The Teaching of Morality in Warfighting in Today’s Officer Corps

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Introduction

It is the seventh day of the war. The air campaign has not been going well and the enemy has decided to test our ground forces. Between their resilient air defenses, our inadequate intelligence, and the weather, most of the targets attacked by air have survived unscathed. The highly touted six day air war has not brought the enemy’s leadership to the negotiating table. As a targeteer sitting in the Joint Targeting Coordination Board morning briefing, you can feel the tension. Charging into the room, the Joint Force Commander is visibly frustrated as he takes the seat at the head of the table. After a long pause, he calmly but forcefully delivers the following, “I want you to open up the target list. The gloves are coming off. By next week, I don’t want a single person in that country to have electricity, to be able to drive to the store, to send their kids to school, or to be able to get water out of their faucets. If their leadership is going to force this war on us, then I want every person in their country to feel the effects of their decision! Go to work!”

As an officer in today’s military, what thoughts are running through your mind? What are the moral implications of the guidance just given in this scenario? What training in Just War Theory or morality in war fighting do you have as a foundation to help yourself work through the moral implications of this guidance? Should you, as a military officer, be concerned about the moral implications?

These are tough questions, even emotional questions. They are questions that military officers should be able to answer. Moreover, officers should have training that enables them to answer these questions objectively. The purpose of this paper is to examine the teaching of morality in warfare and Just War Theory in Officer Professional
Military Education (PME) in today’s armed services. Furthermore, this paper will address the sufficiency and consistency of these courses among the services.

**The Motivation: Today’s International Environment**

Military officers may be held accountable for their actions by an international forum. If a military officer commits a war crime or crimes against humanity in today’s world, he will probably command the attention of the international community. “There seems to be little doubt that modern international law embodies the principle that, in addition to the individual responsibility of those who may actually perpetrate such crimes, criminal liability will also accrue to any political or military superior who orders, colludes in, condones, or fails to take steps to prevent their commission or repress and punish the actual offenders.” (Green, 1)

The Hague Conventions of 1899 and 1907, the Geneva Conventions of 1929 and 1949, and the Genocide Convention of 1948 have established the fundamental basis for the modern law of armed conflict. The Nuremberg trials following World War II set the modern precedent of trying not only those who committed, but also those who ordered crimes against humanity during war. The embodiment of this precedent is seen today in the ad hoc United Nations tribunals for Yugoslavia and Rwanda, and in the forming of the new International Criminal Court (ICC).

The ICC is intended to be a “permanent court for trying individuals accused of committing genocide, war crimes, and crimes against humanity.” The ICC will be formally established after 60 countries have ratified the Rome Statute of the International Criminal Court. Currently, 139 countries have signed the statute and only 29 have ratified it. (ICC Webpage, 1 March 2001) “From now on, all potential warlords must
know that, depending on how a conflict develops, there might be established an international tribunal before which those will be brought who violate the laws of war and humanitarian law… Everyone must now be presumed to know the contents of the most basic provisions of internal criminal law; the defense that the suspects were not aware of the law will not be permissible.” (Hans Corell, United Nations Under-Secretary-General for Legal Affairs, ICC Webpage) The message is clear, today’s military officer must execute war in a moral manner with respect to established war conventions, or if failing to do so, be held accountable by the international community, possibly along with his superiors.

Based on the international precedent of accountability, the military officer has an additional responsibility to properly advise his superiors and civilian leadership in the proper and moral execution of war. Today, less than a third of the members of Congress are military veterans. Research conducted by the Triangle Institute for Strategic Studies in 1999 highlighted that “the trend of a declining rate of veterans in the national political elite may suggest a continued high rate of military involvement in conflicts in the coming years” and that “on non-traditional missions [such as restoring democracy in the Congo or preventing Iraq from obtaining weapons of mass destruction], elite military officers are twice to four-times as casualty averse as American civilians.” (Triangle, pg. 8)

Military commanders should be expected to advise on when is it just to resort to the use of force and how to properly execute that force when it is used. To carry out this responsibility, the military officer must be properly trained in morality and warfighting as well as international law as it pertains to armed conflict. The criticality of this training is amplified because his civilian counterparts may have only minimal knowledge and
understanding of these concepts. “The officer corps, as an integral part of a democratic society, has a unique role to play in the debate over the justice of any given conflict. While it is not the role of the military to pass definitive judgment or even to influence political debate, the military should advise the civilian government on issues as clear as the manner and cost of conducting this war, probability of success, last resort, and even perhaps legitimate authority.” (Rosenthal, 2)

Military officers will have a vast audience judging their actions during war and demanding accountability for their actions. Today, wars are broadcast around the world in real time. Actions are witnessed over television and the internet as they occur and are judged almost as quickly. When non-combatants die during armed conflict, whether through intentional actions or indirect consequence, the media facilitates and often motivates the demand for accountability. This was strongly evident during Desert Storm as well as in the air war over Kosovo and Serbia. When non-combatant tragedies occur, the operational commander’s first responses to the media will undoubtedly set the tone for the inquiries and investigations that follow. Intent in the use of force, especially in these cases, must be in-line with international law. The commander will be far better suited to deal with demanding inquiries if he is well versed and trained in just war theory and war conventions before such incidents occur.

Therein is the crux of the issue, military officers must be able to act and make decisions with confidence during war. Training in morality, Just War Theory, and the conventions regarding conflict is just as important as the operational and tactical training an officer receives. “The commander knows that his or her actions will be – and should be – subject to review, but that knowledge cannot and must not inhibit vigorous
prosecution of a path of action that seems wise at the moment of decision.” (Toner, 48)

Wisdom can be greatly enhanced through proper training. But, how do the services teach morality in warfighting to today’s officers?

**Law of Armed Conflict Training**

At the most basic level, the Department of Defense (DoD) has institutionalized law of war training in the services through DoD Directive Number 5100.77, *DoD Law of War Program*. This directive is meant to ensure that DoD components: observe the law of war obligations, implement programs to prevent violations, and provide for reporting and investigating violations. (DoD 5100.77, pg. 2) This directive equates the terms Law of War and Law of Armed Conflict (LOAC). It defines Law of War as “all international law for the conduct of hostilities binding the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law.” (DoD 5100.77, pg. 2)

responsibility for compliance, formalizing instruction and training, and institutionalizing reporting and investigations of violations of LOAC. Focusing strictly on training, each Secretary of the Military Departments must ensure that “the principles and rules of the law of war will be known to members of their respective Departments, the extent of such knowledge to be commensurate with each individual’s duties and responsibilities.” (DoD 5100.77, pg. 4) How this training is typically implemented will be illustrated by using the Air Force as an example.

Law of Armed Conflict training in the Air Force is structured to comply with the DoD directive. AFPD 51-4 ensures that “once each year, all commanders make sure their people are trained in the principles and rules of LOAC needed to carry out their duties and responsibilities.” (AFPD 51-4, pg. 1) It states that as a minimum, instruction is to include “training required by the 1949 Geneva Conventions for the Protection of War Victims and the Hague Convention IV of 1907, including annexes.” (AFPD 51-4, pg. 1) Furthermore, AFI 51-401 assigns Air University the additional responsibility to “include instruction on LOAC in Air War College, Air Command and Staff College, Squadron Officer School, Reserve Officer Training Corps, and Senior Noncommissioned Officer Academy curricula to ensure adequate knowledge of the subject commensurate with the nature of each enrollee’s duties and responsibilities.” (AFI 51-401, pg. 4)

The primary means that Air Force Air Education and Training Command (AETC), the parent command of Air University, ensures all personnel receive their annual training is through internet based instruction and testing. This internet site, entitled “Bombs on Target”, is provided by the Office of the Staff Judge Advocate for AETC. It includes instruction on the following: historical background of the LOAC,
military necessity, unnecessary suffering, proportionality, combatants/noncombatants/unlawful combatants, lawful/unlawful targets, lawful/unlawful weapons, prisoners of war, retained personnel, reporting requirements for LOAC violations, and consequences of LOAC violations. Instruction further includes practical application examples followed by a 24-question exam. Results are recorded online and reported up through the AETC commander. In this manner, AETC ensures consistent, annual instruction to all its personnel. It takes approximately 30 minutes to complete.

Clearly, the AETC example illustrates the absolute minimum required to sufficiently meet DoD policy. Number of personnel trained is the only metric reported to command leadership. The focus is to expose all AETC military personnel from Airman Basic to General Officer to a core set of LOAC rules and principles. Supplemental training for specialty career fields is left to the units and is not broadly standardized.

Therefore, the teaching of LOAC rules, principles, and applications, required for command responsibility, is fundamentally left to the services’ PME schools. The same is true for the instruction of morality in warfighting and Just War Theory. The next section will examine how this teaching is accomplished among the services.

Survey of Morality in Warfighting and Just War Theory Courses in Current PME

The teaching of morality in warfighting in officer PME is not standardized. Each service has its own approach in addressing the topic. There is no coordination between the services nor any direct guidance by the Department of Defense outside of the DoD Law of War Program directive. Even within each service, there is a lack of coordination between each respective school. Based on discussions with faculty and staff, each school
has developed their curricula independently. Although instructors may investigate what their peers are teaching, there is no formal coordination at the command or service level on the establishment or progression of morality curricula. However, there are striking similarities in curriculum content among the services progressing from the junior to senior officer levels.

The teaching of morality in warfighting and Just War Theory consistently occurs in PME from the junior to senior officer level among the services. Tables 1 through 4 highlight the courses taught addressing morality in warfighting issues in PME for the Air Force, Army, Marine Corps, and Navy respectively. The tables list the courses taught at each level of officer PME and whether the course is part of the core curriculum (taught to all students) or an elective class (usually containing 25 students or less). Morality and Just War Theory topics contained within each course are highlighted. The courses listed are those pertaining only to morality in warfighting as opposed to officer professional ethics or morality issues in general. Curricula from each of the schools were gathered through faculty and instructor interviews supported by material accessed through the internet and provided in course catalogues.

At the junior officer level, the focus in morality in warfighting curricula is on DoD Law of War Program (Law of Armed Conflict) directive compliance. The Air Force, Army, and the Marine Corps offer courses in law of war (or LOAC) at the junior (Primary-level) officer schools. The emphasis at this level is on tactical application of the concepts of the DoD Law of War Program directive. This includes providing a general familiarity with the concepts of combatants/non-combatants, prisoners of war, lawful/unlawful targets, military necessity, and proportionality. There is little to no focus
at this level on the moral or ethical basis for the law of war. The objective is practical application. The Navy does not offer any courses directly dedicated to law of armed conflict in its two week Basic Officer Leadership Course, although the training is required at the unit level in the fleet. (OPNAVINSTR 3300.52, pg. 3) The Air Force’s five week Squadron Officer College also does not offer any courses directly dedicated to law of armed conflict.

Just War Theory is introduced at the Intermediate Service School level. All the Intermediate Service Schools teach the Law of War (or LOAC) in their core curricula. Additionally, all the Intermediate Service Schools except for the Air Force’s Air Command and Staff College teach Just War Theory in their core curricula. Air Command and Staff College only offers instruction in Just War Theory in two elective courses. Elective courses at each of the schools typically last for one semester and have 25 students or less. Aside from the Air Force, Just War Theory instruction at the ISS level is very robust. Curricula typically include theory development and historical background, reinforcement of the law of war principles, discussion of international law of war conventions and criminal tribunals, practical application through case studies, in-depth seminar discussion, and extensive required and suggested reading. The objective at this level is on practical application for staff officers and military commanders.

The Air Force Air Command and Staff College (ACSC) offers a lesson on LOAC, an elective course on the law of war, and an elective course on morality in warfighting (Table 1). The lesson, International Law of Armed Conflict and LOAC Discussions, is a basic refresher (1 hour lecture and 1.5 hour seminar) of annual LOAC training provided to all Air Force officers. There is no coverage of Just War Theory in this lesson. Further
development of the law of armed conflict is offered in the elective course, The Military Commander and the Law. This course rigorously covers the DoD Law of War Program, the Geneva and Hague Conventions, Human Rights Law, and Rules of Engagement as they apply to the military commander. The elective course, Morality in War: Implications for the Warfighter, is the only course at ACSC that delves into Just War Theory. This course incorporates Michael Walzer’s book, Just and Unjust Wars, as its basic text supported by selected readings consolidated into a course book. Seminar topics include the Just War Tradition, War and Legal Issues, Proportionality, Reprisals, Moral Issues in War, Technology and Morality, Moral Issues in the use of Nuclear/Biological/Chemical Weapons, and Responsibility. The course promotes extensive reading on the individual topics and requires a book review and research paper.

The Army Command and General Staff College (CGSC) has two core courses covering the law of war (Table 2). The 27 credit hour course, Case Studies in the Law of War, focuses on the application of the law of war during high-intensity conflict. The focus is on in-depth examination of the application of international human law through case studies. Specific topics include the principles of the law of war, targeting decisions, projected persons and places on the battlefield, prisoners of war, war crimes prosecution, genocide, the legality of weapons, and training on the law of war. In addition to the readings and case studies, a student briefing on the course subject matter is required. The other 27 credit hour course, Legal Issues in Contingency Operations, covers legal issues commanders and staff officers are likely to face in future contingency operations. A portion of the course specifically deals with cooperation with war crimes tribunals.

The Marine Corps Command and Staff College provides a core course dealing
with Just War Theory and the Law of War (Table 3). The course, Morality, Law, and War: Just War Theory and the Law of War, is a 10.5 hour block of study that begins with the development and concepts of Just War Theory and connects its application to the law of war. The course links Just War Theory and the law of war to the political, strategic, and operational implications regarding war. The course further compares the Law of War conventions for air, land, and sea warfare.

The College of Naval Command and Staff presents two lessons and three elective courses that examine just war theory and the law of war (Table 4). The two lessons, Use of Force Under International Law (Lecture) and Law of Armed Conflict (Seminar), focus on the application of international law and the law of war on the use of military force. The general principles of military necessity, proportionality, and humanity are explored in-depth. The Use of Force Under International Law additionally focuses on the historical development and basis of international law including the U.N. Charter and the Geneva and Hague Conventions. The elective courses span the spectrum of the development of morality theory to morality of war. The elective, Foundations of Moral Obligation: The Stockdale Course, explores the fundamentals of ethics and morality. The readings for the course include the Old Testament, the Socratic dialogues of Plato, the ethical writings of Aristotle, Kant, Mill, Lenin, and Sartre, as well as readings from Emerson, Dostoyevsky, Conrad, Koestler, Solzhenitsyn, and Admiral J.B. Stockdale. The elective, Faith and Force: Religion, War and Peace, focuses on “the three great monotheistic religions of the Western World, Judaism, Islam, and Christianity, as their teachings bear on such issues as war and peace, church and state, land, and power. Other topics include Hinduism and Buddhism; War at the Extremes; Low Intensity Conflict;
and Justice, Righteousness, and War.” The third elective, *Ethics and the Military*, dives into the morality of war and the law of war, as well as, deterrence, terrorism, international relations, organizational mores, leadership, and the nature and practices of the military profession. This course is intended to deepen the officer’s understanding of the morality in the use of force to aid in their decision making as military professionals.

Just War Theory curricula at the Senior Officer level does not incrementally advance beyond that taught at the Intermediate Service School level. In fact, at the Marine Corps War College, no courses are offered directly dealing with Just War Theory or morality in warfighting. The topics are addressed during an ethics day symposium held once each year at the school. Courses offered at the other Senior Service Schools are similar to the courses taught at the intermediate level. There is no focused progression upon the development of the theory introduced at the Intermediate Service School level. The one major difference is a much stronger alignment of morality in warfare teaching with professional officer ethics. The objective at this level merely appears to be a continued exposure to the topic area.

In the Navy, the College of Naval Warfare and the College of Naval Command and Staff provide the same curricula for the teaching of morality in warfare and the law of war (Table 4). The two schools are co-located and have a common set of faculty. Although the courses are offered during different semesters to the junior class (Intermediate Officers, O-4) and senior class (Senior Officers, O-5/6), the curricula are basically the same though slightly tailored for each class.

The Air War College (AWC) teaches one core course and one elective course dealing with Just War Theory and the ethical use of military forces (Table 1). The AWC
incorporates an entire segment of its curriculum to the study of leadership and ethics. One segment of this curriculum, The Ethical Use of Military Forces, focuses on morality in warfighting. Specifically, the course covers “the ethics of war decision power (jus ad bellum) and war conduct power (jus in bello).” It additionally explores the moral basis and application of Just War Theory and Law of Armed Conflict. The elective course, Command and Conscience, builds upon the foundation of morality and ethics in leadership provided in the core curriculum. It strongly ties morality in warfighting and the ethics of the military profession together through readings on ethics and education, military ethics “in action”, and military philosophy. The course includes an extensive reading list, films, lectures, book reviews, and student briefings.

The Army War College provides two lessons and one elective course concerning Just War Theory (Table 2). The two lessons, Ethics of the Military Profession/Just War Theory and Just War Theory, are closely related. The first lesson introduces the moral basis of the military profession and the use of force while the second lesson deals primarily with the moral responsibility and conventions on the use of force. The elective course, Ethics and Warfare, examines in detail the theory and tradition of Just War and its application to contemporary war. The course material covers the “historical development of just war, major modern contributions to the literature, and careful application of the traditions to specific modern uses of military force.” The Army War College also has a special voluntary application of a war crimes tribunal open to the entire class. During this one hour session, Air Force General Carl A. Spaatz is indicted by a mock War Crimes Tribunal for crimes against humanity for the indiscriminate aerial bombing of Dresden, Germany, during World War II. This unique application brings home the
consequences of international accountability in the morality of warfighting in today’s environment.

**Analysis of Current Morality in Warfighting Curricula in Officer PME**

Analysis of the current curricula will focus on sufficiency and consistency. I will address sufficiency by answering the following questions: 1) Does officer PME for each service, as a minimum, comply with the DoD Law of War Program, and 2) Are their means to improve the existing curricula? Consistency will be assessed by asking the following: Is there a logical, structured development in the teaching of the topic as the officer progresses through his career?

Compliance with the DoD Law of War Program directive requires both awareness and application. The directive demands that “the principles and rules of the law of war will be known to members of their respective Departments”. (DoD 5100.77, pg. 4) Applied to the officer corps, this requires each officer to have a working level awareness and comprehension of the law of war. Secondly, the directive further demands that “the extent of such knowledge [of the law of war] to be commensurate with each individual’s duties and responsibilities”. (DoD 5100.77, pg. 4) This part of the directive requires the officer to take his understanding of the law of war and be able to apply it in the performance of his duties. In other words, this directive requires the officer to have a working level knowledge of the law of war commensurate with his working level knowledge of tactics, military customs, administrative policies, etc.

Each service is sufficiently complying with the DoD Law of War Program at the junior and intermediate officer levels of PME. The services are doing an outstanding job of providing awareness and “tactical” application of the law of war to junior officers.
The Air Force ties law of war principles into the application of airpower, the Army connects law of war to small unit and company level combat operations, and the Marines apply law of war to their unique use of force to include military operations other than war. At the intermediate officer level, the services heighten understanding by delving into Just War Theory and then applying this understanding through seminar discussions and case studies.

There appears to be stagnation in the progression of morality in warfighting teaching from the Intermediate to Senior Service level. Curricula at the Senior Service Schools are no more developed than at the Intermediate Service School level. In fact, the Marine Corps War College does not offer any courses that deal directly with Just War Theory. However, both the Air Force and Army War Colleges in elective courses do begin to strongly tie military ethics and morality teaching together. This unique approach is well suited to the broad challenges a senior level commander may face when employing military power or advising civilian authority on the use of force. As a high point, the Army War College even conducts mock War Crime Tribunals to impress upon the officer the possible negative consequences of not complying with the law of war.

Shortfalls in the Air Force and Navy primary officer level schools should be corrected. The Air Force should add a law of war (Law of Armed Conflict) section to the Squadron Officer College curriculum and the Navy should do the same in its Basic Officer Leadership Course. The curriculum addition at the Navy’s Basic Officer Leadership Course should simply be an overview of the rules and principles of the law of war since more rigorous training for the junior officer is provided in the fleet. The course addition at the Air Force Squadron Officer College should be more comprehensive and
model the Army’s Officer Advanced Course curriculum tailored to the Air Force Squadron application.

Merely teaching the law of armed conflict rules and application is not commensurate with the level of understanding required of an officer in a command or staff position. The Air Force should incorporate the teaching of Just War Theory into the core curriculum at Air Command and Staff College. Additionally, the Marine Corps War College should introduce to their curriculum a course addressing morality in warfighting and Just War Theory, building upon the Morality, Law and War: Just War Theory and the Law of War course given at the Marine Command and Staff College. But even more, each service should thoroughly review and assess their Intermediate and Senior Service Schools’ morality in warfighting curricula to ensure they are instilling knowledge commensurate with their level of command responsibility as required by the DoD Law of War program.

Each Service needs to develop a structured approach to the progression of morality in warfighting teaching in its PME system. Currently, no such system within each service exists. Progression does occur, but this is more through coincidence, not through structured planning. The Service Schools are heading in the right direction individually; they are just not planning collectively. Focus at the junior officer level should be on basic awareness and application at the tactical level of war. The objective at the intermediate level should expand awareness and application to the operational level of war, introduce foundation and theory, and study international and political implications. Finally, at the senior officer level, the aim should be on application at the strategic level of war, study the political and international ramifications, and explore the
obligations between the civilian and military leadership.

Inter-service interaction would greatly benefit the progression of morality in warfighting teaching in today’s increasingly joint military environment. Currently, no one Service has the “model” curriculum; however, each Service does make unique, extraordinary contributions to the overall field of teaching this topic. Each service can learn from the other. An annual conference among the instructors to discuss curriculum, promote research, and heighten awareness of issues would certainly enhance the professional progression of this field of study.

Conclusions and Recommendations

A tremendous potential for improvement among and within the services exists in the teaching of morality in warfighting to the officer corps. “If there is any danger in the way ethical reflection is institutionalized with the [military officer corps], I believe that it lies in the lack of a systematic, coherent, and coordinated structure to support that effort over time and across services. Moral and ethical education cannot be reduced to single courses of study given here or there. Rather it must comprise a program of life-long learning, beginning in the training of officer candidates in the service academies and continuing according to a logical plan through mid and upper-level ranks at the war colleges and command training schools.” (Rosenthal, pg. 6)

Vast improvement, however, will come through the interaction among faculty and staff involved in the teaching of morality in warfare, not through enforcement of standardized criteria. Those who are teaching the subject today have well-developed curricula. Many teaching or participating in the teaching of morality courses are volunteers (retired officers, visiting professors). They teach the subject because they are
highly motivated to do so. Enforcing standardized curricula upon these individuals will not have a positive influence on the teaching of the subject. Dr. Toner in his article, *Mistakes in Teaching Ethics*, said it best, “Get out of the way and let teachers teach. Monitor, sure; sit in, of course; challenge and criticize, certainly. But do not substitute ‘approved curriculum’ for the spontaneity of lively, creative, dynamic teaching by someone deeply in love with the subject and with an almost desperate need to explain it to others!” (Toner, pg. 50) Interaction within and between the service schools, real communication through conferences, is the key to improvement.

I strongly recommended that within each service the faculty and staff of the schools from junior to senior level meet at least annually to review morality in warfighting curricula. This gathering’s primary objective should be to ensure there exists a logical progression in the development of morality teaching within their service. They should also address the following questions: 1) Does our officer PME comply with the DoD Law of War Program in both awareness and application? 2) Does our teaching of morality in warfare properly address the specific issues our officer’s will be exposed to in their primary environments? And 3) Does our teaching of morality in warfare challenge the officer to fully reflect upon the subject, given their level of development? In answering these questions, the faculty and staff should fully review and compare their curricula, course readings, case studies, guest lectures, student research, and use of seminar discussions. The Air Force is especially suited for this endeavor since all four officer PME schools (Air War College, Air Command and Staff College, Squadron Officer College, and the Aerospace Basic Course) are co-located on one campus at Maxwell Air Force Base, Alabama!
I further strongly recommend that inter-service interaction between the schools occur on an annual basis. This gathering should share ideas in the teaching of morality in warfare, to discuss what works and what doesn’t, to review writings and publications relevant to the topic, and to exhibit and promote research in the field. This collective forum should be the voice for the military services on issues concerning the teaching of the topic within the Department of Defense.

The teaching of morality in warfighting is of paramount importance in officer PME in today’s global environment. Officers must be provided a solid foundation in the law of war and Just War Theory. They must be able to confidently apply morality “in action” in the warfighting environment. Education should be structured to consistently challenge the officer as he progresses through his career. The foundation for teaching morality in warfare has already been laid; it is now time to put the appropriate finishing touches on this important area of professional military education.
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