraib

(U.S. Army, Angelina Golindano, TRADOC CG Photographer)

GEN Martin E. Dempsey, commanding general of U.S. Army Training and Doctrine Command, addresses the instructors of the Chaplain Service School during their development training at Fort Monroe, VA, 13 April 2010. The group was tasked to discuss ethics and morality in the force.

to Bagram Airbase to Mahmudiya have revealed. The Tigris River incident in January 2004 involved a battalion commander, a platoon leader, and a platoon sergeant. And the Pat Tillman incident involved leaders of all ranks along the chain of command (as did the My Lai incident in Vietnam). Clearly, unethical behavior is not a "rank" issue—just as ethical leadership is not a "rank" issue but a *leader* issue. The unanswered question in all these cases is, *What, if any, effect did ethical leadership have in and on these incidences?* The Army needs to answer this question if it is going to learn from its mistakes. In its judicial and investigative processes, the Army primarily focuses on what happened, not *why*. Good and bad behaviors do not occur in a vacuum. There are *always* contextual variables (ethical or unethical leader climates) that surround and influence behavior.

Examples of ethical and unethical leaders abound, both in and out of the military. Clearly unethical leaders (who were subsequently punished) carried out the Enron and Madoff financial scandals. Unfortunately, General Eric Shinseki (when he spoke truth to power in the months leading up to Operation Iraqi Freedom) and Major General Antonio Taguba (in his report on Abu Ghraib) were both arguably punished for being ethical leaders. We should hold up these two as exemplars and role models as ethical leaders—just as we did when we learned that Warrant Officer Hugh Thompson took action to stop unlawful killing during the My Lai massacre in March 1968.

The Army's current emphasis on a new leader development strategy, the human dimension, and comprehensive Soldier fitness are designed to ensure we grow and develop ethical leaders—at all levels. Being an ethical leader is not easy. It takes consistent moral courage—especially when there is a conflict in loyalties. Doing the "right thing" is easy to talk about and think about, but often hard to do. To risk ostracism by peers, subordinates, and seniors requires strength. We often talk about the importance of "speaking truth to power," but how often do we really do it and (more importantly) how often do leaders *set the conditions* for subordinates to do so?

Ethical leadership is the bedrock for success in the military. Courage and competence win battles, but character wins wars. We can never lose sight of that. **MR**

NOTES

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3. Ibid.

U.S. Army, Carroll Kim (TRADOC Public Affairs)

MAJ Jeff Spangler (Soldier Support Institute at Fort Jackson, SC) and MAJ John Rasmussen (Fort Huachuca, AZ) brainstorm ways for the chaplaincy to partner with the Center for the Army Profession and Ethic during the TRADOC Chaplain Service School Instructors Development Training, 13-15 April 2010, at the Bay Breeze Community Center at Fort Monroe, VA.

At What Cost, Intelligence?
A Case Study of the Consequences of Ethical (and Unethical) Leadership

Major Douglas A. Pryer, U.S. Army

We must remember who we are. Our example is what will cause us to prevail in this environment, not our weapons.
—Major General Martin Dempsey, commander, 1st Armored Division, 30 October 2003, email to his brigade commanders[1]

Tough up, man. This is how the Army does things.
—unidentified interrogator, Forward Operating Base Tiger, in response to a military policeman's concern about enhanced interrogation techniques[2]

T HE SUMMER OF 2003 was a hot, frustrating time for coalition forces in Iraq. In Baghdad, Soldiers experienced temperatures over 100° F for 91 consecutive days.[3] Far worse, contrary to the expectations of most Soldiers and their military and political leaders, the Iraqi insurgency was not only active but growing rapidly in size and lethality across the country. In July, coalition forces experienced twice the number of attacks they had experienced in June.[4] And in August, the country witnessed the rise of "vehicle-borne explosive device" attacks, including a suicide car bombing on 11 August 2003 in Baghdad that killed 11 people and closed the Jordanian Embassy. U.S. Soldiers' hopes for returning home by Christmas had evaporated in Iraq's summer heat.

It was in this environment that a military intelligence (MI) captain working in the CJ2X (intelligence) section of Combined Joint Task Force-7 (CJTF-7) sent a 14 August 2003 email to the human intelligence (HUMINT) section leaders of CJTF-7's major subordinate commands.[5] In the opening salvo of what would become a battle for the soul of CJTF-7's HUMINT community, the captain requested a "wish list" from subordinates of interrogation techniques they "felt would be effective."[6] He stated, "The gloves are coming off . . . regarding these detainees." He said that "the Deputy CJ2 has made it clear that we want these individuals broken."[7] He concluded, "Casualties are mounting, and we need to start gathering info to help protect our fellow Soldiers from any further attacks."[8]

This email evoked strongly worded, antithetical responses from the two ideological "camps" of CJTF-7's HUMINT sections. One camp (to which the CJ2X captain clearly belonged) included Chief Warrant Officer 3 Lewis Welshofer, Jr., of the 3d Armored Cavalry Regiment, and an unidentified

PHOTO: Two U.S. Army policemen escort a detainee to a cell at Camp X-Ray, Guantanamo Bay Navy Base, Cuba, 11 January 2002. (U.S. Navy PH1 Shane T. McCoy)

HUMINT leader of the 4th Infantry Division.[9] The other camp was represented by Major Nathan Hoepner, the operations officer of the 501st MI Battalion Task Force, 1st Armored Division. The units of all three of these officers operated in the "Sunni Triangle," the most dangerous part of Iraq during Operation Iraqi Freedom (OIF) I.

In his reply to the CJ2X captain's email, Welshofer wrote that "a baseline interrogation technique" should include "open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches."[10] He also added: "Close confinement quarters, sleep deprivation, white noise, and a litnany [sic] of harsher fear-up approaches . . . fear of dogs and snakes appear to work nicely. I firmly agree that the gloves need to come off."[11] The unidentified 4th Infantry Division HUMINT leader submitted a "wish list" that included some of the same techniques, but added "stimulus deprivation," "pressure point manipulation," "close-fist strikes," "muscle fatigue inducement," and "low voltage electrocution."[12]

In his returning salvo from the other camp, Major Hoepner replied:

> As for "the gloves need to come off" . . . we need to take a deep breath and remember who we are . . . Those gloves are . . . based on clearly established standards of international law to which we are signatories and in part the originators . . . something we cannot just put aside when we find it inconvenient . . . We have taken casualties in every war we have ever fought—that is part of the very nature of war. We also inflict casualties, generally many more than we take. That in no way justifies letting go of our standards. We have NEVER considered our enemies justified in doing such things to us. Casualties are part of war—if you cannot take casualties then you cannot engage in war. Period. BOTTOM LINE: We are American Soldiers, heirs of a long tradition of staying on the high ground. We need to stay there.[13]

We Americans, Hoepner was clearly saying, adhere to moral standards that are more important to us than simply winning one battle: to forfeit these standards is to lose our identity as American Soldiers.

The Two Rival Camps: Background

The "intelligence at any cost" mindset of the first camp above has enjoyed a much longer (and more potent) life in U.S. military history than is commonly understood. For example, during the Philippine-American War, the 1902 Senate Committee on the Philippines documented U.S. troops' systematic use of the "water cure," a harsher, often fatal version of what we today know as "waterboarding."[14] More recently, many CIA and U.S. military advisors in the U.S.'s controversial "Phoenix Program" during the Vietnam War did not attempt to stop, and in a few cases even encouraged, the use of torture (including electric shock) by South Vietnamese intelligence officials.[15] In both instances, U.S. Soldiers rationalized that the need for actionable intelligence justified torture.

In its purest form, this rationale is the "ticking time bomb scenario." In a 2001 interview, French General Paul Aussaresses, a senior French intelligence officer during the French-Algerian War, expressed this rationale as follows:

> Imagine for an instant that you are opposed to the concept of torture and you arrest someone who is clearly implicated in the preparation of a terrorist attack. The suspect refuses to talk. You do not insist. A particularly murderous attack is launched. What will you say to the parents of the victims, to the parents of an infant, for example, mutilated by the bomb to justify the fact that you did not utilize all means to make the suspect talk?[16]

Forty years later, CJTF-7, 3d Armored Cavalry Regiment, and 4th Infantry Division HUMINT leaders similarly argued that, to save lives, the "gloves" were "coming off" with regard to interrogation techniques.

However, this camp does not represent the dominant tradition within U.S. military history. When Major Hoepner argued that Americans are governed by moral standards, he was speaking from this dominant tradition, a tradition as old as the establishment of America's first colony. In a 1630 sermon, John Winthrop told Puritan colonists (who were soon to disembark from the *Arbella* and found the Massachusetts Bay Colony) that they should "do justly" and "love mercy" and that their new colony should be "as a city upon a hill" for the rest of the world to watch

Donald H. Rumsfeld (foreground, right), U.S. secretary of defense, receives a briefing on detainee operations at Camp X-Ray, Guantanamo Bay, Cuba, 27 January 2002. Twelve days earlier, Rumsfeld had signed a memo that stated that commanders need not treat certain detainees in accordance with the Geneva Conventions in the event of "military necessity."

and emulate.[17] Similarly, during the Revolutionary War, leaders of the Continental Army and Congress judged that it was not enough to win the war; they had "to win in a way that was consistent with the values of their society and the principles of their cause."[18] General George Washington applied this ideal to the treatment of British and Hessian prisoners, adopting an uncommon policy of humanity. In one written order, for example, he directed that 211 British captives be treated "with humanity" and be given "no reason to Complain of our Copying the brutal example of the British army in their Treatment of our unfortunate brethren."[19] During the more than two centuries that have passed since the Revolutionary War, the U.S. Army's treatment of its enemies has been largely consistent with this tradition of humanity, with such wars as the Philippine-American War and various Indian wars representing racially motivated exceptions to this rule.[20]

Case Study Hypothesis

The decision that may be most critical to the ultimate effectiveness of U.S. leaders in combat is will we let our ideals govern us and reside in the "city upon the hill?" Or, will we attempt to live hidden from view in the "end-justifies-the-means camp?" (Leaders may try to stand in the middle, but they must beware this hill's slippery slope and watch their footing carefully.) This critical decision may take place downrange, or it may occur months, years, or even decades before deployment. Ultimately, no decision may be more important to a U.S. combat leader than this choice.

This essay uses the case study methodology to explore the hypothesis that the essential ethical position assumed by leaders is the most important determinant of the level of detainee abuse in interrogation units and these units' strategic effectiveness on today's battlefield. Perhaps, investigations

…since the Revolutionary War, the U.S. Army's treatment of its enemies has been largely consistent with this tradition of humanity…

that attributed interrogation abuse to over-crowded detention facilities, untrained guards, immature interrogators, or any of the plethora of other reasons often cited got it wrong. The fundamental reason why interrogation abuse in Iraq occurred may have been a failure in ethical leadership. It may have been that simple.

Continuing the storylines begun with the email exchange above will prove (or disprove) the essay's hypothesis. If the hypothesis is correct, then interrogation facilities influenced by the CJTF-7, 3d Armored Cavalry Regiment, and 4th Infantry Division HUMINT leaders who decided that the "gloves" were "coming off" should have escalated to serious detainee abuse, and conversely, the Task Force 1st Armored Division (TF 1AD) detention facility should have remained relatively free of allegations of abuse. Once this hypothesis is validated, it is applied to the present to indicate what steps our Army still needs to take to prevent future interrogation abuse and the strategic defeat such abuse may create.

We start this experiment with CJTF-7.

Strategic Defeat at Abu Ghraib

The head of the Coalitional Provisional Authority, Ambassador Paul Bremer, approved coalition use of Abu Ghraib Prison on 3 July 2003.[21] Due to the prison's notoriety as a site of torture and execution during Saddam Hussein's regime, Bremer approved the reopening with the understanding that the prison would only be used until a new facility could be built.[22] However, the commanding general of CJTF-7, Lieutenant General Ricardo Sanchez, directed that CJTF-7 interrogation operations be consolidated at the facility (now deemed an enduring facility) by 1 October 2003. This decision was probably driven by the perishable nature of intelligence and the fact that Camp Bucca, the Theater Internment Facility, was a full day's drive south of Baghdad on Iraq's border with Kuwait.

The Abu Ghraib facility had grave problems from the beginning. It was in a dangerous area and regularly received mortar fire, sometimes with catastrophic results: on 16 August 2003, a mortar attack killed five detainees and injured 67 others.[23] On 20 September 2003, a mortar attack killed two U.S. Soldiers and injured 11 others (including the commander of the Joint Interrogation Center).[24] The

facility also rapidly grew overcrowded, holding 7,000 detainees by October 2003.[25] The crowding caused severe undermanning, with just 90 military policemen managing the detainee population—far less than the full battalion that doctrine required for a detainee population of this size.[26]

Alpha Company, 519th MI Battalion, supplied the first group of interrogators at the facility.[27] Fatefully, this company had served in Afghanistan during the December 2002-January 2003 time period when some enhanced interrogation techniques derived from American "survival, evasion, resistance, and escape" (SERE) training had been systematically employed in Afghanistan.[28] In fact, Criminal Investigation Division agents were in the process of substantiating charges that two of the company's interrogators had contributed to the brutal treatment and deaths of two detainees on 4 and 10 December 2002 at Bagram Air Base.[29] These same two interrogators later sexually assaulted a female detainee at Abu Ghraib on 7 October 2003.[30]

A few weeks after the CJTF-7 J2X had requested a "wish list" of interrogation techniques, CJTF-7 published its first approved techniques. This 14 September 2003 interrogation policy included three harsh techniques that two HUMINT leaders had advocated via email, namely, "sleep management," "presence of military working dogs," and "yelling, loud music, and light control."[31] It also included other enhanced interrogation techniques inspired by military SERE schools.[32] These other techniques were "stress positions," "isolation," "environmental manipulation," "false flag," and "dietary manipulation."[33] The use of three of these techniques required the personal approval of the CJTF-7 commander when employed on enemy prisoners of war.[34] However, since the vast majority of U.S. detainees in Iraq were not enemy prisoners of war (captured enemy soldiers) but civilian internees (suspected insurgents and criminals), there was some confusion as to the applicability of this restriction.

Upon review, Central Command deemed CJTF-7's interrogation policy to be "unacceptably aggressive."[35] Therefore, CJTF-7 published a new policy on 10 October 2003. Unfortunately, some interrogators, most notably at CJTF-7's new "Baghdad Central Correctional Facility" at Abu Ghraib, considered these new guidelines to be nearly as permissive as they had viewed the guidance of the

September policy memo. This permissive interpretation occurred for many reasons. Although the new policy probably intended to take away blanket approval for interrogators to use enhanced interrogation techniques, it gave Sanchez the option of approving such techniques on a case-by-case basis. Thus, for example, Sanchez would approve 25 requests by interrogators to employ the "isolation" technique on subjects.[36] Also, since Colonel Pappas (the 205th MI Brigade commander) apparently believed that he had been delegated approval authority by Sanchez for his interrogators to use the harsh techniques of "sleep management" and "use of military working dogs," it remained a simple matter for his interrogators to receive approval to use these two techniques.[37]

Worse still was the confusion the new interrogation policy generated when it quoted a rescinded army field manual. Interrogators, the new policy said, should "control all aspects of the interrogation, to include the lighting, heating, and configuration of the interrogation room, as well as the food, clothing and shelter" given to detainees.[38] It is easy to see how some interrogators may have interpreted this vague instruction as blanket approval to use the enhanced interrogation techniques of "dietary manipulation" and "environmental manipulation." Worst of all, the reference to controlling subjects' clothing supported some interrogators' beliefs that they could employ the "forced nudity" technique at their discretion—an enhanced interrogation technique permissible during their previous deployments to Gitmo or Afghanistan but never approved for use in Iraq.[39]

Inadequate ethical leadership also played a role in key leaders failing to either take seriously or to investigate reports of detainee abuse at Abu Ghraib by the International Committee of the Red Cross.[40] These leaders largely ignored Red Cross reports stemming from two visits to Abu Ghraib in October 2003 (just as the facility's most serious criminal abuses were beginning).[41] In a summary of these reports, the Red Cross stated that "methods of physical and psychological coercion used by the interrogators appeared to be part of the standard operating procedures by military intelligence personnel to obtain confessions and extract information."[42] The Red Cross also described "abuse" (later corroborated by military investigators) that included detainees being held naked for days, yelled at, insulted, threatened, undergoing "sleep deprivation caused by the playing of loud music or constant light," and held in isolation.[43] However, this "abuse" involved Soldiers implementing enhanced interrogation techniques CJTF-7 Headquarters either formally promulgated or Soldiers believed had been authorized based on their personal experiences in other theaters.

Thus, the decision of key leaders at CJTF-7 Headquarters and at Abu Ghraib to take "the gloves off" set the stage for the "Abu Ghraib Scandal." This scandal, which erupted after photos of serious criminal misconduct at Abu Ghraib were televised on 28 April 2004, would be intimately entwined with interrogation operations. Investigators concluded that, although enhanced interrogation techniques had not directly caused the most serious criminal abuses at Abu Ghraib, the techniques had perpetuated a climate where such criminal abuse was possible.[44] It is difficult to fathom, for example, how the infamous photographs of naked human pyramids could have occurred if interrogators had not been directing military policemen to employ the "forced nudity" technique as part of "pride and ego-down" approaches.

The Abu Ghraib scandal constituted a strategic defeat for the United States. It severely damaged the credibility of the U.S. within the international community, particularly the world's Arab community. The Abu Ghraib scandal also energized the Iraqi insurgency: "They used to show events [on television] in Abu Ghurayb," said one of many mujahedeen inspired to go to Iraq by the horrific images. "The oppression, abuse of women, and fornication, so I acted in the heat of the moment and decided . . . to seek martyrdom in Iraq [*sic*]."[45] Ominously, for a counterinsurgency force trying

to win the support of the people, Coalition Provisional Authority polls showed Iraqi support for the occupation plummeting from 63 percent before the scandal to just nine percent after the photos were published.[46] Most ominously however, the scandal accelerated the decline of U.S. popular support for the war, a decline that eventually caused Congress to try (unsuccessfully) to force U.S. forces from Iraq in 2007.

We move now to the 3d Armored Calvary Regiment (3ACR).

Enhanced Interrogation in Al Anbar

In a February 2004 report, the Red Cross summarized its major findings concerning the treatment of detainees from March to November 2003 in 14 U.S. facilities in Iraq.[47] This report assessed two facilities at the CJTF-7 level (Abu Ghraib and Camp Cropper) as "main places of internment where mistreatment allegedly took place."[48] At the division or brigade level, it assessed three facilities as centers of alleged detainee abuse: one (and perhaps two) belonged to the 3ACR. The Red Cross described the facility that clearly belonged to the 3ACR as located in "a former train station in Al-Khaim, near the Syrian border, turned into a military base."[49] This description matches descriptions in court testimony of Forward Operating Base (FOB) Tiger, which the 1st Squadron of 3ACR operated.[50] The Red Cross also described a center of detainee abuse as the "Al-Baghdadi, Heat Base and Habbania Camp in Ramadi governorate."[51] While units of the 3ACR operated in the Al Habbaniyah area at the time (July-August 2003) of the Red Cross's allegations of abuse at this facility, a cursory U.S. Army criminal investigation into this allegation failed to uncover whether a conventional Army or Special Forces unit had committed the alleged abuse.[52] The Red Cross report was disturbing, though. Twenty-five detainees at Abu Ghraib alleged that, during their previous internments at Al Habbaniyah, they had undergone such mistreatment as painful stress positions, forced nudity, beatings, dog attacks, and sleep deprivation—all allegations consistent with the use of enhanced interrogation techniques.[53]

There is no question, however, that the 3ACR operated the detention facility on Forward Operating Base Tiger. Human Rights Watch interviewed

a military police sergeant who had served as a guard at the facility from May 2003 to September 2003.[54] This guard's testimony corroborated the Red Cross's 2004 allegations of abuse at this facility. According to this military policeman, he routinely witnessed interrogation abuse at the facility. He alleged that guards were regularly ordered to subject detainees to sleep deprivation, dangerously high temperatures, hunger and thirst, and prolonged standing (up to 24 hours) while facing a wall.[55] He also alleged that he witnessed interrogators beating detainees, threatening them with loaded weapons, and subjecting them to bright strobe lights and loud music.[56] According to this sergeant, both Army (including Special Forces Soldiers) and CIA interrogators conducted these abusive interrogations.[57]

Since this guard was describing enhanced interrogation techniques common to those facilities that employed such techniques, it seems unlikely that he fabricated these allegations. Moreover, the described techniques are consistent with specific techniques (such as "wall standing") described in recently declassified CIA memoranda.[58]

Unfortunately, the use of enhanced interrogation techniques was not limited to the squadron detention facility at FOB Tiger; these techniques were also employed at FOB Rifles (the 3ACR Regimental Holding Area at Al Asad Air Field) as

SPC. L.B. Edgar

PFC Lynndie England, 372d Military Police Company, is escorted by guards and her defense counsels, CPT Jonathan Crisp and CPT Katherine Krul, from Fort Hood's Williams Judicial Center on 27 September 2005, after she was sentenced to three years for prisoner abuse at Abu Ghraib.

well as at a temporary detention facility that the regiment established east of Al Qaim for an operation called "Operation Rifles Blitz."[59] Like the FOB Tiger facility, this temporary facility was located at a train station.[60] The nickname of this facility was "Blacksmith Hotel."[61] The senior interrogator in charge of interrogation operations at these two regimental facilities was Chief Warrant Officer 3 Lewis Welshofer.

As described in the email exchange above, Welshofer's response to the request for a "wish list" of interrogation techniques was to request the use of techniques resembling those used by SERE instructors.[62] CJTF-7's permissive interrogation policy of 14 September 2003 seemed to permit some SERE techniques, so Welshofer apparently felt he had permission to use all of the techniques he had previously learned as a SERE instructor. Welshofer applied one of these techniques, "close confinement quarters," in a particularly brutal manner, often wrapping detainees in a sleeping bag to induce feelings of claustrophobia.

This "interrogation technique" had tragic results. On 26 November 2003, Welshofer interrogated Iraqi Major General Abed Mowhoush at "Blacksmith Hotel."[63] At the end of this interrogation, Welshofer placed Mowhoush in a sleeping bag, wrapped the bag tightly with electrical cord, sat on the officer, and covered his mouth with his hand.[64] Within minutes, the 56-year-old general was dead. Mowhoush's death certificate later listed his cause of death as "asphyxia due to smothering and chest compression," and a 2 December 2003 autopsy stated that, prior to his death, Mowhoush had received numerous "contusions and abrasions along with six fractured ribs."[65] The fractured ribs were apparently due to a group of Iraqis (who allegedly worked for the CIA) severely beating Mowhoush during an interrogation two days before his death.[66]

This was not the only interrogation-related death in the 3ACR. Five weeks after Operation Rifles Blitz, 47-year-old Lieutenant Colonel Abdul Jameel died during an interrogation at FOB Rifles

> *Within minutes , the 56 year-old general was dead.*

on Al Asad Airfield. According to a *Denver Post* article, Jameel had been kept in an isolation cell with his arms chained to a pipe in the ceiling.[67] When released from these chains, he reportedly lunged at a Special Forces Soldier, causing three Special Forces Soldiers to allegedly punch and kick him "for approximately one to two minutes."[68] This article states that Jameel later escaped and was recaptured.[69] Upon recapture, his hands were allegedly tied to the top of his cell door, and at some point, he was gagged.[70] Five minutes later, a Soldier noticed he was dead.[71] Another article in the *New York Times* is more specific about Jameel's gagging, alleging that a "senior Army legal official acknowledged that the Iraqi colonel had at one point been lifted to his feet by a baton held to his throat, and that that action had caused a throat injury that contributed to his death."[72]

The coroner who performed Jameel's autopsy identified the cause of death as "homicide," describing Jameel's body as showing signs of "multiple blunt force injuries" and a "history of asphyxia."[73] An Army criminal investigation recommended charging Soldiers from both the 5th Special Forces Group and the 3ACR with crimes related to Jameel's homicide.[74] The report recommended charging two Soldiers with negligent homicide and nine others with crimes ranging from assault to making a false official statement.[75] The commanders of these Soldiers, however, ignored these recommendations and determined that the detainee died as "a result of a series of lawful applications of force in response to repeated aggression and misconduct by the detainee."[76]

Because of the Army criminal investigation into Mowhoush's death, Welshofer's commanding general issued Welshofer a letter of reprimand. In his letter of rebuttal to this reprimand, the unrepentant warrant officer repeated a claim he had made in the email to the CJTF-7 captain, namely, that Army doctrine—patterned as it is on the Law of War—is insufficient for dealing with unlawful combatants.[77] Welshofer also referred to Jameel, saying that, before Jameel's death, Jameel had led Soldiers to the location of a large explosives cache.[78] Welshofer used this example to justify his own harsh treatment of Mowhoush, saying that this cache had contained "thousands of potential IEDs [Improvised Explosive Devices]" and that

the "bottom line is that what interrogators do is a dirty job but saves lives."[79] Despite his specious reasoning here (after all, just because Jameel knew where IED caches were does not mean that Mowhoush did), Welshofer was still charged with negligent homicide, and in January 2006, he was court martialed at Fort Carson, Colorado.

Welshofer's court martial was a media sensation. During his court martial, Welshofer claimed that the only CJTF-7 interrogation policy he had seen in Iraq had been the September 2003 policy (the policy that explicitly authorized certain enhanced interrogation techniques). A warrant officer who had observed parts of Mowhoush's interrogation testified that Welshofer had used a technique that was essentially "waterboarding" on Mowhoush the day before his death.[80] According to this warrant officer, Welshofer also hit Mowhoush repeatedly on his elbow with a stick.[81] Welshofer's use of a stick to strike Mowhoush, this warrant officer alleged, "was not that extreme when you consider other things that were happening at the facility."[82] Also, the company commander of these two warrant officers testified that she had authorized the "close quarters" or "sleeping bag" technique and that she had seen Welshofer slap detainees.[83] Despite evidence that Welshofer had used enhanced interrogation techniques not approved for use by U.S. Soldiers in Iraq and which had clearly contributed to Mowhoush's death, Welshofer received an extremely controversial light sentence—a letter of reprimand, restriction to his house and place of worship for two months, and a fine of $6,000.[84] Ultimately, the media controversy resulting from Welshofer's light sentence, though not a strategic defeat of the magnitude of Abu Ghraib, reinforced the U.S. military's loss of moral standing among Americans.

We turn now to the 4th Infantry Division (4ID).

Troubles in Tikrit

In their February 2004 summary of alleged detainee abuse in Iraq from March to November 2003, the Red Cross identified the "Tikrit holding area (former Saddam Hussein Islamic School)" as an alleged center of detainee abuse.[85] While the 4ID was headquartered at this time in Tikrit, it is unclear from this description if the Red Cross' alleged abuse occurred in the 4ID's detention facility on FOB Iron Horse. Also, since this allegation was appar-

ently never investigated, it is unclear exactly what abuse was allegedly committed by whom. As in the case of the Al-Baghdadi, Heat Base, and Habbania Camp, it is just as possible that the alleged abuse occurred—if it occurred at all—at the hands of unconventional rather than conventional forces.

Still, the 4ID detention facility at FOB Iron Horse certainly had its troubles. Most significantly, investigators found Soldiers at fault in two detainee deaths at the facility. On 11 September 2003, a guard shot and killed a detainee for allegedly placing his hands too near the concertina wire of his isolation area.[86] The guard was charged with manslaughter, and he was chaptered out of the Army in lieu of a court martial.[87] Also, on 8 February 2004, another detainee died due to medical inattention.[88] In addition, and precisely relevant to this case study, the 4ID detention facility had a case of substantiated interrogation abuse that derived directly from the decision of certain HUMINT leaders to take "the gloves off."

This case began on 17 August 2003 when the staff sergeant in charge of the 4ID's interrogation control element submitted the requested "wish list" of more effective interrogation techniques.[89] After this submission, he saved this file onto his desktop, where a new interrogator read it.[90] Soon after, he spoke to the new interrogator about these techniques.[91] They later disagreed in sworn statements about the nature of this discussion. The junior interrogator alleged that his supervisor had given him tacit permission to use the techniques (asking him if he "could handle" implementing them). His superior stated they had discussed the techniques in general and that he had never given this interrogator permission to use these techniques.[92]

The arrival at the facility of a detainee accused of killing three Americans set the stage for two abusive interrogations. The new interrogator was physically imposing (standing six foot, six inches tall). So "to extract time-sensitive intelligence information that could save lives," the staff sergeant assigned him to conduct this detainee's interrogation while approving a "fear up" (harsh) interrogation approach.[93] During the first abusive interrogation on 23 September 2003, the new interrogator forced the detainee to assume various stress positions, shouted at him, threatened him, and struck him with a police baton 10 to 30 times on his feet, buttocks, and possibly

his lower back.[94] Six days later, the same interpreter and a different interrogator forced the detainee to circle around a table on his knees until his knees were bloody.[95] Ironically, just two days before the first harsh interrogation, the 4ID Commander had published a command policy prohibiting "assaults, insults, public curiosity, bodily injury, and reprisals of any kind."[96] In his statement, the junior interrogator said he would have reconsidered his techniques if he had seen this policy.[97]

The officer who investigated the incidents recommended a letter of reprimand for the staff sergeant and a field grade Article 15 for both interrogators.[98] The staff sergeant's letter of reprimand admonished him for his failure "to set the proper leadership climate" and for his "inadvertently" leading at least one interrogator to believe he "condoned certain practices that were outside the established regulations."[99] In his rebuttal, the staff sergeant boldly alleged it was not he who had failed to set the proper leadership climate for his subordinates and blamed the problem on "the command climate of the division as a whole."[100] In support of his claim, he referred to an illegal practice in which certain 4ID units seized family members of targeted individuals in an effort to coerce them into turning themselves in.[101] The staff sergeant also quoted an unidentified "senior leader" as saying that detainees "are terrorists and will be treated as such."[102]

Although Lieutenant Colonel Allen West may not have been the "senior leader" who made this remark, West is still worth mentioning in this context. A battalion commander within the 4ID's 2d Brigade, West was relieved from command for an incident that occurred one month before the abusive interrogations on FOB Iron Horse. To coerce intelligence from a detainee, West had watched five of his Soldiers beat a detainee on the head and body, then had them take the detainee outside and place the detainee near a clearing barrel, where he fired two shots into the clearing barrel.[103] Later, media pundits and even U.S. senators rancorously debated the morality of West's actions, a debate that sent mixed signals to Soldiers in the field about permissible behavior. West ultimately retired rather than face a court martial.

In short, although the interrogation element at FOB Iron Horse flirted with the use of enhanced interrogation techniques, the actual use of these techniques was never systemic there like it was at Abu Ghraib or three facilities within the 3ACR. In fact, when such techniques were implemented during two abusive interrogations, a 4ID command policy, coupled with a thorough investigation (and decisive punishment), seem to have eradicated any confusion the interrogators had regarding acceptable interrogation methods. Thus, the media circus about abusive interrogation techniques did not involve the 4ID's detention facility: this controversy rightly engulfed Lieutenant Colonel West.

We are now ready to examine the 1st Armored Division.

Out Front!

Soon after assuming command of the 1st Armored Division (1AD) on 16 July 2003, Brigadier General Martin Dempsey directed that the division be called "Task Force 1st Armored Division" (TF 1AD).[104] This was a nod to the division's many attachments, which had more than doubled the size of the division to 39,000 Soldiers.[105] To this date, TF 1AD remains the largest force controlled by a division headquarters in U.S. Army history.[106] Throughout Operation Iraqi Freedom I, TF 1AD operated in Baghdad, an environment as complex and dangerous as any other in Iraq. The lives of 133 TF 1AD Soldiers lost and 1,111 Soldiers wounded in combat serve as profound, poignant testimony to this fact.[107]

The 501st MI Battalion (now inactivated) was 1AD's organic MI battalion. During Operation Iraqi Freedom I, the unit ran the TF 1AD detention facility and provided HUMINT and other intelligence support to the giant task force. The motto of the battalion was "Out Front!" Its leaders clearly intended the unit to serve as an ethical role model. In the first sentence of his command philosophy, Lieutenant Colonel Laurence Mixon, who commanded the battalion for most of OIF I, calmly asserted that the battalion was a "values-based organization." Then, in the very next sentence he borrowed the shining "city upon the hill" metaphor by presenting key moral principles as "guideposts, lighting our way ahead."[108]

The TF 1AD detention facility (which MI personnel called the division interrogation facility or "DIF") was located at the Baghdad International Airport. This facility struggled with the same basic issues that the 3ACR and 4ID facilities had

CPT Miki Gilloon

1st Armored Division commander, BG Martin E. Dempsey, speaks during a bridge reopening in Bagdad, Iraq, 25 October 2003.

struggled with during OIF I. Most notably, it had too few (and too inexperienced) interrogators operating amid mounting U.S. casualties and a growing pressure for intelligence.[109] Nonetheless, the facility had zero substantiated cases of detainee abuse and no cases of alleged serious abuse.[110] The only three instances of abuse at the facility seem to have been extremely minor—two cases of MPs counseled for yelling at detainees and one instance of a contract interrogator fired for verbally threatening a detainee.[111]

In addition, there were none of the potential indicators of abuse at the TF 1AD detention facility that had occurred at some other facilities in Iraq. There was not a single riot, detainee shooting, detainee death, or escape attempt at the facility.[112] Also, the facility passed all Red Cross inspections with no significant deficiencies or allegations of detainee abuse noted.[113] When Stuart Herrington (a retired colonel and one of America's foremost experts on interrogation operations) inspected CJTF-7 interrogation operations in December 2003, he singled out TF 1AD's detention facility as "organized, clean, well-run, and impressive."[114]

Importantly, interrogators at the facility never employed enhanced interrogation techniques, even during the brief period in which CJTF-7 explicitly approved such techniques.[115] In fact, across Baghdad, Brigade S2s and 501st MI Battalion leaders refused to allow their interrogators to employ these techniques.[116] Chief Warrant Officer 3 John Groseclose, who was in charge of HUMINT operations at TF 1AD's 3d Brigade before taking charge of interrogation operations at the TF 1AD detention facility, said the following:

> When that memo [CJTF-7's 14 September 2003, interrogation policy] first came out, I went to Major Crisman, the S2 at the brigade, and showed the memo to him. I told him that I thought this memo was a very bad idea. It just didn't look right to me. He agreed. So, we never used those techniques. I didn't see any purpose for them.[117]

Groseclose's counterpart at TF 1AD's 1st Brigade, Chief Warrant Officer 3 Kenneth Kilbourne, echoed Groseclose's comments. "This memo was idiotic," Kilbourne said. "It was like providing a new, dangerous piece of equipment to a Soldier

and telling him that he is authorized to use it, but you don't have an instruction manual to give him to show him how to operate it."[118]

These experienced HUMINT leaders believed that it was not only wrong for American Soldiers to employ enhanced interrogation techniques on real world enemies, but that such techniques were largely ineffective. "For an interrogator to resort to techniques like that [techniques derived from SERE schools] is for that interrogator to admit that they don't know how to interrogate," said Groseclose, who was awarded the U.S. Defense Department's HUMINT Collector of the Year Award for 2003.[119] He added, "Our interrogations produced results."[120]

Then-Major (now Lieutenant Colonel) Hoepner has credited the battalion's HUMINT warrant officers and the command climate for the battalion's stand on the moral high ground.[121] His judgment is no doubt correct. In a fragmentary mission order issued four days after assuming command, Dempsey criminalized detainee mistreatment.[122] The criminalization included the use of any interrogation technique that could be construed as "maltreatment."[123] What is more, Dempsey consistently reiterated the need for troops to treat Iraqis with respect and humanity to his brigade commanders, a reminder they hardly needed. As Colonel Pete Mansoor, the commander of TF 1AD's 1st Brigade, noted:

> Whether or not mock executions, naked pyramids, beatings, and other forms of abuse succeed in extracting information, such behavior often slides down a slippery slope to more severe forms of mistreatment, perhaps leading eventually to injury and death. Prisoner abuse degrades the abuser as well as the abused; as Americans we should stay on a higher moral plane . . . We had to remain constantly vigilant in this regard, lest we lose our soul in the name of mission accomplishment.[124]

Still, despite the best efforts of senior leaders throughout TF 1AD, allegations of serious detainee abuse did occur in TF 1AD, and some of these allegations were substantiated.[125] Thus, what was truly unique for a unit of its size was that none of TF 1AD's cases of detainee abuse involved school-trained interrogators. The principal reason for this was that everyone in these interrogators' chain of command (from their commanding general to their warrant officer supervisors) knew they should be standing on the moral high ground.

Case Study Findings

In some ways, the Abu Ghraib detention facility had a different tactical problem than the division and regimental facilities in Al Anbar Province, Tikrit, and Baghdad Airport. Abu Ghraib was overcrowded, its military police unit was undermanned, and it operated under nearly constant harassing mortar fires that frightened and sometimes traumatized the troops working there.

Nevertheless, in important ways, the tactical problem was the same: How do we interrogate effectively, when casualties are mounting, higher interrogation policy is permissive, resources are limited, and our interrogators are young and inexperienced?

Tragically, interrogators at Abu Ghraib, in the 3ACR, and at FOB Iron Horse had HUMINT leaders who felt morally justified in sanctioning enhanced interrogation techniques, and this belief led their interrogators to use techniques that slipped into truly serious abuse at Abu Ghraib and in the 3ACR. Furthermore, due to personalities unique to Abu Ghraib, abuse descended further still into the sadistic, sexualized violence that shamed our Nation and nearly led to our defeat in Iraq. In retrospect, it is ironic that, while these leaders had meant to save lives via enhanced interrogation techniques, their actions helped to destabilize Iraq. This destabilization, in turn, created thousands more casualties than these leaders could ever have prevented through tactical methods.

However, the detention facility run by the 501st MI Battalion was a shining example of the type of facility to which most U.S. detention facilities belonged. By using doctrinally sound interrogation methods, leaders at these facilities managed to solve their tactical problem without their interrogators incurring investigations, letters of reprimand, or being court martialed. In addition, their interrogators stayed out of the news.

Of course, those who believe in the efficacy of enhanced interrogation techniques will argue that the 501st MI Battalion was not as successful tactically as it would have been had it employed such techniques. Although this could be true, it is unlikely.

The 501st MI Battalion's experienced HUMINT warrant officers certainly did not accept such an argument. To a man, they believed that they would have been less successful if they had employed such harsh techniques, and they often said, "Torture is for amateurs, professionals don't need it."[126] These leaders insisted that Army doctrine is correct in stating that the "use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear."[127] Other sources corroborate their judgment. Matthew Alexander (one of the interrogators who led U.S. forces to Musab al Zarqawi) convincingly argues that interrogators who build rapport with subjects and then intelligently apply doctrinal approaches are more successful than those who unthinkingly rely on brutal methods.[128]

While enhanced interrogation techniques are decidedly inferior to more intelligent methods, they may extract useful intelligence in very limited circumstances. This does not mean, however, that it is ever wise for the citizens of a Western democracy to employ such techniques. The risk of strategic defeat (as experienced by America at Abu Ghraib and by France in Algeria) is too great on today's media-saturated battlefield. More importantly, the use of such techniques is simply un-American.

This case study began with the hypothesis that the essential ethical position chosen by leaders is the most important determinant of the level of detainee abuse in interrogation units and, ultimately, the strategic effectiveness of these units on today's battlefield. Clearly, this hypothesis is valid. As illustrated above, when HUMINT leaders in Iraq chose ethically different solutions to a common tactical problem, the level of interrogation abuse that then occurred within their units was also dramatically different—as were the strategic results.

Surprisingly, the Independent Panel to Review Detention Operations has been the only major investigator of OIF I interrogation operations that emphasized the role that poor ethical decision making played in interrogation abuse. Chaired by former Secretary of Defense James Schlesinger, the five-member panel found that—

> For the U.S., most cases for permitting harsh treatment of detainees on moral grounds begins with variants of the "ticking time bomb" scenario . . . Such cases raise a perplexing moral problem: Is it permissible to employ inhumane treatment when it is believed to be the only way to prevent loss of lives? In periods of emergency, and especially in combat, there will always be a temptation to override legal and moral norms for morally good ends. Many in Operations Enduring Freedom and Iraqi Freedom were not well prepared by their experience, education, and training to resolve such ethical problems.[129]

The panel concluded that "major service programs, such as the Army's 'core values' . . . are grounded in organizational efficacy rather than the moral good" and that these values "do not address humane treatment of the enemy and noncombatants, leaving military leaders and educators an incomplete tool box with which to deal with 'real-world' ethical problems."[130] The panel recommended a "review of military ethics education" and said that a "professional ethics program" is needed to equip military leaders "with a sharper moral compass for guidance in situations often riven with conflicting moral obligations."[131]

Why was the Schlesinger Panel unimpressed with our Army's basic tool for ethical decision making, the Army Values paradigm? It was probably because the seven values of this paradigm ("loyalty, duty, respect, selfless service, honor, integrity, and personal courage") are broad ideals, not definitive guidelines or a practical methodology for solving specific ethical problems. In fact, these values can actually support an interrogator's use of "the ticking time bomb" rationale. One could argue that, during OIF I, the harshest interrogators—

● Displayed their "loyalty" to their Army, unit, and other troops by using enhanced techniques to save Soldiers' lives.

● Did their "duty" by working hard and displaying initiative.

● Treated detainees with the "respect" they deserved (which was no respect, because they were alleged terrorists and criminals).

● Exercised "selfless service" by doing hard, dirty work for good ends.

● Demonstrated "integrity" by using only those harsh techniques they believed were approved for use.

Secretary of Defense Donald H. Rumsfeld testifies before the Senate Armed Services Committee on 7 May 2004. Rumsfeld, Chairman of the Joint Chiefs of Staff GEN Richard B. Myers, Acting Army Secretary Les Brownlee, and Army Chief of Staff GEN Peter Schoomaker are testifying on the mistreatment of detainees in Iraq.

● Showcased "honor" by living up to the other Army values.

● Exhibited "personal courage" by deliberately agitating dangerous detainees.

Thus, what seems patently obvious to most Americans—that, say, leaving an untried suspect naked, alone, and shivering in a brightly lit, air-conditioned cell for days at a time is behavior that is inconsistent with our nation's core values—is not so clear when leaders apply the basic Army tool for ethical decision making.

This is not to say that this tool condones enhanced interrogation techniques. After all, we can use this same tool to argue that the harshest interrogators—

● Were disloyal to the U.S. Constitution when they punished detainees without "due process of law."

● Failed in their duty to enforce the prohibition of Common Article 3 of the Geneva Convention against committing "outrages upon personal dignity, in particular humiliating and degrading treatment" of captives. [132]

● Violated their integrity by breaking the law. However, this argument can truly only be made in the light of recent U.S. Supreme Court decisions. During OIF I, the legal limits of interrogation techniques were hotly debated by America's most senior civilian and military lawyers and were not at all clear to politicians, military leaders, or inter-

rogators. Thus, what the Army needs is a different, sharper tool to guide ethical decision making when laws are ambiguous.

Clearly, our Army's most important challenge before OIF I was ensuring our troops would behave ethically on today's battlefield. As an Army, we should have placed great emphasis on developing solid ethical tools and growing ethical leaders. Unfortunately, this challenge was not fully recognized, and despite our many post-invasion tactical successes, our strategic errors were sometimes grave indeed.

Where We Are Today

The challenge of improving the quality of our leaders' ethical tools and decision making belongs not just to the Army's MI community but also to the entire U.S. military. As the lead service for interrogation operations, the U.S. Army has made some progress in this regard.[133] Nonetheless, our Army still has far to go. Consider the following—

● Even today, some enhanced interrogation techniques are not explicitly prohibited in MI doctrine. This would be a serious oversight if it were not for the Detainee Treatment Act of 2005, which made it illegal for any military interrogator to use approaches or techniques other than those included in FM 2-22.3, *Human Intelligence*

Collector Operations. Nonetheless, MI doctrine should be updated to prevent future misunderstandings here.

● Thankfully, U.S. Army doctrine published post-OIF I is far superior with regard to promoting ethical leadership and adherence to the Law of War than doctrine published before OIF I. However, some current doctrine was published before OIF I. Additionally, as noted earlier, Army doctrine has failed to sharpen or expand its basic tool kit for ethical decision making. Just as harmfully, current doctrine contains one severe over-correction that greatly handicaps interrogators. According to Appendix M of FM 2-22.3, interrogators cannot keep subjects separated from other detainees without the approval of a general officer. However, such separation is not the enhanced interrogation technique of isolation, which involves sensory deprivation, but rather it is a manner of housing detainees that is almost always a precondition for their then being successfully interrogated. Unless separated from a detention facility's general population, subjects are prepped for their upcoming interrogations by other detainees. Also, subjects are far less inclined to cooperate with interrogators when they are afraid that other detainees will observe their having long, regular meetings with interrogators. Since potentially cooperative subjects often become firmly noncooperative during the time it takes an interrogator to obtain general officer approval to separate them, the requirement to obtain this approval needs to be rescinded while maintaining current doctrinal assurances that separated subjects are to be housed humanely without sensory deprivation.

● Our Army is standing up more interrogation units, an action which promises to reduce the risk that non-HUMINT troops with little knowledge of the Law of War will conduct interrogations.[134] However, this process is not nearly complete. At present, few interrogation teams have assignments at the division level in Iraq.[135] More critical still is the lack of experienced, professionally educated, senior warrant officers who can properly guide our Army's growing body of junior interrogators.[136]

● Ethical training in Army units today looks much as it did ten years ago. The training consists of uncertified instructors giving a nonstandard "Army Values" brief once a year. Commonly, this brief includes a review of the doctrinal definitions that pertain to each Army Value as well as examples of leaders who exemplified (or did not exemplify) these values. Seldom does such training employ practical exercises to help troops reason through complex moral problems for themselves, and seldom does someone conduct this training who has received the professional education necessary to usefully guide troops toward ethical solutions.

● The school curriculum that makes a serious attempt at improving the ethical decision making skills of Army leaders is rare. Nearly all Army officers, for example, attend Command and General Staff College, but the school provides few blocks of instruction related to improving ethical decision making skills. This lack of attention is not the fault of any one college department, for all departments have subject matter in which they can introduce ethical vignettes. Instead, it is symptomatic of a lack of emphasis that still exists across our Army.

Our Climb Ahead

Our Army has come a long way with regard to HUMINT doctrine and force structure since our tragic ethical blunders of OIF I. However, now is not the time to rest. We must upgrade our ethical toolkit, to include an ambiguous "Army Values" paradigm that may be used to justify just about any solution to a tactical problem. We must improve still more doctrine (such as Appendix M to our interrogation manual), and we must continue to increase the number and quality of our HUMINT Soldiers. Most critically, since sound doctrine and a robust force structure are ineffective without sound training, we need to turn our attention to getting ethical training and professional education right across the Army. At stake is not just our preventing future strategic defeat, which is important enough, but also our permanently solving what briefly became an existential crisis for our Army. This crisis arose when the "end justifies the means" camp grew far more influential than it should have grown during OIF I. Although this camp will always have adherents, this camp is not who American Soldiers are, and it is definitely not who they should become.

American Soldiers belong in the city upon the hill.

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8. Ibid.

9. Welshofer is identified as the writer of this email in online court documents and various news stories.

10. 4th Infantry Division 15-6 Investigation, "Exhibit A (Email Correspondences)," *American Civil Liberties Union: Torture FOIA*, 6 October 2003, <www.aclu.org/torturefoia/released/041905/6570_6668.pdf> (15 March 2009), 54.

11. Ibid.

12. Ibid., 59.

13. 4th Infantry Division 15-6 Investigation, "Exhibit A (Email Correspondences)," 53. Major Hoepner's name is redacted in the published version of this document.

14. Henry Graf, ed., *American Imperialism and the Philippine insurgection; testimony taken from hearings on affairs in the Philippine Islands before the Senate Committee on the Philippines, 1902* (Boston: Little, Brown and Company, 1969).

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18. David Hackett Fisher, *Washington's Crossing* (New York: Oxford University Press, 2004), 375.

19. Ibid., 379.

20. Numerous historical studies have highlighted the role racism has played in creating exceptions to this rule. See, for example, Wayne E. Lee's essay, "From Gentility to Atrocity: The Continental Army's Way of War," which contrasts the restraint shown by the Continental Army when fighting the British Army versus its brutality when fighting the Iroquois in 1779.

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25. Department of the Navy Inspector General, "Review of Department of Defense Detention Operations and Detainee Interrogation Techniques," *The Office of the Secretary of Defense and Joint Staff Reading Room, Detainee Related Documents*, 7 March 2005, <www.dod.mil/pubs/foi/detainees/church_report_1.pdf> (10 February 2009), 80.

26. Ibid.

27. Donald P. Wright and Timothy R. Reese, *On Point II, Transition to the New Campaign: The United States Army in Operation Iraqi Freedom, May 2003–January 2005* (Fort Leavenworth, KS: Combat Studies Institute Press, 2008), 207.

28. Department of the Navy Inspector General, "Review," 6-7.

29. Ibid., 297. According to news reports, these homicide cases involved two detainees being tethered to ceilings and beaten over the course of several days.

30. Ibid.

31. CJTF-7 Headquarters, "Interrogation and Counter-Resistance Policy Memorandum, September 14, 2003," *American Civil Liberties Union: Torture FOIA*, <www.aclu.org/FilesPDFs/september%20sanchez%20memo.pdf> (2 November 2008), 4-5.

32. The U.S. military's Survival, Escape, Resistance, and Evasion (SERE) schools are designed to teach U.S. military personnel, most commonly pilots and special operations personnel, how to survive interrogations conducted by an enemy who is not bound by the Geneva Conventions. Specifically, the interrogation techniques used at these schools derive from methods used by the Chinese Communist Army during the Korean War to extract false confessions from prisoners for their propaganda value. The "Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody," posted on Senator Carl Levin's website, is perhaps the best open-source account of the migration of enhanced interrogation techniques to Gitmo and Afghanistan, and from these theaters, to Iraq.

33. CJTF-7 Headquarters, "Interrogation and Counter-Resistance Policy Memo-

randum, September 14, 2003," 4-5. For "False Flag," an interrogator pretended to be from another country. "Stress Positions" were defined as the use "of physical postures (sitting, standing, kneeling, prone, etc.)."

34. Ibid.

35. James R. Schlesinger, Harold Brown, Tillie K. Fowler, and General Charles A. Horner, "Final Report of the Independent Panel to Review DOD Detention Operations, August 23, 2004," *United States Department of Defense Detainees Investigation*, <www.defenselink.mil/news/Aug2004/d20040824finalreport.pdf> (2 November 2008), 10.

36. Fay, AR 15-6 *Investigation*, 92.

37. Captain Carolyn Wood, "Sworn Statement of CPT, 519th MI BN; Annex to Fay/Jones/Kern Report," American Civil Liberties Union: Torture FOIA, 21 May 2004, <www.aclu.org/files/projects/foiasearch/pdf/DOD000598.pdf> (10 January 2009), 7. See MG Fay's investigation for COL Pappas' belief that he could approve "use of military working dogs" (Fay, 83). Sanchez has denied delegating this approval authority to Pappas.

38. CJTF-7 Headquarters, "Interrogation and Counter-Resistance Policy Memorandum, October 12, 2003," *American Civil Liberties Union: Torture FOIA*, <www.aclu.org/FilesPDFs/october%20sanchez%20memo.pdf> (12 December 2008), 1.

39. Fay, "AR 15-6 Investigation," 87-88.

40. Ibid., 7; Jones, "AR 15-6 Investigation," 12.

41. Fay, "AR 15-6 Investigation," 7, 64.

42. International Committee of the Red Cross, "Report of the International Committee of the Red Cross," 13.

43. Ibid.

44. See, for example, MG Fay's comment that, "The use of clothing as an incentive (nudity) is significant in that it likely contributed to an escalating 'de-humanization' of the detainees and set the stage for additional and more severe abuses to occur." (Fay, 10).

45. Ahmed S. Hashim, *Insurgency and Counter-Insurgency in Iraq* (Ithaca: Cornell University Press, 2006), 144.

46. Fareed Zakaria, "Pssst. . . Nobody Loves a Torturer," *Newsweek*, 14 November 2005, <www.fareedzakaria.com/ARTICLES/newsweek/111405.html> (11 April 2009).

47. International Committee of the Red Cross, "Report of the International Committee of the Red Cross," 6.

48. Ibid., 7.

49. Ibid.

50. "United States of America, Article 32 Hearing: United States v. CW2 Wiliams, SFC Sommer and SPC Loper," *Washington Post*, 2 December 2004, <www.washingtonpost.com/wp-srv/nation/documents/mowhoush_court_document.pdf> (21 March 2009), 20, 33.

51.International Committee of the Red Cross, "Report of the International Committee of the Red Cross," 7.

52. United States Army Criminal Investigation Command, "CID Report of Investigation—Final (C)/SSI –0177-04-CID259-80266/5C2B/5Y2E/5X1," *American* Civil Liberties Union: Torture FOIA, 3 August 2004, <www.aclu.org/files/projects/foiasearch/pdf/DODDOACID004133.pdf> (22 March 2009), 1-2. Inexplicably, in his search for the detainees and unit in question, the investigating agent did not even interview any Soldiers responsible for detention operations at the Al Habbiniyah airfield during the time period of the alleged abuse.

53. Ibid., 12.

54. Human Rights Watch, 25-26. 55. Ibid., 26-30.

56. Ibid.

57. Ibid., 26.

58. Steven G. Bradbury, *Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency*, 10 May 2005, <http://luxmedia.vo.llnwd.net/o10/clients/aclu/olc_05102005_bradbury_20pg.pdf> (21 August 2009), 33.

59. The 3ACR operated out of the Al Asad Air Field from September 2003 to March 2004 (United States of America, "Article 32 Hearing," 19). "Operation Rifles Blitz" was a two-week cordon-and-search operation that took place at the end of November 2003 in the Al Qaim area (United States of America, "Article 32 Hearing," 21).

60. United States of America, "Article 32 Hearing," 33.

61. Ibid.

62. 4th Infantry Division Headquarters, "AR 15-6 Investigation," 54.

63. United States of America, "Article 32 Hearing," 99.

64. Josh White, "Documents Tell of Brutal Improvisation by GIs," *Washington Post*, 3 August 2005, < www.washingtonpost.com/wp-dyn/content/article/2005/08/02/AR2005080201941.html> (22 March, 2009).

65. Human Rights Watch, "No Blood, No Foul," 37.

66. Ibid., 36-37.

67. Mike Moffeit, *Brutal Interrogation in Iraq*, 19 May 2004, <www.denverpost.com/search/ci_0002157003> (24 August 2009).

68. Ibid.

69. Ibid.

70. Ibid.

71. Ibid.

72. Douglas Jehl, "Pentagon Will Not Try 17 G.I.'s Implicated in Prisoners' Deaths," 26 March 2005, <www.nytimes.com/2005/03/26/politics/26abuse.html?_r=1> (24 August 2009).

73. "Final Autopsy Report," *American Civil Liberties Union: Torture FOIA*, <www.aclu.org/torturefoia/released/041905/m001_203.pdf> (22 August 2009), 108.

74. United States Army Criminal Investigation Command, "Army Criminal Investigators Outline 27 Confirmed or Suspected Detainee Homicides for Operation Iraqi Freedom, Operation Enduring Freedom," United States Army Criminal Investigation Command, <www.globalsecurity.org/military/library/news/2005/03/cid_oif-oef_homicides_25mar2005.pdf> (23 August 2009) 7.

75. Ibid.

76. Ibid.

77. Lewis Welshofer, "Memorandum for Commander 82d ABN DIV," *American Torture*, 11 February 2004, <www.americantorture.com/ documents/iraq/10.pdf> (20 March 2009), 2.

78. Ibid.

79. Ibid.

80. Marc Kusnetz, "Torture on Trial—HRF Observes Court Martial of Army Officer Accused in Death of Iraqi Major General," *Human Rights First*, January 13-17, 2006, http://www.humanrightsfirst.org/us_law/etn/trial/welshofer-011706.asp (March 20, 2009). This testimony is at the "In Their Own Words" hyperlink. Also, Steven G. Bradbury, *Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency*, 30 May 2005, 15. During Welshofer's court martial, this warrant officer testified under oath, "We basically held him [Mowhoush] down on his back and poured water on his face." The CIA memorandum cited here says that when waterboarded, "the detainee is placed face-up on a gurney with his head inclined downward" and "a cloth is placed over his face on which cold water is then poured for periods of at most 40 seconds." Other than the use of a cloth specified in the SERE-derived CIA technique, there is no apparent difference between the tactic employed here by Welshofer on Mowhoush and the CIA technique known as waterboarding.

81. Kusnetz, at "In Their Own Words" hyperlink.

82. Ibid.

83. Ibid.

84. Ibid. At "Case Closed?" hyperlink.

85. International Committee of the Red Cross, "Report of the International Committee of the Red Cross," 7.

86. 4ID Staff Judge Advocate, "Documents provided by the 4th Infantry Division SJA," *American Civil Liberties Union: Torture FOIA*, 12 May 2004, <www.aclu.org/files/projects/foiasearch/pdf/DOD043552.pdf> (22 March 2009), 2. Of note here is that "isolation" is an enhanced interrogation technique.

87. Ibid.

88. Unidentified Investigating Officer, "Memo for Record—Evidence," *American Civil Liberties Union: Torture FOIA*, 4 February 2004, <www.aclu.org/files/projects/foiasearch/pdf/DOD043571.pdf> (accessed 22 March 2009), 1.

89. 4th Infantry Division Headquarters, "AR 15-6 Investigation," 43.

90. Ibid., 74.

91. Ibid., 73-74.

92. Ibid., 26, 73-74.

93. Ibid., 56.

94. Ibid., 46-47.

95. Ibid., 47, 62.

96. MG Raymond Odierno, "Treatment of Detainees in the Custody of U.S. Forces," *American Civil Liberties Union: Torture FOIA*, 21 September 2003, <www.aclu.org/files/projects/foiasearch/pdf/DOD043596.pdf> (22 March 2009), 1-2.

97. 4th Infantry Division Headquarters, "AR 15-6 Investigation," 48.

98. Ibid., 49.

99. Ibid., 24.

100. Ibid., 28.

101. Ibid. This practice violates Common Article 3 of the 1949 Geneva Conventions, an article the U.S. Supreme Court has since upheld as applying even to "unlawful combatants." For alleged use of this technique by 4ID units, see Ricks, 236, 256, 260, 283, 357.

102. Ibid.

103. Department of the Navy Inspector General, "Review," 299-300.

104. Estes, *US Army Soldier Baghdad 2003-04*, 32.

105. Ibid., 22.

106. Ibid.

107. Ibid. 1AD's deployment was extended in Iraq for Operation Iron Saber, April to July 2003.

108. LTC Laurence Mixon, "501st MI Battalion Command Philosophy," 1 July 2003.

109. MAJ Douglas A. Pryer, "Interview with LTC Nathan Hoepner," *Operational Leadership Experiences in the Global War on Terrorism*, 19 December 2008, <cgsc.cdmhost.com/cdm4/item_viewer.php?CISOROOT=/p4013coll13&CISOPTR=1441&CISOBOX=1&REC=6> (24 March 2009), 11, 17.

110. Ibid., 16, 18.

111. Ibid., 16; 501st MP Platoon Leader, "Collection Point & Internment Facility Interview Questions," *American Civil Liberties Union: Torture FOIA*, 23 March 2004, <www.aclu.org/files/projects/foiasearch/pdf/DOD018576.pdf> (23 March 2009), 17.

112. LTC Nathan Hoepner, *Email to Major Douglas A. Pryer: Re: Interview!* 25 March 2009.

113. LTC Nathan Hoepner, *Email to Major Douglas A. Pryer: Re: Interview!* 28 March 2009.

114. Department of the Navy Inspector General, "Review," 60.

115. Pryer, "Interview with LTC Nathan Hoepner," 10-11.

116. Although the TF 1AD did not employ enhanced interrogation techniques, guards and/or interrogators at a few TF 1AD facilities temporarily allowed the use of light "stress positions" as a means of controlling unruly detainees (not to coerce intelligence from detainees). At the time, MP but not MI doctrine specifically prohibited this practice. MI doctrine now clearly prohibits this practice as well.

117. MAJ Douglas A. Pryer, "Interview with CW3 John Groceclose," *Operational Leadership Experiences in the Global War on Terrorism*, 7 January 2009, <cgsc.cdmhost.com/cgi-bin/showfile.exe?CISOROOT=/p4013coll13&CISOPTR=1429&filename=1431.pdf#search=%22Pryer%22> (25 March 2009), 12.

118. MAJ Douglas A. Pryer, "Interview with CW3 Kenneth Kilbourne," Operational Leadership Experiences in the Global War on Terrorism, 21 December 2008, <cgsc.cdmhost.com/cdm4/item_ viewer.php?CISOROOT=/p4013coll13&CISOPTR=1440&CISOBOX=1&REC=2> (31 March 2009), 7.

119. Pryer, "Interview with CW3 John Groseclose," 2, 11.

120. Ibid., 13.

121. Pryer, "Interview with LTC Nathan Hoepner," 11.

122. 1AD Headquarters, "FRAGO 383A [General Order—Civilian or Detainee Maltreatment] to OPORD 03-215 (Iron Stability)," *American Civil Liberties Union: Torture FOIA*, 21 July 2003, <www.aclu.org/files/projects/foiasearch/pdf/DODDOA027333.pdf> (4 March 2009), 58-60.

123. Ibid.

124. Mansoor, 178-79.

125. Department of the Navy Inspector General, "Review," 298-302. The Church Report identifies five substantiated cases of interrogation abuse by Soldiers (not school-trained interrogators) of TF 1AD. Two of these cases occurred at the point of capture; three occurred in temporary holding facilities.

126. Pryer, "Interview with LTC Nathan Hoepner,"11.

127. U.S. Army Field Manual 34-52, *Intelligence Interrogation* (Washington, DC: U.S. Government Printing Office, September 1992), 1-8.

128. Matthew Alexander and John R. Bruning, *How to Break a Terrorist: The U.S. Interrogators Who Used Brains, Not Brutality, To Take Down the Deadliest Man in Iraq* (New York: Free Press, 2008).

129. Schlesinger, Brown, Fowler, and Horner, Appendix H, 1-4.

130. Ibid., Appendix H, 3-4.

131. Ibid., Appendix H, 4.

132. International Committee of the Red Cross, "Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva," *International Humanitarian Law—Treaties & Documents, 12 August 1949*, <www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6756482d86146898c125641e004aa3c5> (25 March 2009). The U.S. Supreme Court held that Common Article 3 applies even to unlawul combatants in its 29 June 2006 decision, "Hamdan vs. Rumsfeld."

133. Army interrogation doctrine and regulations are binding for all military services.

134. Department of the Navy Inspector General, "Review," 294-302. Of 16 substantiated cases of interrogation abuse in Iraq that had been closed as of 30 September 2004, only six cases involved trained interrogators.

135. LTC Russell Godsil, *Email to Major Douglas A. Pryer: Re: Re: Interview!* 19 February 2009. According to LTC Godsil, the recently redeployed Deputy G-2 for the 1AD, one HUMINT Battalion supported theater-wide HUMINT operations, thus leaving few HUMINT Collection Teams to support divisions. This is little different from the situation during OIF I.

136. Ibid. Of most concern, while the typical maneuver brigade was assigned two HUMINT warrant officers for seven-man HUMINT sections during OIF I, only one HUMINT warrant officer typically manages much larger 16-man sections within the Special Troops Battalions of such brigades today.

Reconnecting With Our Roots
Reflections on the Army's Ethic

Lieutenant General Robert L. Caslen, Jr., U.S. Army
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PHOTO: U.S. Army Sgt. Robert Newman, Bravo Company, 1st Battalion, 4th Infantry Regiment, watches the sunrise after a dismounted patrol mission near Forward Operating Base Baylough, Zabul, Afghanistan, 19 March 2009. (U.S. Army photo by SSG Adam Mancini)

O N 7 JUNE 2010, Operation Enduring Freedom surpassed the Vietnam War as the longest war in American history.[1] The last nine years of persistent conflict forced an unprecedented operational and cognitive adaptation on our Army in which we experienced both successes and setbacks. Yet, despite monumental demands and stresses, repeated separations, and hardships, our Army's Soldiers and Families demonstrated both adaptability and resilience.

In light of all of our collective experiences, we have to ask ourselves if we are a better Army today than we were nine years ago. Now is as good a time as any to reflect on the war's influence on the Profession of Arms. Through this reflection, we hope to emerge with a renewed emphasis on and internalization of the Army Professional Ethic, to preserve its professional character, to improve the ethical decision making and actions of our leaders and our Soldiers, and to maintain legitimacy and trust in the eyes of the society we serve. Doing so ensures we will remain a professional military force striving for unmatched capability, character, and values in the future.[2]

The Army enjoys a strong ethical tradition, but as General Casey recently noted, "if you walked around the Army [today] and asked people what the Professional Military Ethic is, you would likely get a number of different answers" because a singular guiding professional ethic does not exist.[3] While the lack of an articulated ethic has not prevented us from living up to the moral expectations incumbent upon military professionals in the past, the moral ambiguity in today's prevailing complex operating environment is likely to persist well into the future.[4] Therefore, we should reconnect with our roots today so as not to run adrift in the future.

Articulating the Army's Ethic

General Charles Krulak's "strategic corporal" concept guided the last nine years of conflict and will continue to do so for the foreseeable future.[5] Specifically, our Army will continue to see junior leaders, and even Soldiers, making strategic-level decisions or taking actions that have strategic ramifications. Broad area security mission sets and decentralized operations characterize counterinsurgency operating environments with small unit leaders making life and death decisions daily.

Soldiers, led in some cases by junior leaders with as few as 12 months of service, have significant independent decision making latitude with little more than their own situational understanding, their grasp of their commanders' intent, and a limited list of rules of engagement.[6] Operational and strategic success often depends on the value of decisions they make.[7] In light of these circumstances, the Army as an institution needs to reflect on its organizational identity and the way it inculcates that identity.

The Army is part of a body of military professionals, the Profession of Arms, that serve this Nation.[8] As Colonel Sean Hannah of the Center for the Army Profession and Ethic, has said, "to be professional is to understand, embrace, and competently practice the specific ethos and expertise of the profession and to [abide by] the profession's standards."[9] The American Profession of Arms is a vocation comprised of experts certified in the ethical application of land combat power, serving under civilian authority, entrusted to defend the Constitution and the rights and interests of the American people. We therefore define the Army's Ethic as *the collection of values, beliefs, ideals, principles and other moral-ethical knowledge held by the Profession of Arms and embedded in its culture that inspires and regulates ethical individual and organizational behavior in the application of land combat power in defense of and service to the Nation.*[10]

Relevant Concerns for Reconnecting With Our Roots

Using those two definitions as benchmarks, operations over the last decade demonstrate that the majority of our force acts consistent with our espoused cultural values "time and time again under intense pressure."[11] However, a number of recent high-profile events and emerging trends, if left unchecked, may jeopardize our future professional status in the eyes of the society we serve.

> *…the Army as an institution needs to reflect on its organizational identity and the way it inculcates that identity.*

Operational moral failures. The Army still labors under the cloud of actions like those that occurred at Abu Ghraib Detention Facility in 2003. From a moral perspective, such actions do not accord with objective traditions of right behavior, and they are corrosive to the integrity of the Army, the Nation, and the civilized world. In war, legitimate violence and killing occurs under carefully circumscribed moral norms. Violation of those norms is anathema to professional Soldiers.

Mental Health Advisory Team (MHAT) reports from Operation Iraqi Freedom show a disturbing trend. The 2006 MHAT IV report notes that only "47 percent of the Soldiers and 38 percent of the Marines [surveyed] agreed that non-combatants should be treated with dignity and respect . . . Well over one third reported that torture should be allowed to save the life of a fellow Soldier or Marine. And less than half would report a team member for unethical behavior."[12] Further, only 71 percent of Soldiers and 67 percent of Marines stated that "NCOs and Officers in [their] unit made it clear not to mistreat non-combatants" and only 25 percent were willing to risk their own safety to help a noncombatant in danger.[13]

The 2008 MHAT V report did not specifically report statistics regarding battlefield ethics, but it did state that Soldiers expressed disdain regarding rules of engagement application and skepticism about pre-deployment ethics training effectiveness. One Soldier's remarks seem indicative of many: "A 30-minute [ethics] class won't change my opinion."[14] Clearly, the survey responses indicate a negative attitude toward indigenous noncombatants specifically and ethical battlefield conduct in general. Such attitudes reflect an ignorance and disrespect for professional moral obligations that define the profession. These attitudes are not consistent with the Army values and the international laws and conventions we are sworn to uphold by our oath.

From a practical perspective, the abusive tactics of Army interrogators and the beliefs expressed by Soldiers and Marines created a moral wedge between the Army, the Iraqi leaders, and the Iraqi people we vowed to protect. That wedge resulted in lost credibility, lost support, and eroded trust between the United States and other Arab nations. It also provoked Islamic moderates caught between supporting other moderates and giving tacit support to violent

extremists. It served as the impetus for many to join the "jihad" against American efforts.

Domestically, abuses like those at the prison or portrayed in the MHAT assessments caused the American people to question our Army's values and moral legitimacy. A handful of leaders and Soldiers failed our institution, and what is worse is that these Soldiers disrespected the moral traditions behind the laws of armed conflict.

Command climate and decentralized operations. The attacks on Combat Outpost (COP) Wanat, Afghanistan, on 13 July 2008, by a Taliban force of over 200 fighters resulted in the deaths of nine U.S. Soldiers. A similar attack on COP Keating occurred on 3 October 2009, killing eight Soldiers. These firefights demonstrate the high operational risk posed to decentralized operations that small units prosecute in the counterinsurgency (COIN) fight. The operational environment certainly requires these dispersed operations. However, we must be careful that we do not inadvertently decentralize the risk along with the operations.

The professional ethic under review here does not necessarily concern risk decentralization and where

to mitigate it. Rather, the reflection needed centers on establishing a multi-echelon *command climate* that enables a frank discussion between senior and subordinate commanders to occur. As leaders, we have an inherent responsibility to set the proper conditions to allow an open and honest dialogue between senior and subordinate to discuss risk and how to mitigate it.

Risk mitigation does not mean becoming risk averse. On the contrary, such action runs counter to our professional obligation for mission accomplishment.[15] Disregard of Soldiers' lives in the pursuit of mission accomplishment is equally morally corrupt. While such disregard did not occur during either of the battles mentioned above, the inherent nature of the Profession of Arms recognizes that "in war, battle is the mechanism by which we defeat the enemy. In battle, casualties are inevitable."[16]

Civilian authority of the military. The disparaging remarks about civilian leaders and policy makers attributed to General McChrystal and members of his staff published in *Rolling Stone* magazine spotlight one of the core tenets defining the Profession of Arms and the Army Ethic: the profession serves its society.[17]

Defense Secretary Robert M. Gates awards the Distinguished Service Medal to GEN Stanley McChrystal with his wife Annie as he is honored at his retirement ceremony at Fort McNair in Washington, DC, 23 July 2010.

As professionals, we take an oath to support and defend the Constitution, which clearly establishes civilian authority over the military. We take an oath to support and defend a set of moral beliefs, political ideals, and specific laws and rights. The founding fathers recognized the need for a standing army to defend their newly won freedom from outside powers and internal ambitions. To avoid the dishonorable historical pattern of military takeovers, they dispersed power over the Army between the Executive and Legislative branches of government.[18] If society perceives a breach of this principle, the military loses societal trust and popular support.

Maintaining popular support is not unique to the American 20th- and 21st-century experience. Mid-19th century Prussian military theorist Carl von Clausewitz highlights that the population's passion is directly related to the political decision to remain engaged in a protracted conflict: "as the [people's] incentive fades away [over time], the active element gradually becomes passive. Less and less happens… and the half-hearted war does not become a real war [to achieve a political objective] at all."[19] Once people perceive "that the expenditure of effort exceeds the value of the political object, the object must be renounced and peace must follow."[20]

Released in July 2010, the Afghanistan war documentary *Restrepo* offers a modern example on how a population's resolve can weaken. Soldiers from 2d Platoon, B Company, 2-503 INF (ABN), 173d BCT, created Outpost (OP) Restrepo overnight to extend the company's firepower up a ridgeline in Kunar Province's Korengal valley.[21] Those familiar with and understanding COIN doctrine recognize the importance of the platoon's position. Yet despite the Soldiers' daily heroic, disciplined behavior, the film leads viewers to question B Company's mission, why their leaders put the unit there in the first place, and if the effort was worth it. When a popular documentary produces such influence on American

> *We take an oath to support- and defend a set of moral beliefs, political ideals, and specific laws and rights.*

public opinion and support, as professionals we should examine its effects on the Profession of Arms and to the trust relationship we have with our client, the American people. We only have to look back 40 years to America's last protracted conflict to see the impact a breach of trust has on the social trustee civil–military relationship.

Media relations. The *Rolling Stone* article highlights another area directly related to maintaining trust between the military and the society it serves. While "strained at best" is a conservative description of the media-military relationship since the 1968 Tet Offensive, at times it could also be characterized as "openly hostile." Such a relationship breeds a feeling of mistrust, not only between the media and the military, but also among the American people, the U.S. government, and the military.

Information proliferation increasingly characterizes 21st-century military operations.[22] Our adversaries easily compete with us in the information domain, but the realm is more than merely another battleground. It provides us an avenue to promote transparency to the American public regarding operations and intentions. If the Army acts in good faith, the information domain can promote trust between it and the rest of the world. However, that opportunity only occurs if we maintain an open and honest relationship. Negative fallout based upon skewed perceptions from the *Rolling Stone* article has the potential to reverse significant progress made in media-military relations over the last decade.[23] Nevertheless, the Army has an obligation to work openly and in good faith with the media. The existence of a free press represents an aspect of the Constitutional guarantees and values we are charged to protect.

Education and leader development. Leader development is also a matter worthy of reflection. Trends indicate that today fewer leaders opt for developmental experiences outside the operational domain. While operational demands rightfully have priority, increasingly leaders forgo professional educational opportunities believing that operational assignments provide the best benefit to their development and career advancement.[24] As such, they lack the time or the education needed to make sense of their experiences. The current trend is disturbing because *not* pursuing broadening educational opportunities leads to a proportionately less reflective and less mentally agile leadership corps, one that's ill

A Soldier reacts to an attack during the Warrior Tasks and Battle Drills, part of the Department of the Army Best Warrior Competition held 28 September - 2 October 2009 at Fort Lee, VA.

suited for handling the complex and novel problems of unforeseen contingencies. To paraphrase Frederick the Great's chiding of his own officer corps, a mule after twenty campaigns is no better tactician for all that experience.[25] For the best moral outcomes, we need educated, imaginative, well-developed leaders.

Implications for the Army Ethic

As an Army, a failure in education and leader development means we will lose the "bench" of leaders we will need after our current operations conclude. While today's Army arguably has more collective operational experience than at any other time in history, that experience only encompasses a partial component of the Army's need for expertise across the full operational spectrum.

Further, we must recognize that education prepares leaders not just for today's fight, but for tomorrow's, which may have a very different character. *Education* entails a learning process focused on gaining knowledge, intellectual skill, and cognitive development. *Training* involves physical action and demonstration of acquired skills in varied situations.[26] *Development* entails

human transformation that must occur as part of a leader's overall growth. Development also includes changes in identity, values, resilience, and—significantly, for this discussion—ethical outlook.[27] These changes occur simultaneously with the growth of expertise.

Lieutenant General Caslen recalls a particular experience:

I recall assuming responsibilities as an Infantry platoon leader 34 years ago in a unit that returned from Vietnam just 18 months or so earlier. At the time, we had two noncommissioned officers (NCOs) in my platoon, my sergeant first class platoon sergeant and an E-5 sergeant. After leading the platoon for about six weeks, my platoon sergeant was arrested and court-martialed, leaving me with only one other recognized legitimate leader to fall back on. We made our E-4 specialist squad leaders acting corporals to provide some positional legitimacy and authority (as junior NCOs). However, based on our limited experience, we all lacked requisite expertise.[28]

Such was the condition of our NCO corps after Vietnam, our last protracted conflict. The profession as a whole suffered too, as Don Snider notes, "from an evident malaise, particularly within the officer corps."[29] From an ethical perspective, the Army hit rock bottom.

Today we find our NCOs serving admirably. These remarkable first-line leaders are as technically and tactically competent as ever before. Our ranks are filled to 100 percent strength, while we re-enlist our Soldiers to meet 100 percent of our mission before the year is over, and our accessions remain at 100 percent. However, given all the positive trends in the NCO corps in the last 40 years, the realities of continued operational commitments and a force generation cycle that rotates leaders out at the end of a deployment (rather than throughout), leave inexperienced junior leaders responsible to rebuild the unit during the next reset phase. During this critical period great units lay the foundation of a command climate grounded on the Army Ethic that serves as a moral baseline for actions and decision making in combat.

One could easily discount the information presented in this paper as outliers, anomalies given the size and activities our Army successfully, morally, and ethically completes each day. One could also overreact to the information presented and think that the dark days following the end of the Vietnam War are around the corner. The truth probably lies somewhere in between.

If we, as a force, intend to remain relevant in the second decade of the 21st century as the dominant land power, we must reconnect with our roots through a reemphasis on and internalization of the Army's Ethic to retain our professional character, improve ethically-based decision making and action among our leaders, and maintain legitimacy and trust in the eyes of the society we serve. This is what true professions periodically do if they are to self-regulate and continuously improve. Doing so ensures we will remain a professional military force striving for unmatched capability, character, and values in the years ahead.

In reconnecting with our roots, we should take the time over the next few months to reflect on what this war has meant to our Profession of Arms and to us as professional Soldiers. **MR**

NOTES

1. Rick Hampson, "Afghanistan: America's longest war," *USA Today*, 28 May 2010. On-line edition at: <http://www.usatoday.com/news/military/2010-05-27-longest-war-afghanistan_N.htm>, (28 July 2010). While the Vietnam Veterans Memorial in Washington, DC, records U.S. casualties between the years 1956 and 1975, the conflict is generally recognized as beginning with the passage of the Gulf of Tonkin Resolution on 7 August 1964 and continuing until the last U.S. troops withdrew in March 1973 for a total of 103 months. Operation Enduring Freedom began 7 October 2001; 7 June 2010 marks 104 months of combat operations.

2. Don M. Snider and Gayle L. Watkins, "Introduction," *The Future of the Army Profession,* ed. Lloyd J. Matthews (New York: McGraw-Hill Publishing, 2002), 9. Snider and Watkins note that armies in which members fail to promote and internalize a self-concept identifying themselves as "professionals" risk losing their jurisdictional status as a profession granted to them by society. Snider recently remarked, "you're not a profession just because you say you are a profession" as quoted by GEN Martin Dempsey, "GEN Dempsey Discusses the Army Profession, June 2010," interview (Fort Monroe, VA: U.S. Army Training and Doctrine Command (TRADOC), July 2010) available on-line at: https://forums.bcks.army.mil/secure/communitybrowser.aspx?id=1116385&lang=en-US> (28 July 2010).

3. GEN George W. Casey as quoted in Matthew Moten, *The Army Officers' Professional Ethic—Past, Present, and Future* (Carlisle, PA: Strategic Studies Institute, February 2010), 1.

4. For the Army's doctrinal view of the future operational environment see TRADOC PAM 525-3-0, *The Army Capstone Concept Operational Adaptability: Operating under Conditions of Uncertainty and Complexity in an Era of Persistent Conflict 2016-2028* (Fort Monroe, VA: TRADOC, 21 December 2009), 9-15.

5. Former Marine Corps Commandant GEN Charles Krulak first advocated the concept in his article, "The Strategic Corporal: Leadership in the Three Block War," *Marine Corps Gazette*, January 1999, 18-22.

6. Erik N. Anderson, "Closing the Discovery Learning Gap: A Leader Development Training Strategy for Company-Grade Officers for the Conduct of Stability and Reconstruction Operations" (monograph, United States Army Command and General Staff College [CGSC], School for Advanced Military Studies, Fort Leavenworth, KS, May 2006), 9.

7. Casey, "Advancing the Army Professional Military Ethic" *Joint Forces Quarterly* Issue 54 (3d Quarter 2009): 14.

8. The foundational scholarship related to the military as a profession is attributed to Samuel P. Huntington, *The Soldier and the State* (Cambridge, MA: Harvard University Press, 1957) and Morris Janowitz, *The Professional Soldier* (Glencoe, IL: Free Press, 1960). Since their initial work, much of the recent effort dedicated to

military professionalism can be attributed to Don M. Snider. Some of his work that contributed to the thoughts of this paper can be found at <http://www.strategicstudiesinstitute.army.mil/pubs/people.cfm?authorID=53>, and in two anthologies he and Gayle Watkins were project directors for, *The Future of the Army Profession,* ed. Lloyd J. Matthews (New York: McGraw-Hill Publishing, 2002), and the rev. and expanded 2d ed. (New York: McGraw-Hill Publishing, 2005). Specifically, professions exist within the context of a society performing a needed service on behalf of other societal members. To perform their required service, the profession generates and applies its expert knowledge in both routine and novel situations. Society grants its trust and a degree of autonomy to regulate professional activity based on the successful application of that expert knowledge. If the society at large approves of the profession's self-regulating behavior and demonstrated competence and character, they grant the profession legitimacy and greater levels of trust and autonomy.

9. COL Sean Hannah, "Information Paper on the Army Profession Campaign" Center for the Army Profession and Ethic (CAPE), U.S. Military Academy, West Point, NY, 30 July 2010.

10. COL Sean Hannah, et al, "Owning Our Army Ethic," *Military Review* Special Edition, September 2010, 3.

11. Casey, "Advancing the Army Professional Military Ethic," 14. Espoused values form the middle of three layers of organizational culture (artifacts and basic underlying assumptions forming the upper and lower layers respectively) as articulated by Edgar Schein, Society of Sloan Fellows Professor of Management Emeritus, Sloan School of Management, MIT. For more information on organizational culture see Edgar Schein, *Organizational Culture and Leadership*, 3d ed. (Boston: John Wiley & Sons, Inc., 2004).

12. These findings come from an OIF 05-07 study by Mental Health Advisory Teams who surveyed 1,320 Soldiers and 447 Marines. Assistant Secretary of Defense for Health Affairs, Dr. S. Ward Casscells (Pentagon, Washington, D.C.: Department of Defense News Briefing), 4 May 2007, transcript.

13. *Mental Health Advisory Team (MHAT) IV Operation Iraqi Freedom 05-07 Final Report* (Office of the Surgeon General, Multinational Force-Iraq and Office of the Surgeon General, U.S. Army Medical Command, 17 November 2006), 34-41.

14. *Mental Health Advisory Team (MHAT) V Operation Iraqi Freedom 06-08* (Office of the Surgeon General, Multinational Force-Iraq and Office of the Surgeon General, U.S. Army Medical Command, 14 February 2008), 63-64.

15. For a deeper discussion regarding risk aversion as a threat to the Army's professional ethos see Don M. Snider, John A. Nagl, and Tony Pfaff, *Army Professionalism, the Military Ethic, and Officership in the 21st Century* (Carlisle, PA: U.S. Army War College Press, December 1999).

16. GEN Charles C. Campbell, "Army Action on the Re-Investigation into the Combat Action at Wanat Village, Wygal District, Nuristan Province, Afghanistan on 13 July 2008" (memorandum for Secretary of the Army John M. McHugh, Department of the Army, Headquarters, U.S. Army Forces Command, 13 May 2010), 15.

17. Michael Hastings, "The Runaway General," *Rolling Stone Magazine,* vol 1108/1109, 8-22 July 2010, available at <http://www.rollingstone.com/politics/news/17390/119236> (28 July 2010).

18. For further information regarding the framers intent and concerns regarding civilian authority over the military see Alexander Hamilton, "Federalist No. 28," and James Madison, "Federalist No. 41" in Alexander Hamilton, John Jay, and James Madison, *The Federalist: A Commentary on the Constitution of the United States,* ed. Robert Scigliano (New York: Random House, 2002, Modern Library Paperback Edition, 2001), 168-73, 255-65.

19. He further notes, "It would be an obvious fallacy to imagine war between civilized people as resulting merely from a rational act on the part of their governments and to conceive of war as gradually ridding itself of passion . . . If war is an act of force, the emotions cannot fail to be involved. War may not spring from them, but they will still affect it to some degree, and the extent to which they do so will depend . . . on how important the conflicting interests are and on how long the conflict lasts." Carl von Clausewitz, *On War,* ed and trans by Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), 218, 76.

20. The principle here is that one opponent strives to make the expenditure of effort through attrition not worth the potential gain whereby the "duration of the war [brings] about a gradual exhaustion of [the people's] physical and moral resistance." Clausewitz, 92-93.

21. Filmmakers Tim Hetherington and Sebastian Junger record the experiences of 2/B/2-503 IN (ABN), 173d BCT in National Geographic's documentary *Restrepo* winner of best documentary at this year's Sundance Film Festival. OP Restrepo is named after PFC Juan Restrepo, a 20-year old combat medic killed shortly after the unit arrived to the valley in the spring of 2007. During their 15-month deployment, the unit engaged in more than 500 fire fights. More information regarding this film can be found at <http://www.restrepothemovie.com/#/home> (4 Aug 2010).

22. GEN Martin Dempsey, "GEN Dempsey Discusses the Army Profession, June 2010," interview (TRADOC, July 2010) available at <https://forums.bcks.army.mil/secure/communitybrowser.aspx?id=1116385&lang=en-US> (28 July 2010).

23. The denial of embed privileges to *Rolling Stone* reporter Michael Hastings on 4 August 2010 could be an early indication of fallout. "The unit decided they didn't feel the trust necessary for an embed." CNN, "*Rolling Stone* reporter denied embed after McChrystal piece," 4 August 2010, available at <http://www.cnn.com/2010/US/08/04/rolling.stone.reporter.embed.denied/?hpt=Sbin> (6 August 2010).

24. U.S. Army, Center for Army Leadership (CAL), *Annual Survey of Army Leadership: Army Education* (Fort Leavenworth, KS: CAL, 2010), 2; CAL, "Intermediate Level Education (ILE) Backlog Information Paper," 30 July 2010; and RAND Corporation, *Leader Development in Army Units* (Santa Monica, CA: RAND Corporation, 2008), 23-29.

25. *Frederick the Great on the Art of War*, ed. and trans. Jay Luvaas (New York: Da Capo Press, 1999), 47.

26. Erik N. Anderson, "Closing the Discovery Learning Gap, 15.

27. LTC Joe Doty and MAJ Walter Sowden, "Competency vs. Character? It Must Be Both!" *Military Review* (November-December 2009): 69-76.

28. For a more detailed explanation of a leader's sources of power and their importance, see John R.P. French and Bertram Raven, "The Bases of Social Power," ed. Dorwin Cartwright, *Studies in Social Power* (Ann Arbor, MI: University of Michigan Press, 1959).

29. Don M. Snider, "An Uninformed Debate on Military Culture," *America the Vulnerable: Our Military Problems and How to Fix Them* (Philadelphia, PA: Foreign Policy Research Institute, July 1998), 127.

Tech. Sgt. Francisco V. Govea II, U.S. Air Force

A U.S. Soldier walks to a joint district community center after securing combat outpost Rajankala in the Kandahar province of Afghanistan, 26 November 2009.
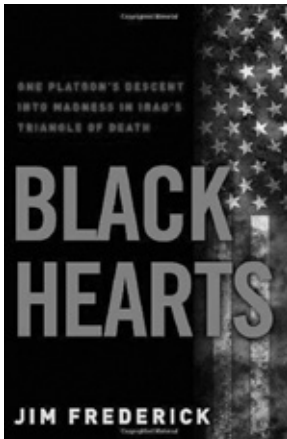
Black Hearts:
A Study in Leadership

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AT THE VORTEX of Jim Frederick's *Black Hearts: One Platoon's Decent into Madness in Iraq's Triangle of Death* (Harmony Books, New York, 2009) is a gripping account of a single incident involving some of the most despicable actions by U.S. Soldiers since the My Lai Massacre in Vietnam. On 12 March 2006, four members of 1st Platoon, Bravo Company, 1st Battalion, 502d Infantry, 101st Airmobile Division, planned and committed the brutal rape and murder of a 14-year-old Iraqi girl and the cold-blooded execution and mutilation of her and her family, to include her 6-year-old sister. After cover-up by the four perpetrators and at least one member of their chain of command for several months, a private first class from the platoon overheard an off-hand remark implicating one of the perpetrators and reported his suspicions to his chain of command. Subsequently, all four of the men were charged and convicted.

While a single horrendous event is at the core of Frederick's narrative, *Black Hearts* is more than just a thorough, detailed, well-researched, journalistic investigation into the criminal actions of a few men. *Black Hearts* is a study in leadership—mostly bad leadership. Against a documented background of grueling combat conditions, which places the effects of leadership—both good and bad—into vivid relief, Frederick acts for us as Dante's Virgil, only instead of a descent into Hell proper, he takes us into the Triangle of Death, where we watch as the effects of a pattern of poor leadership behavior and irresponsible decisions compound over time, and we cringe as the battalion and its Soldiers are dragged into a dark, valueless abyss.

Admittedly, the conditions were appalling: During its year-long deployment to Iraq, elements of the 1st Battalion, 502d Infantry (1-502) got hit by or disarmed approximately 900 roadside bombs and were shelled, mortared, or received small arms fire almost every day. Twenty-one Soldiers from the battalion were killed during this period, and nine of them came from 1st Platoon, Bravo Company. Of the 135 Soldiers in Bravo, 51 of them did not complete the year-long deployment because they were either

killed, wounded, or transferred. The battalion did not have sufficient strength to accomplish its mission, so in addition to being attacked regularly, they were relentlessly overworked and exhausted. Forty percent of the battalion were treated for mental or emotional anxiety while in country.

Appropriately, Frederick begins his research "from the bottom up." He conducts extensive interviews with the members of the platoon, company, and battalion, and without adding his own evaluative commentary, allowing these Soldiers to report actions, outcomes, and feelings in their own words. Using careful, even-handed reporting, to include verbatim quotations, Frederick chronicles how the actions of leaders at all levels—from the Department of Defense, to the Coalition Provisional Authority, through the division and brigade, and on down to the battalion—contributed to the organizational climate that allowed this crime and the subsequent cover-up to occur.

Black Hearts is, in the final analysis, a profoundly chilling study of military leadership gone bad, and bad leadership in combat makes for a disaster. As a journalist, Frederick does not make recommendations regarding effective and ineffective leadership behaviors, but rather describes the behaviors of various leaders, and then, through interviews, provides reports from the mouths of subordinates on the impact various actions had on morale, unit cohesion, and mission accomplishment. Frederick's commitment to detail and organization are brilliant, allowing the perceptive reader to share the frustration and hardship that members of this unit experienced in a climate of dysfunctional leadership. *Black Hearts* invites its readers to spend long frightening nights on undermanned and isolated guard posts and to accompany squads on patrols looking for roadside bombs during the most dangerous period of the Iraqi occupation. We, as readers, are invited not only to empathize with members of the 1-502, but to vicariously experience the exhaustion, the frustration, the sense of abandonment, the anger, the rebellion, and occasionally, the palpable fear that members of the battalion experienced daily for a year.

Frederick's narrative provides numerous detailed examples of poor leadership behaviors that eroded morale and unit cohesion, and it is useful to look at a couple of them here. The commander of the 1-502 is a central figure in *Black Hearts*, and it is incontrovertible that his behavior was especially dysfunctional. Leaders who refuse to listen to suggestions from their subordinates unhinge any hope of unit cohesion. Even if the commander's selected courses of action are always the best ones—which is a preposterous supposition—the arrogance of not listening to team members denigrates them. Leader arrogance is the mortal enemy of unit cohesion, and the disenchantment of subordinates can sometimes do more to destroy a unit than enemy weapons. In this case, the battalion commander did not simply refuse to listen to his company commanders or senior noncommissioned officers, but he berated, abused, and publicly ridiculed them whenever they spoke up. His actions completely destroyed any notion of team.

Unlike in mathematics or engineering, in the domain of social discourse, processes are often more important than the content they embody. Good leaders recognize that the methodology by which decisions are reached can often be more important than the decisions themselves. This does not imply leading democratically or by vote, or that a commander must in any way abrogate his or her authority in order to lead well. The process I refer to from the previous example involves encouraging dialogue and making subordinates know that their ideas were listened to and considered, regardless of whether they become part of the final decision or not. In the end, commanders must still choose the course of action they believe to be best in terms of mission and personnel. When a commander makes a final decision following an inclusive leadership process, subordinates feel respected and important, regardless of which decision the commander chooses. It is crucial that our military leaders understand leadership as a social skill, rather than a logical or mathematical-based, decision making one. In Frederick's study, we see subordinates regularly

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demeaned, denigrated, alienated, and ignored for making suggestions. Respect is *always* a two-way street, and the person responsible for directing traffic is the leader. In this case, the battalion commander did not respect his subordinates and was reviled in return.

On another occasion, following the deaths of a squad leader and team leader, the battalion commander lectured members of the platoon about how these men were responsible for their own deaths, telling the comrades of the deceased: "When are you going to face up to why Staff Sergeant Nelson and Sergeant Casica are dead? Because they were not doing the right things." He did this despite the findings of a formal Army Regulation (AR) 15-6 investigation that the deaths of these men could *not* have been prevented by alternative actions. (Incredibly, ignoring the AR 15-6 conclusions, the brigade commander likewise blamed the deceased for their own deaths.) When some of the men tried to point out to the battalion commander "other factors" that were contributing to the high casualties, such as a lack of logistical or engineering support from the battalion, they were met with a barrage of verbal abuse about making excuses and being whiners. Publicly blaming Soldiers who were killed in combat for their own demise seems to have been a pattern for this battalion commander, and it is easy to imagine the intense loathing this must have inspired in the survivors who had lost friends. Again, Frederick permits us to feel their pain.

Another example of poor leadership processes has to do with separating the important from the trivial. Frederick provides numerous examples where persons in authority would show up at isolated military outposts where the men had been attacked relentlessly and badly overworked and rail at them for cigarette butts on the ground, or unshaved facial hair. In one example, after 56 hours since having any "downtime," a squad returned to their forward operating base expecting to get some rest, but were instead directed to escort an officer to various polling locations so he could meet local officials and shake hands with voters. When they finally returned, "dirty, delirious, strung out, and aching for sleep" they were upbraided for not having shaved. On another occasion a platoon leader responded to a field grade officer that his men had barely enough water for drinking in the 110 degree heat, and that there was none available for shaving.

In yet another example, Frederick narrates how after one Soldier was killed while manning a checkpoint and two others were captured, members of the same platoon (among others) searched nonstop for days trying to find their missing comrades. When they finally returned to their base exhausted, not having found their comrades who they presumed were being tortured, the only greeting they received from their leaders was the battalion's command sergeant major yelling at them. As the squad leader put it: "The first thing the sergeant major does is yell at us about the JSB [Jurf al-Sukr Bridge] being dirty. The very first thing. He doesn't pull the guys together and say 'hold your heads up, we'll do what we can to find these guys.' Neither does the battalion commander. Something to unify the platoon. It didn't happen. All that happened was the men got yelled at." The sergeant major then ordered the squad leader to get all his men out of bed to pick up cigarette butts.

Military persons all know that personal appearance and cleanliness are important indicators of good units. But good leaders also realize that such superficialities are not themselves problems! Rather, they are symptoms of other, larger problems. In this case, poor cleanliness and unkempt appearance were indicative of low morale, a lack of organizational values, and utter exhaustion from being overworked. Incompetent leaders are, characteristically, more comfortable dealing with problems such as cigarette butts or facial hair than with real problems such as low morale and the disenchantment of Soldiers.

Leaders at all levels must inspire respect. Subordinates will not effectively follow those who they detest or do not respect. Unfortunately, leaders sometimes believe that it is a subordinate's duty to respect them. Respect for the office or a position is a fleeting phenomena that is quickly supplanted by experience and interaction with the person occupying the position. Respect is crucial because while Soldiers (or wild beasts) might fight tenaciously to save their own lives, this is sorely inadequate for our professional Army. We expect our Soldiers to fight just as tenaciously for the lives of their comrades and the success of their mission. When Soldiers feel disenfranchised from their leaders, they lose any sense of loyalty to organizational goals.

An obvious question readers may have upon completing Frederick's book concerns whether

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members of the chain of command, especially some of the officers and senior officers from brigade on down, should also bear some culpability for the actions of the four men who were convicted. I don't believe so. While some members of the chain of command were grossly incompetent, they were not unethical, and this is more of an indictment of our military training and certification programs than the character of the leaders in question. Unlike the murderers and rapists they led, these leaders were not bad people, just deplorable leaders.

Would better leadership at battalion and company levels have prevented the criminal acts of the four members of 1st Platoon? No one knows the answer to this question, and Frederick does not overtly venture an opinion, but it seems uncontroversial that better leadership would have reduced the likelihood of such acts.

Frederick suggests other factors that contributed to the battalion's ineptitude:

● The decision, at the Department of the Army level, to grant large numbers of "moral waivers" (one for every four recruits) in order to meet recruiting goals was irresponsible. One of the perpetrators of the murders and rape had dropped out of high school in the 10th grade, been arrested twice for drugs and alcohol by the time he was 19, and had served time in a juvenile detention center for one offense and in jail for another. He was well known for his verbal tirades denigrating "n-----s," Jews, northerners, foreigners, and other groups to which he did not personally belong. He had been granted a moral waiver to enlist.

● The pressure at the highest levels to reduce combat strength without a corollary adjustment in the mission was a disaster. Even when insurgent attacks were on the rise (from 26,500 to 34,000 in 2005), General Casey, the U.S. military commander for Iraq, "unrelentingly, consistently, and adamantly pushed for fewer troops in Iraq." This obdurate, single-minded focus on a particular policy which, based on the evidence, must have been motivated solely by politics rather than the tactical reality on the ground, was irresponsible.

● The opulence and excesses of the living conditions in the Green Zone was preposterous and had a detrimental effect on the morale and attitude of front lines troops when, while visiting on business, they witnessed military and civilians tanning by the pool, playing Frisbee, being able to choose among several fast food stands such as Burger King and Pizza Hut, and being served lobster and steak in the dining hall. Frederick's interviews point out that front-line Soldiers were constantly berated for rolling up their sleeves or taking off their helmets in scorching heat.

● Decisions made (against strong objections) by L. Paul Bremmer, leader of the Coalition Provisional Authority, to bar from government employment everyone who had been with Saddam Hussein's Baath Party and to dissolve the entire Iraqi military and national police force were disastrous. The first decision, according to Frederick, "jettisoned the midlevel doctors, bureaucrats, and engineers who actually provided essential public services to the people on a daily basis." The second decision, made in the face of even more opposition, put "between 500,000 and 900,000 people, the majority of them armed and now humiliated men, out of work—on top of the already 40 percent of Iraqi adults estimated to be jobless."

Going to war can entail violating the most fundamental human prohibition—the killing of innocent people—in order to achieve a political objective. Accordingly, the means permitted to achieve political outcomes through the use of force come with serious mandates and prohibitions, which must be enforced even when Soldiers, and the leaders themselves, are tired, dirty, angry, and scared. It would be good for our Nation and our military if the examples of bad leadership exposed by Jim Frederick in *Black Hearts* become a subject of study in our military education system. As a Nation, we really do need to learn from our mistakes, the lessons of which are, in this case, available to us because of Jim Frederick's hard work. **MR**

"Arms are instruments of ill omen, not the instruments of the gentleman. When one is compelled to use them, it is best to do so without relish. There is no glory in victory, and so to glorify it despite this is to exult in the killing of men. One who exults in the killing of men will never have his way in the empire. On occasions of rejoicing precedence is given to the left; On occasions of mourning precedence is given to the right. A lieutenant's place is on the left; The general's place is on the right. This means that it is mourning rites that are observed. When great numbers of people are killed, one should weep over them with sorrow. When victorious in war, one should observe the rites of mourning."

— Lao Tzu, Tao Te Ching, 31, circa 6th century B.C.E. (translated by D.C. Lau)