



ETHICS AND OPERATIONS: Training the Combatant

Centre des Hautes Etudes Militaires

The ethical dilemmas of modern war, 3 April 2003, An Najaf, Iraq: Faced by hundreds of menacing Iraqi civilians, LTC Chris Hughes, commander, 2d Battalion, 327th Infantry, tells his Soldiers to smile, take a knee, and point their weapons at the ground. "We'll let them defuse this themselves," he said, and they did.

THE SOLDIER'S PROFESSION, according to French General Eric de La Maisonneuve, "is above all concerned with the situation and has reality only in relation to the moment."¹ In today's environment, however, several new factors are having an impact on the Soldier.

First, ideologies are in decline, but moral expectations are on the increase. International relations are governed by law to a much greater extent than before. The law's increased influence in society has overflowed into the military world. As a result, the use of force is now subject to greater demands for legitimacy and justification.

The nature of conflict has also changed. In today's crises, the Soldier might have no declared adversary, or his enemy on one day might be his friend the next. That enemy might employ horrific asymmetrical tactics such as random bombings, human shields, and child soldiers, to which the Soldier's response might pose moral dilemmas (e.g., warrant-less searches). Clearly, our enemy's amorality must not lead our Soldiers to abandon *their* moral constraints. Our Soldiers are obligated to use force with judgment in order not to descend to the level of the enemy they are fighting. This ethical asymmetry is not new, but the problems it poses are more acute than ever before.

Developments in technology are an additional factor in the Western world, which seems to want to avoid physical contact with suffering. The West's modern weapons permit the use of a dehumanizing technology in which violent strikes are carried out at a distance without their results being seen and without the Soldier having to witness death firsthand.

Warfare's new reality also has affected military command and decision making. Lower-level military leaders in France have traditionally benefited from considerable operational latitude. This autonomy, as much doctrinal as cultural, has proven to be highly appropriate in recent engagements, but it requires perfectly clear orders that subordinates understand completely and that each echelon in the chain of command can adapt appropriately. This is only possible in a spirit of mutual confidence and cohesion underpinned by shared values.

The media, too, have a growing influence on today's Soldier. The media's omnipresence means that the smallest action is liable to be reported. Thus, one Soldier's mistake can rebound on everyone and discredit the operation underway or even the institution itself. Moreover, through the media, the Soldier has access to a point of view sometimes different from his own, and this can lead him to doubt the legitimacy of his actions and his understanding of them. Therefore, every Soldier must understand the mission and its rationale completely, and then act with judgment and discrimination. Finally, the need for a common body of knowledge about how to fight ethically in today's complex environment is reinforced by the growing sociological diversity of our armed forces.

The Centre des Hautes Etudes Militaires, or Center for Advanced Military Studies, is a premier French military institution. Its students are hand-picked Army colonels destined for France's highest military posts.

PHOTO: Video grab courtesy of CNN.

The Law: A Partial Answer

The law is the standard that most naturally comes to mind in discussions about regulating relations between states or between states and individuals. The laws of war (*jus ad bellum* and *jus in bello*, humanitarian law, etc.) have expanded considerably, resulting in the creation of military legal advisor posts and the International Criminal Court.

The laws meet part of the need for a common body of knowledge very well. They help legitimize military action by laying down its limits. However, such rules and regulations come from experience and are primarily functional. The laws of war have been developed in the course of history in the mutual interest of belligerent states; they seek to limit losses and reduce the cost of conflict. As such, they constitute a kind of “rules of the game” founded on reciprocity to regulate the inevitable friction between states. They are based on international law, which long reflected only the balance of power, but has gradually taken on the function of embodying values. This does not mean, however, that there is a system of values in international law—or that this largely declaratory development without real prescriptive force is easy to apply in the face of the “universal competence” some countries claim. International, national, and local laws are complex and ever changing, and the aid of specialists is often required to interpret them. The Soldier, however, must make decisions quickly and correctly. Law defines the general rules whose application to the complexity of a real situation is sometimes difficult. Just the size and complexity of the legal corpus can inhibit the combatant.

The law does not have all the answers, especially in the current climate of ambiguous situations inherent in peacemaking. To come up with something a Soldier can use, we must consult a reference that is universal, more demanding, and more accessible than the law: collective and individual codes of ethics and practices based on conscience. Although the law provides a framework and reference points, ethics provides sense.

The Foundations of Ethics

In action, it is relatively easy to choose between good and bad. To choose between a greater and a lesser good is more difficult. For Soldiers, it's even tougher: they frequently have a choice only

between two bad courses of action. The Soldier must be able to rely on soundly based fundamentals to keep from losing his dignity or his reason.

Ethics helps us avoid situations that seek “good” objectives by means that are not good. It enables us to direct action. Military action is an area in which moral intent and action should converge, whatever the hazards of an uncertain environment. Faced with violence, the Soldier can use ethics to control force so as not to exceed the aims sought.

Ethical systems often rest on anthropological hypotheses—philosophical or theological—and are difficult to adopt without analysis. A universal system of ethics Soldiers could use would have to be based on a fundamental principle that is easily accessible and shareable. What is the ultimate value, if not affirmation of our shared humanity and, as its corollary, respect for man's integrity and freedom? Human dignity is the rock to which we must cling in all circumstances. Human dignity is the property of all people, regardless of their physical, intellectual, or moral qualities, social status, or personal merits. With human dignity to sustain him, the Soldier can overcome his adversary, but still respect him and never take advantage of him (for example, when the adversary is wounded or taken prisoner).

Ethics and Law

These two frames of reference, ethics and the law, coexist, which leads us to question their relationship. Although the law has gradually been inspired by a moral code, it neither replaces nor encompasses the moral code, which is broader and more demanding. The law has the advantage of being recognized by all and of being less easily open to contradictory interpretations. The similarity of the moral and the legal is very pronounced in some countries, especially in France, where ethical obligations have a legal dimension. However, this way of looking at things is not universal: according to Pierre Hassner, in some countries (for instance, the United States) the moral code is identified with liberty, while in other countries, the moral code is founded on religious precepts.

What does one do when the law and ethics prescribe different behavior? The law changes and is open to interpretation; it cannot be perfect; it cannot foresee every situation; it can even have appalling

consequences (for example, the massacres carried out by many totalitarian regimes were legal). On the other hand, always giving primacy to a code of ethics is not acceptable either, because this attitude also can lead to excesses such as implacable holy wars. The tension between law and ethics has always existed, but the risk of conflict between them is less when a code of ethics is founded on respect for human beings or Western systems of law. Thus, one can propose that, as a rule, states should normally observe the rule of law, and individuals can reasonably adhere to ethical principles.

Ethics and Operations

Ethics and operational effectiveness are often thought to be in conflict. Some believe the adoption of moral behavior can reduce the chances for military success. While ethics can sometimes constrain operations, in the long term and in a collective sense, there is no real contradiction between ethics and operational effectiveness. Thus, whatever the conditions at the time, the use of torture in the Algerian war has had long-term catastrophic consequences. Moral force has always been a major element in gaining ascendancy over an adversary. Resorting to violence less often is more than adequately compensated for by a clearer conscience.

On the other hand, negative examples abound showing that an obsession with efficacy can lead to the worsening of violence instead of its reduction—the exact opposite of the objective sought. This will be the case in any fight against terrorism, wherein a lack of discrimination and control will fuel more terrorism, which feeds on hatred.

Finally, in present-day operations, one's strategy is often aimed at gaining the confidence of the population, and here a moral attitude is useful, even essential. This requirement is all the stronger because forces today must frequently maintain a long-term presence. To head off hostile reaction and to avoid giving ammunition to critics, the force's conduct must be irreproachable. The success of many military operations has largely been the result of the images they created, especially in moral terms. Effectiveness thus calls for the adoption of ethical behavior.

On operations, the Soldier is confronted with tension, possibly significant tension, between moral (and hence ethical) imperatives that are permanent whatever the nature of the conflict, the type

of engagement, the reality of the situation, or the urgency of actions required. To the Soldier, it matters not only that the cause is just, but also that the means employed are just. But because causes and means can both be problematic, there will always be some tension between the two.

The process of political legitimization—*ad bellum*, the end state sought; *in bello*, the conditions of the intervention—is becoming an essential condition for effectiveness. It determines the moral, political, and legal acceptability of military action. The Soldier, like other citizens, has a political view. To prevent him from subordinating his duty to his political preferences, a military action must not be too politically partisan or too influenced by international moral opinion or law, which can be open to misinterpretation and can lead to excesses.

An operation's acceptability also requires effective communication within military formations before and during the deployment period. As the mission progresses and contact with the population blurs his judgment, a Soldier can fail to understand the fundamental reasons for his presence in a theater of war and the operational objectives of the action underway. Communicating the aims of the intervention, the desired end state, the ways and means employed, the mission's constraints and imperatives, and the rules of behavior requires the commander to conduct detailed analysis and disseminate information downward in clear terms understandable by all. The commander's effort to instruct promotes coherence and is the price he pays to maintain the Soldier's confidence in the chain of command and to keep the Soldier from conducting a private war on the ground and in the public and private media. The commander's effort ensures the force is prepared for the demands of its mission.

Ethics Training

Each Soldier is responsible for his actions, including those he carries out in obedience to orders, and each commander is responsible for his actions, including those given to him by his political masters. Both require the informed habit of obedience. Each commander and Soldier must try to understand the reasoning behind an order so they can better execute it. This requires that the Soldier have genuine confidence in his superiors, but also be able to exercise his own authority as well.

The Soldier's mission is not to add violence to violence, but to avoid escalating violence or to reduce or avoid it by controlling the use of force. To keep force in check, those who can wield it must exercise self-control. The perception that a mission is to some extent inappropriate must not lead to actions that go beyond the stated objective, which should not be open to personal interpretation. The ethic of responsibility takes precedence over the ethic of conviction.

Ethics is therefore an imperative for any Soldier in action. It presupposes the identification of, instruction in, and practice of a sound corpus founded on a genuine education. Ethics must move from the philosophical or moral realm to become part of a state of mind. Ethics is not merely the training system's responsibility, but also the commander's; he must develop a way to teach it.

Although it resides in the deepest roots of our conscience, ethics is not innate. Like physical or technical education or training, it must be inculcated. Given the immense responsibilities the Soldier bears, his ethical instruction must be wide ranging. Ethics is a necessity for a military commander because he structures and motivates the group; it is he who must ensure his Soldiers are prepared not only practically and physically, but also morally. There is no doubt that the process of ethics education, begun in basic training, should be taken forward in the unit.

To produce results, ethical thought and training must not be restricted to simply studying a few examples of behavior; at best, this will only help resolve yesterday's problems. Intellectual training should preferably be accompanied by moral education concentrating on the individual Soldier's conscience to help him use sound judgment, come to a correct decision, and then implement it.

Ethics is not just a module in a course. It is a discipline designed to enrich the conscience rather than the brain. It strengthens the link between the moral justification for an action and its execution. Ethics training should not be confined to a special course, but should be at the heart of all preparation for combat. Such training should be based on the study of texts supplemented by simulated combat situations in exercises and studies of real cases at all levels illustrated by real experiences, whether they ended in success or failure.

Proper ethics training is not a matter of passing knowledge, but of inculcating a state of mind so that the Soldier who is unexpectedly confronted with a difficult situation can find the resources within himself to act appropriately. **MR**

NOTES

1. Committee "A", Centre des Hautes Etudes Militaires, 55th Session, *Le Metier du Soldat* (Paris: Editions Economica, 2002).

Meat Maker

**Skinless carcasses amid woolen flock; slaughtered
In the Muslim way; hot copper knife carves a
Sluggish duck-blind to a stop and
Then breathless world in
Stop-frame! Moments
On mobile-bunkers shook
In atom-breaking sight and sound;
Smells and everything rush US when life and
Loss share places we cry and hurl and blaspheme**

At the wrong time?