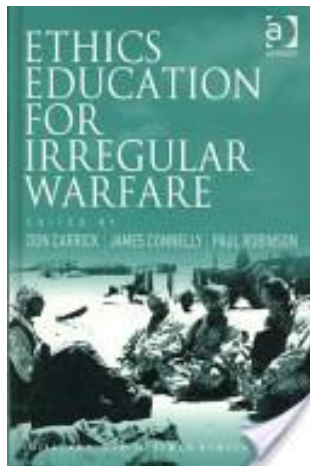


Dana TABREA*

Military ethics: issues of non-conventional battleship¹⁷

(Review of *Ethics Education for Irregular Warfare*, editors Don Carrick, University of Hull, James Connelly, University of Hull, Paul Robinson, University of Ottawa, Canada, Ashgate Publishing Limited, England, USA, 2009)



Abstract Irregular warfare means war operations other than conventional war, such as counter – insurgency (COIN) and peace operations (peacekeeping, peace building, peacemaking, and peace enforcement). We can follow the red thread of the book by considering its different parts (theoretical, operational, or applicative, and pedagogical). The main issues of the book under review here consider ethical aspects of war with the purpose of answering questions such as how to educate troops to act ethically or how to guide military institutions to respond ethically to difficult situations that may appear in irregular warfare. The book addresses issues of interest for specialists in military ethics, adding an important contribution on irregular warfare situations and proper ethical responses to more regularly discussed topics of conventional war. But it can be also of interest to the non-specialist reader. The virtues evoked in reference to military personnel are general

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human virtues. The same can be said on vices. Moreover, the situations presented in the book can be extrapolated so that they cover humans in general.

Keywords: professional ethics, military ethics, irregular warfare, ethics education, moral/immoral conduct, ethical/unethical behavior, moral character, dispositional vs. situational ethics

Irregular warfare or *asymmetrical warfare* or *operations other than war* are terms that refer to non-conventional warfare, distinct from conventional war. There are several types of irregular warfare among which I enumerate: Counter – insurgency and peace operations. Insurgency means non - state actors acting against the authority of the state in order to change the government. Terrorism and guerrilla warfare may be used as forms of irregular warfare instead of military combats. Terrorism involves illegal violence against the civilian. Guerilla may appear behind the front lines, associated with conventional war (e.g. The Vietnam War). Peace support operations are attempts to rebuild the state system: peacekeeping (a third party force preserves an agreed ceasefire and create conditions for a settlement between the two sides to be formulated), peace building (an attempt to prevent a conflict from resuming by addressing its causes, disarming, demobilizing, training police and armed forces), peacemaking (actions undertaken to bring a conflict to an end, involving either negotiation or force), and peace enforcement (the use of force to impose, maintain, or restore a peace settlement). The boundaries between the various types of irregular warfare are not strictly delimited and they may slip from one into the other and sometimes even into conventional war.

The main issues of the book under review here consider ethical aspects of war with the purpose of answering questions such as how to educate troops to act ethically or how to guide military institutions to respond ethically to difficult situations that may appear in irregular warfare. The book is divided into three parts: a theoretical part on the ethics education for irregular warfare, an applicative part, including an examination of torture, and case studies from Iraq and Israel. A final conclusive part explores how military academies in the USA, UK and Netherlands address the problem of educating military officers for irregular warfare.

Part one, a theoretical background, includes articles on *Preserving Soldiers' Moral Character in Counterinsurgency Operations* (H. R. McMaster), *The Philosophical Warrior* (Alexander Moseley), *Culture Centric Warfare: The Moral Dynamics* (Patrick Mileham). Part two, dedicated to operational issues, is composed of the following articles: *Preventing Torture in Counter – insurgency Operations* (Jessica Wolfendale), *The Fall of the Warrior King: Situational Ethics in Iraq* (Paul Robinson), *Military Ethics of Facing Fellow Citizens: IDF Preparations for Disengagement* (Asa Kasher). Part three, on pedagogical issues, contains the

following articles: *Teaching Military Ethics in the United States Air Force: Challenges Posed by Service Culture* (Martin Cook), *Counter Insurgency Ethics at the Royal Military Academy Sandhurst* (Stephen Deakin), *International Law and the Ethics of War at the UK Joint Services Command and Staff College* (David Whetam), *Ethics Education for Operations Other Than War: The Dutch Approach* (Peter Olsthoorn).

The contributors to the volume are: Martin Cook (Professor of Philosophy and Deputy Department Head at the United States Air Force Academy), Stephen Deakin (who has taught at The Royal Military Academy Sandhurst), Asa Kasher (Senior Research Associate of the Israeli Defence Force (IDF) College of National Defense, Vice-Chair of the Jerusalem Centre for Ethics and Emeritus Professor of Philosophy at Tel Aviv University), H.R. McMaster (an officer in the USA army, Doctor in history, University of North Carolina at Chapel Hill, has taught military history at the United States Military Academy at West Point and is a senior consulting fellow at the International Institute for Strategic Studies), Patrick Mileham (a defence analyst working for the Ministry of Defence), Alexander Mosely (former Lecturer at the University of Evansville, now he runs a private educational company), Peter Olsthoorn (Assistant Professor of Sociology at the Netherlands Defence Academy), Paul Robinson (Associate Professor in Public and International Affairs at the University of Ottawa), David Whetham (works at the Defence Studies Department of King's College London), Jessica Wolfendale (an Australian Research Council Postdoctoral Research Fellow at the Centre for Applied Philosophy and Public Ethics at the University of Melbourne).

The theme of the present volume reunites ideas such as: *Education in ethics can help produce ethically better behavior in soldiers*. Soldiers should learn that use of force that reduces risk to the soldier, but places either the mission or innocents at risk is seen as inconsistent with the military's code of honor and professional ethic. Apart from educating soldiers in professional military ethics, they should be prepared to cope with the stress – a factor that may determine bad ethical behavior in irregular warfare. Part of the stress is not only stress generated by danger, but also cultural stress determined by the fact that soldiers are to encounter a different culture. And educating soldiers should consider familiarizing them with the language, history and culture of the region they are to operate in. Also cultural training of soldiers help them properly evaluate sources of information and anticipate potential consequences of their actions, recognize and counter the enemy's misrepresentation of history for propaganda purposes, and develop moral conduct in counterinsurgency operations by generating empathy for the population, this empathy to the population being an effective weapon against insurgents.

The operational issues of the volume consider, above all, preventing torture in counter – insurgency (COIN) operations. Torture in COIN operations is often authorized by military superiors, most often with the support of the political administration, and claimed to be necessary in order to fight terrorism or for successful operation.

Torture is rationalized and justified by different arguments such as the *new wars* argument. The new wars argument stress upon the fact that the COIN operation is like a new war that requires special methods and a different approach against terrorist acts. The rules of war are morally important, but they must be overridden in order to fight a very dangerous enemy. For instance, torture is necessary to force a terrorist to reveal the location of a bomb that will kill thousands – even millions – of innocent people if it is not deactivated. So the new wars argument reveals the resort to torture as not only morally permissible because of the importance of protecting innocent lives, but even morally desirable and even virtuous. However, in COIN operations torture is used mainly as a means of interrogating prisoners that may hide important information concerning acts of terrorism or insurgency.

More than often soldiers engaged in COIN operations have to face situations where the rules of the game named war are being broken: insurgents may hide among the local population, making it hard for soldiers to distinguish the enemies from the civilians, insurgents often use propaganda and lies to get the support of the local population, and they may use tactics such as terrorism, child soldiers, and human shields. Also they may provoke soldiers to break the rules, by their attacks and terrorist tactics. And there is a human tendency that manifests in soldiers as well to give moral standards away, or at least to loosen them when the opponent is not playing by the rules. Therefore it is imperative to cultivate moral restraint among soldiers so that they do not change their moral principles when confronting terrorists and insurgents or when encountering a climate of violence and immorality.

Torture used in COIN operations is justified and normalized by different institutional structures. The normalization of torture is facilitated by the diffusion of responsibility (the division of responsibility within army minimizes the individual's personal moral responsibility and may, consequently, facilitate torture, as individuals can arrive to perform acts that they wouldn't normally perform, if torture is authorized and required by superiors), by the role - orientation (individuals in large hierarchical institutions such as army, in which tasks are divided tend to focus not on the morality of the actions they are carrying out, but on how well they are performing the task assigned to them), and by the obedience to authority (soldiers are expected to obey orders however immoral they might be).

Preventing torture cannot be realized only by training programs. The military should disobey the civilian government if the government authorizes the use of torture. In order to accomplish this, theoretical training of soldiers and practical experiencing should merge. If it is important that soldiers disobey orders such as to throw prisoners into a river, then it would be useful to create scenarios in which soldiers on field exercises are ordered to throw prisoners into a river. Their response can then be determined, lessons learnt and the correct behavior taught.

The values of military ethics are courage, responsibility, discipline, loyalty, integrity, moderation and restraint, and the respect of the human life. A soldier is required to jeopardize his or her own life or that of a subordinate when and only when it is necessary under the circumstances of a special military activity. If soldiers find themselves in circumstances that put their lives at risk because of actions taken by citizens violating the law, they will have to react in exactly the same way as would the police in such circumstances. The whole military mode of operation is going to be special, careful, moderate, and patient. Just as during a confrontation with citizens committing a crime the police do not assault the criminals, soldiers coming to the help of the police do not use their weapons to assault, but act in a restrained and responsible way so as to ensure protection of human life, both their own and others.

Analysis of study cases show that it is not sufficient to work on building the character of the soldier. There are two different sorts of explanations for abusive behavior: the *dispositional ethics*, which considers abusive behavior as the result of failures in personality and by contrast the *situational ethics*. Situational ethics considers that people act according to a certain environment, independently of their character. In most countries, military ethics education focuses on the dispositional approach, as it insists on the development of the character of the soldier. Enrolled officers who sometimes order illegal crimes during war are nothing but ordinary people not at all immoral, and not at all lacking a good character. The environment that they are placed into sometimes forces them to perform abominable deeds (e.g. the case of Colonel Sassaman, described as an intelligent, knowledgeable, and ethical, a good man, who in 2004 ordered his troops the forcing of two Iraqis into the Tigris River; one of the two Iraqis drowned, and the facts were hidden from investigators; finally the deeds were discovered and the guilty ones court - martialed).

Examples prove that the problem resides not in lack of character, but in lack of education, training, and moral leadership. It is imperative to understand that conventional war and guerrilla war are highly different and that they necessitate different moral preparations in both soldiers and their leaders. The credo of the American soldier (the *Warrior ethos*), part of which I will quote here - "I will always place the mission first/ I will never accept

defeat/ I will never quit/ I am disciplined, physically and mentally tough, trained and proficient in my warrior tasks and drills. I will always maintain my arms, my equipment and myself/ I am a guardian of freedom and the American way of life” - does not fit the COIN operations where soldiers are expected to protect somebody else’s way of life, to use minimum force, and accept losses in order to help others. So we may say that Colonel Sassaman acted as if educated for proper war (to do anything to protect his soldiers, to destroy the enemy, and succeed in combat without being defeated) and not for irregular warfare. And this lack of preparation is his main guilt, which is not a real guilt after all. In order to behave properly in irregular warfare, soldiers must be educated and prepared for irregular warfare.

Military academies in many countries have special courses that train the officers - to - become in military ethics, insisting on ideas such as *just war* (bringing as much justice as possible in warfare), together with their consequent ethics (use of minimum force and applying *hearts and minds* policies, meaning that the local community should be won by amiability rather than by force). Some illustrative military academies are chosen for their ways of teaching these ideas, and they are analyzed in the present volume (the Royal Military Academy Sandhurst, the UK Joint Services Command and Staff College, the Netherlands Defence Academy).

The book addresses issues of interest for specialists in military ethics, adding an important contribution on irregular warfare situations and proper ethical responses to more regularly discussed topics of conventional war. But it can be also of interest to the non-specialist reader. The virtues evoked in reference to military personnel are general human virtues. The same can be said on vices. Moreover, the situations presented in the book can be extrapolated so that they cover humans in general. Nowadays stress is the main factor of illnesses, dysfunctions, and disorders. And these may lead to unethical behavior. People the most stressed at work have the most immoral conduct: they have affairs with their co-workers, disobey elementary rules of politeness, correctness, and respect to others. This corresponds to the situation of the soldiers having to face COIN operations that stress them by being totally unknown, frightening, and menacing. In order to change the situations, ethics education seems to be the key. This solution also applies to society in general where personnel should be educated to face new situations, such as those created by difficult customers or unpredictable scenarios. It is important that we come to think that some other’s not playing by the rules does not justify our own immoral conduct.

Violence in society can be prevented by educating teenagers against the wrong way education provided by movies and computer games. In schools, practical scenarios should be created so that students may learn the

democratic values that should guide them along the way. However, should any violent act affect us in any way, we must learn that sometimes dispositional ethics cannot offer the best explanation and that we should look for justification further on in situational ethics. If people wrong us, it is not always a sign of their lack of character, but they can be good people acting wrongly because of the environment. This new perspective helps us differently understand the situations that we come across in our everyday life, at work, at school, in public as well as private space. Also we may learn to forgive our friends, colleagues, people who have wronged us in one way or another, because we find out that the fault is not in them but in what happens to them.