

United States Marine Corps  
Command and Staff College  
Marine Corps University  
2076 South Street  
Marine Corps Combat Development Command  
Quantico, Virginia 22134-5068

MASTER OF MILITARY STUDIES

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Completing the Philosophy of the Ethical Warrior

SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENT FOR THE DEGREE OF  
MASTER OF MILITARY STUDIES

Major Joseph A. Farley, USMC

AY 07-08

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Mentor and Oral Defense Committee Member: Charles D. McKenna, PhD.

Approved: Charles D. McKenna

Date: 29 APRIL 2008

Oral Defense Committee Member: PAOLO TRIPODI PhD

Approved: Paolo Tripodi

Date: 29 April 2008

# Report Documentation Page

*Form Approved*  
*OMB No. 0704-0188*

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE <b>2008</b>	2. REPORT TYPE	3. DATES COVERED <b>00-00-2008 to 00-00-2008</b>			
4. TITLE AND SUBTITLE <b>Completing the Philosophy of the Ethical Warrior</b>		5a. CONTRACT NUMBER			
		5b. GRANT NUMBER			
		5c. PROGRAM ELEMENT NUMBER			
6. AUTHOR(S)		5d. PROJECT NUMBER			
		5e. TASK NUMBER			
		5f. WORK UNIT NUMBER			
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>United States Marine Corps, Marine Corps Combat Development Command, Command and Staff College, Marine Corps University, 2076 South Street, Quantico, VA, 22134-5068</b>		8. PERFORMING ORGANIZATION REPORT NUMBER			
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR'S ACRONYM(S)			
		11. SPONSOR/MONITOR'S REPORT NUMBER(S)			
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT <b>Same as Report (SAR)</b>	18. NUMBER OF PAGES <b>39</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			

## Executive Summary

**Title:** Completing the Philosophy of the Ethical Warrior

**Author:** Major Joseph A. Farley, United States Marine Corps

**Thesis:** The Marine Corps can maintain a "Warrior Ethos," that if internalized in the hearts and minds of its Marines, will be sufficient to enable them to successfully meet the ethical challenges of the COIN or asymmetrical warfare environments. This is possible if the Marine Corps adopts a strategy that more clearly defines its ethos and inculcates within its Marines a depth of understanding of it that will result in their ability to better translate their ethos into "ethics" in application on the battlefield. The current ambiguity in Marine Corps ethics can be clarified with a strategy focused primarily in two areas:

- Defining and justifying the increased risk to Marines in COIN
- Determining Marine roles in situations and the corresponding levels of risk

**Discussion:** The basis of the values expressed by the Marine Corps is the ideal of the equality of human life. However, the linkage of this ideal to the various tangible risk-acceptance situations possible in the COIN environment has not been firmly established. Risking the lives of "buddies" to potentially save the lives of strangers on foreign soil is counter-intuitive to the traditional Marine Corps "ethos" and often difficult to justify under the guise of national defense. Reflexive killing is psychologically harmful to Marines when the moral reasoning behind the killing is not firmly justified in all circumstances, and it is not conducive to the COIN environment where moral autonomy is required to support ethical reasoning within complex situations. There are ethical constructs relative to risk-acceptance that correspond to different roles that Marines will assume on 21st century battlefields, and Marines must be capable of shifting among these different roles in order to make decisions that are morally and ethically correct according to their responsibilities on the battlefield. The Marine Corps' ethical warrior philosophy can have the depth and flexibility to address the ethical requirements of identity roles spanning the spectrum of conflict if the Marine Corps focuses its ethics education on clearly defining the requirements of those roles in terms of risk and sacrifice and how Marines should assess situations in order to determine which role should apply.

**Conclusion:** The Marine Corps' ethical warrior philosophy is a well-conceived model that can be useful as the cognitive framework that encompasses the range of roles and responsibilities that are possible for Marines to fill within the spectrum of conflict and provides "humanitarian value" unity among those roles. However, the Marine Corps must more fully develop the idea of the primacy of the protection of human life—the idea that Marines, when in the role of protectors, must hold the lives of those whom they protect at a higher value than their own and at a higher value than those of their fellow Marines. The level of risk that is required to be accepted by Marines in the protector role must be articulated in corresponding terms. This includes developing humanitarian values and solidifying their risk-acceptance implications. Additionally, the Marine Corps must educate Marines so that they are able to assess situations, determine their roles in those situations relative to all others involved, and then clearly establish what levels of risk-acceptance apply.

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## ACKNOWLEDGMENTS

I greatly appreciate the guidance and encouragement of Dr. Paolo Tripodi, without which my research would certainly not have ventured into all of the areas that it did. Additionally, without the continual prodding, tempered by extraordinary patience, of Dr. Charles D. McKenna, this paper would probably still be an incomplete draft.

## **I. Ethics in question**

The final report of the Mental Health Advisory Team (MHAT) IV, Operation Iraqi Freedom 05-07, which was published on 17 November 2006 by the Office of the Surgeon, Multinational Force-Iraq and the Office of the Surgeon General, United States Army Medical Command, contained findings that raised serious concerns and prompted immediate action at the highest levels in the United States Armed Forces. This report on the fourth in a series of assessments that began in 2003 was the first that included, at the request of the Commander, Multinational Force-Iraq, results of questions posed to soldiers and Marines regarding "battlefield ethics." To the United States Marine Corps, an institution that is self-professed and widely regarded as having the highest of moral standards and conduct in battle, the results were humbling:<sup>1</sup>

- Only 38% of Marines agreed that non-combatants should be treated with dignity and respect (compared to 47% of soldiers.)
- 17% of Marines believed that all non-combatants should be treated as insurgents.
- 44% advocated torture of prisoners if required to save the life of a Marine.
- Only 24% of Marines surveyed would risk his/her own safety to help a non-combatant in danger.

These findings, while troubling in any context, represent a mentality among Marines that clearly does not support mission success in the current counter-insurgency (COIN) environments of Iraq and Afghanistan. Lieutenant General James Mattis, the current Commander of the United States Joint Forces Command, and the Commanding General of First Marine Division during Operation Iraqi Freedom I, in a keynote address to Marine Corps Command and Staff College in Quantico, Virginia on 7 September 2007, spoke to an audience consisting primarily of Marine Corps Majors of the importance of

keeping “the moral high ground at all costs, to include the cost of losing some of your young Marines.”<sup>2</sup> According to the Marine Corps Warfighting Publication (MCWP) 3-33.5, *Counterinsurgency*, “COIN is war amongst the people,”<sup>3</sup> where Marines must be “prepared to take some risk;”<sup>4</sup> the publication further identifies that the COIN environment creates the need for increased ethical consideration of risk and ties the willingness of Marines to accept it to the Marine Corps “Warrior Ethos.”

Combat...often obligates Soldiers and Marines to accept some risk to minimize harm to noncombatants. This risk taking is an essential part of the Warrior Ethos. In conventional conflicts, balancing competing responsibilities of mission accomplishment with protection of noncombatants is difficult enough. Complex COIN operations place the toughest of ethical demands on Soldiers, Marines and their leaders.<sup>5</sup>

Considering that only 1/4 of Marines are willing to risk their own safety for a non-combatant, it would appear that most Marines have not internalized a “Warrior Ethos” that includes the acceptance of risk sufficient for them to operate successfully in a COIN environment.

If the Marine Corps is to retain its role as a flexible and adaptable conventional force in readiness, it will need to maintain the ability to operate with exceptional skill across the entire spectrum of conflict—this is the expected reality of warfare in 21st Century. Frank Hoffman writes in *Preparing for Hybrid Wars*, that conflict in the 21st Century will likely be characterized by “hybrid wars” that “do not allow [the United States] the luxury of building single mission forces.” Hoffman notes the implication of hybrid wars for the Marine Corps is that it will require “a balance between our potent conventional combat capability and our Small Wars tool kit”<sup>6</sup> Achieving this balance not only has implications pertaining to training and materiel, but also includes the challenge of preparing personnel mentally to operate in environments requiring radically different

codes of behavior. Lieutenant General Sir John Kiszely, the director of the Defence Academy of the United Kingdom who in 2002 served in Iraq as the Deputy Commanding General of the Multi-National Force Iraq, captures the nature of this challenge in his article "Learning about Counterinsurgency" published in *Military Review* in March 2007:

To be capable of warfighting, an army needs to have as its characteristic cultural spirit, or ethos, one which is warfighting oriented...But to be capable of operations other than war...an army needs its soldiers to have a perception of themselves as something other than warriors...Combining these two cultures is remarkably difficult; it is remarkably difficult for an army to be really good at both warfighting and counterinsurgency.<sup>7</sup>

Can the Marine Corps maintain a "Warrior Ethos," that if internalized in the hearts and minds of its Marines, will be sufficient to enable them to successfully meet the ethical challenges of the COIN or asymmetrical warfare environments? Assuming that the answer is yes, a question of equal importance is, can this ethos be comprehensive enough to deal with the ethical considerations and psychological demands of COIN without compromising the Marines' ability to fight in conventional or "kinetic" combat engagements where the balance of risk is secondary to the requirements for immediate and aggressive violent action? This paper argues that the answer to both questions is "yes," provided that the Marine Corps adopts a strategy that more clearly defines its ethos and inculcates within its Marines a depth of understanding of it that will result in their ability to better translate their ethos into "ethics" in application on the battlefield. The current ambiguity in Marine Corps ethics can be clarified with a strategy focused primarily in two areas:

**- Defining and justifying the increased risk to Marines in COIN**

The first area of focus is the more detailed development of the rationale behind the acceptance of risk in the COIN environment. Currently there is a logical gap in what can be categorized as the philosophy of the “ethical warrior”—the application of Marine Corps “values” on the battlefield—in that it does not clearly provide a framework for risk-based decisions by defining why it may be necessary for Marines to place the protection of the lives of the population of a foreign nation as a higher priority than the protection of the lives of themselves or their Marines. This framework must be logically complete if it is to withstand the crucible of life and death reckoning in combat. The counterintuitive idea that it “makes sense” for a Marine to risk his or her life and/or the lives of his or her buddies, potentially widowing their spouses and orphaning their children, in order to avoid potential harm to non-combatants, must be firmly substantiated in the mind of the Marine if this risk has any hope of being accepted.

**- Determining Marine roles in situations and the corresponding levels of risk**

The second area of focus involves educating Marines concerning the application of the ethical warrior philosophy within the entire spectrum of conflict, or teaching them to interpret the philosophy within the context of operational scenarios. Specifically, this involves education that would enable a Marine to assess a situation, determine his or her role in that situation relative to all others involved, and then clearly establish what level of risk-acceptance is warranted. While the Marine Corps gives much attention to education regarding rules of engagement (ROE) and law of war (LOW,) it gives less emphasis on the nuances of categorizing when rules of protecting non-combatants apply versus when rules of proportionality and discrimination to minimize harm to non-

combatants apply. Interpreting "ethics" beyond ROE and LOW is largely left to a Marine's subjective application of a system of "values" rather than specific guidance based on his or her role in a situation. If the "Warrior Ethos" of the Marine Corps is to be sufficient to guide Marines in "ethics" in combat environments spanning the spectrum from COIN to kinetic offensive operations, it must include both the depth to address the range of scenarios that Marines may face and the education to clearly categorize their roles in those scenarios.

## **II. The Marine Corps' Renewed Focus on Ethics**

Following the MHAT IV report, General James Conway, Commandant of the Marine Corps, testified before the Senate Armed Services Committee on 29 March 2007 that the Marine Corps was reviewing efforts to "instill in Marines those core values necessary to guide them correctly through the complex ethical demands of armed conflict."<sup>8</sup> General Conway affirmed that studies of ethical leadership, the Law of War, escalation of force and Rules of Engagement occur at every phase of the training continuum for Marines and noted that "ethical decision making through the Marine Corps Martial Arts Program that teaches [Marine Corps] Core Values and presents ethical scenarios pertaining to restraint and proper escalation of force" is "the foundation of [the] curriculum."<sup>9</sup> Convening a Values and Battlefield Ethics Working Group in May 2007, a panel that included Marine combat leaders from the junior non-commissioned officer (NCO) level to flag officers, and tasking "the training establishment with implementing new ethics lessons in training and education,"<sup>10</sup> an effort involving both the Marine Corps Combat Development Command (MCCDC) staff and The Marine Corps University Lejeune Leadership

Institute, General Conway has launched a thorough and dedicated effort aimed at ensuring that Marines are prepared to make ethically "right" decisions on the battlefield.

The Lejeune Leadership Institute, which is part of Marine Corps University, is at the leading edge of the ethics education effort. The institute is nearing completion of its "2008 Ethics Pilot Program," which includes an education program titled "To Keep Our Honor Clean: Above and Beyond Compliancy, Small Unit Battlefield Ethics" that provides lesson outlines and supporting materials designed to be presented and discussed in group format led by company and platoon leaders down to the Non-Commissioned Officer (NCO) levels. The current format is an excellent starting point and includes in its objectives that "[Marines] will understand that tough moral decisions have consequences," and that they "will cultivate resources to do the morally right thing."<sup>11</sup> However, in its current form, the program and tools do not clearly address risk-acceptance ideas tied clearly to human life value considerations in COIN. Another area of the effort by the Lejeune Leadership institute and Marine Corps Training and Education Command (TECOM) are ongoing "Leadership and Ethics Surveys" designed to assess values, ethics and morals throughout the Marine Corps by surveying and interviewing broad populations. Results of the leadership and ethics survey conducted within a large population of permanent personnel (Marines representing all enlisted and officer ranks) at Marine Corps Recruit Depot, Parris Island, South Carolina, were available for analysis in this paper. While the survey did ask a range of "values" related questions, including some dealing with lying and cheating in various contexts, it did not clearly focus on risk-acceptance issues in a manner that would indicate whether Marines would justify the necessity of placing the protection of the lives of the population of a

foreign nation as a higher priority than the protection of the lives of themselves or their Marines. The question in the survey most related to this line of thought dealt with whether Marines would report an instance of “suspected” torture if they believed that the torture would “save the lives of Marines.” Of those who responded, 41% answered that they either probably or definitely would not report it, while 25% were unsure, for a total of 66%.<sup>12</sup> While this question has implications relating to risk-acceptance, questions should be included that deal more clearly with accepting risk in contexts beyond torture—specifically, questions dealing with whether Marines would accept risk to themselves and other Marines if it were necessary to protect foreign civilians, to include civilians who may or may not be insurgents, and civilians who they know to be “bad” but are noncombatants, etc. These types of questions would more accurately capture how Marines weigh the relative value of life in accordance with variables that could result in “ethics” divergent from the values required in the COIN environment.

### **III. Marine Corps “Core Values”**

The Marine Corps Values Program, implemented in 1996, sought to address the fact that “while the Marine Corps has a rich tradition of promoting values, these values have historically been communicated in disparate programs or in response to significant events.”<sup>13</sup> The program identified “core values” of honor, courage and commitment, and implemented a coordinated program to develop and reinforce those values, primarily through focus in all areas of Marine Corps Professional Military Education (PME). The idea of formally establishing “values” for the Marine Corps as objective and real standards was intended to guide decision making toward what is ethically “right,” and away from “situational ethics or situational morality.”<sup>14</sup> Central to the program was the

idea as set forth in Marine Corps Reference Publication (MCRP) 6-11B, *Marine Corps Values: A User's Guide for Discussion Leaders* published in 1997, that "strong Marines, believing in the same ideals, adhering to the same code of behavior and ethics, working to accomplish the same mission are an unbeatable combination."<sup>15</sup> This guide does briefly and generally speak to the source of these "same ideals" or values that guide the "code of behavior and ethics":

The U.S. Constitution, the Pledge of Allegiance, and the creeds that guide our nation recognize the value of religious and spiritual heritage of individuals and base our understanding of rights and duties on the endowment of all people, by God, with the inalienable rights of life, liberty, and the pursuit of happiness. Marines maintain spiritual health and growth to nurture enduring values and acquire a source of strength required for success in battle and the ability to endure hardship.<sup>16</sup>

While the attempt to codify a set of values and to educate Marines in their practice is worthwhile and definitely a positive step, the Marine Corps Values Program falls short of anchoring its values to clear truths that would support the depth of moral questioning of Marines weighing the costs and benefits of life and death risk on the asymmetrical battlefield. For example, "selflessness" of a Marine is defined only relative to other Marines or to his or her family and citizens of the United States, and the value of the lives of others on the battlefield is addressed only in general terms as "concern for people" where "a Marine is the fiercest of all warriors and the most benevolent of conquerors."<sup>17</sup>

#### **IV. The "Ethical Warrior" of the Marine Corps Martial Arts Program**

The evolution of the concept of values with the depth required for practical application on the asymmetrical battlefield has taken a quantum leap forward in the philosophy of the "ethical warrior." Beginning as the vision of Commandant General James L Jones in 1999, the Marine Corps institutionalized a deliberate and comprehensive program

designed to instill within its Marines a “philosophy” built upon and further developing “core values” as they pertain to ethical conduct on and off the battlefield. The Marine Corps Martial Arts Program (MCMAP) from its inception has focused on the development and practical implementation of the “ethical warrior” philosophy. In his article “The Ethical Warrior of the 21st Century: Personal development through martial arts” published in the February 2007 issue of *The Marine Corps Gazette*, Lieutenant Colonel (retired) Joe Shusko, Director of the Marine Corps Martial Arts Center of Excellence (MACE) at Quantico, Virginia, describes the end state of MCMAP as the development of Marines who “not only can fight, but also understand the moral dimensions of conflict, make ethical decisions in any situation, and uphold the image and high moral fiber [of] the Corps.”<sup>18</sup> The “three disciplines” of MCMAP, mental discipline, character discipline and physical discipline, are captured in the mission of MCMAP which is to “synergistically mold the mental, character, and combative disciplines and imbue...Marines with the qualities necessary to respect all mankind without prejudice, to make ethical decisions in life, and to honorably deal with the moral dimensions of combative conflicts.”<sup>19</sup>

Jack Hoban, a subject matter expert for MCMAP, references Lieutenant Colonel Shusko’s previous article and further explains and develops the “ethical warrior” concept in his own article “The Ethical Marine Warrior: Achieving a higher standard” published in the September 2007 issue of *The Marine Corps Gazette*. Hoban ties values directly to the ideal of the intrinsic value of life in stating that “the foundation of ethical warriorship is that all men are created equal,” a concept that he further describes in saying that life has “fundamental universal value.”<sup>20</sup> Hoban defines ethical warriors as “defender-

protectors,” those who kill, but do so in a larger effort to ultimately protect life.<sup>21</sup> Being the ethical warrior is “living a noble life—a better life” in which a Marine is willing to risk his own life to defend those of his fellow Marines and the innocent people under his protection.”<sup>22</sup> According to Hoban, while ethical warriorship in practice is challenging, its benefits are honor to the Marine Corps and a “feeling of nobility as a warrior knight”:

To risk our lives for others, even strangers, *even our enemies*, is very anti-intuitive. But there is a great measure of satisfaction in a life lived according to the precept of protecting others—and it is the key to trumping the conflicting relative values between us.<sup>23</sup>

Through the concept of the ethical warrior MCMAP advances ideals of core values by incorporating the precepts of the Values Program into a coherent and practicable philosophy. It does so by tying the concept of “selflessness” to the notion that it is honorable, or “good,” for a warrior to sacrifice his or her life for the life of someone else. However, the philosophy does not (yet) clearly define why such sacrifice is “good” in a manner that reaches to something tangible beyond the intrinsic goodness of the ideal itself.

## V. “Something Larger”

The limitations of translating “values,” as established and taught by the Marine Corps, to making ethically “right” decisions on the battlefield are captured in the words of Dr. Albert C. Pierce, Director, Institute for National Security Ethics and Leadership, National Defense University. In an address given on 18 January 2008 at the Marine Corps’ Basic School at Quantico, Virginia, Dr. Pierce defined the foundation of the values held by the United States and of its military as the idea that “all men are created equal,”<sup>24</sup> a concept well-captured in the “ethical warrior” concept (Dr. Pierce actually acknowledged this and recognized Lieutenant Colonel Shusko, the Director of MCMAP, who was seated in the

front row of the auditorium.) In continuing this line of reasoning, Dr. Pierce offered the idea that winning a conflict in which success is measured in protecting and gaining the confidence of an innocent, and perhaps the not so innocent, population requires risking the lives of “ours” in the struggle to protect “their” lives. This acceptance of risk requires a belief system in which individuals acknowledge that there is, in the words of Dr. Pierce, “something larger” than the individual or his/her Marines to make the risk—the sacrifice—worth the “cost.”<sup>25</sup> This “something larger” within current Marine Corps values may range from ideas such as freedom or liberty, to more tangible notions such as the defense of the United States, its Constitution, its way of life, or of the individual’s family or loved ones. These ideas may not be sufficient to justify risk and sacrifice in a COIN environment where they do not logically connect to the job at hand.

## **VI. The Logical Problem of “National Defense”**

Beginning in 2002, the National Defense Strategy of the United States of America, published by the President, adopted explicitly the role of “champion[ing] aspirations for human dignity.”<sup>26</sup> In the 2002 document, President George W. Bush stated that “our Nation’s cause has always been larger than our Nation’s defense...And we will extend the peace by encouraging free and open societies on every continent.”<sup>27</sup> This theme continues in the current National Defense Strategy published in 2006, and while the President does logically tie the mission of “championing” dignity and rights to national defense, the connection does require a broad and global perspective and the acceptance that our national “values” are the actual focus:

To protect our Nation and honor our values, the United States seeks to extend freedom across the globe by leading an international effort to end tyranny and to promote effective democracy.<sup>28</sup>

Thus, our National Defense Strategy is not strictly and directly tied to “national defense” in its most literal interpretation, but rather more to the idea that part of the way of ensuring security for America is to make the world more like “us,” at least in the respect that the United States is willing to fight on foreign shores to promote the practice of ideas that it believes. In the words of the President, “The human desire for freedom is universal.”<sup>29</sup>

In his article “Moral Foundations of Military Service” published in the Spring 2000 issue of *Parameters*, Martin L. Cook addresses the “ethics of military service” by exploring why it “is morally legitimate to willingly assume the obligation to fight and die for one’s country.”<sup>30</sup> In arguing for the importance of military operations being “conducted in accordance with the values of the American people,”<sup>31</sup> Cook offers that “it requires considerable conceptual sleight-of-hand to extend the concept of self-defense to foreign interventions.”<sup>32</sup> In very real terms, the further that “the cause,” the rationale supporting the combat action, drifts away from the concept of the defense of our country and its way of life, the harder it is for a Marine to internally justify the assumption of risk to his or her life, and more significantly the lives of the Marines in his or her charge or to his left or his right, if such is required.

## VII. Reflexive vs. Reflective Action

U.S. Army Lieutenant Colonel Peter Kilner, in his article “Military Leaders’ Obligation to Justify Killing in War” published in the March-April 2002 issue of *Military Review*, argues that “military leaders’ important and legitimate role—transforming civilians into combat soldiers who kill to defend their country—carries with it the obligation to help soldiers cope with the moral repercussions of their actions.”<sup>33</sup> Kilner

explores both the rationale behind training “soldiers to kill reflexively”<sup>34</sup> and how “reflexive killing training may be harmful” as it may lead to “guilt and psychological trauma” once soldiers “reflect” on their killing following combat.<sup>35</sup>

**-The need for “reflexive” action:**

The idea that men in combat must bypass their moral decision process in order to be lethal as soldiers was one that gained wide acceptance among the leadership of the U.S. military in the years immediately following the Second World War, largely because of an argument made by Brigadier General S.L.A. Marshall.<sup>36</sup> In 1947, Marshall published *Men Against Fire: The Problem of Battle Command in Future War*, a book that was based on data that he had collected by interviewing soldiers in the Central Pacific and European theaters of operations during the war. In his book, Marshall argued that soldiers in combat require reflexive action in order to overcome “their moral reservations about killing,”<sup>37</sup> and that the Army needed to implement training that would “free the rifleman’s mind with respect to the nature of targets...”<sup>38</sup> Whether or not this argument is valid, there is a legitimate concern that moral reflection, if it does not result in “fear of killing,” will at least cause a hesitation that is inherently dangerous in that “soldiers who are morally aware of their actions...may be less willing to respond immediately to orders to kill. Such delay could, in turn, cost them their lives and compromise the mission.”<sup>39</sup> The argument that hesitation may “compromise the mission” may not necessarily apply as readily to the COIN environment as it does to conventional “kinetic” combat, in that hesitancy in some cases may actually best support the mission by enabling more time for a soldier to discern whether an individual who the soldier encounters on the battlefield is a “combatant” or not within the ROE. However, the fact that Kilner’s article was written

in 2002 prior to the COIN mission in Iraq may indicate why it does not address reflexive action specifically within the context of COIN.

**-The danger of reflexive action:**

Kilner notes that “when soldiers kill reflexively—when military training has effectively undermined their moral autonomy—they deliberate their actions only after the fact.”<sup>40</sup> “If [soldiers] are unable to justify to themselves that they killed...they will likely, and understandably, suffer enormous guilt. This guilt manifests itself as posttraumatic stress disorder (PTSD,) and it has damaged the lives of thousands of men who performed their duty in combat.”<sup>41</sup> Dan Baum in his article “The Price of Valor” published in *The New Yorker*, in July 2004, notes that “Kilner and a number of observers inside and outside the Army worry that the high rate of closeup killing in Iraq has the potential to traumatize a new generation of veterans,” and criticizes the fact that “the aftereffects of taking an enemy’s life are almost never studied [by the Army and the Department of Veterans Affairs.]”<sup>42</sup> Baum, like Kilner, asserts that training in reflexive killing, or enabling soldiers to kill in combat by “paradoxically...play[ing] down the fact that shooting equals killing” is resulting in psychological harm to soldiers who have killed in Iraq.<sup>43</sup>

**-The need for “reflection”:**

Kilner makes an excellent point by emphasizing the importance of linking reflexive action to “reflection,” or the consideration of moral repercussions of life-or-death decisions, since such reflection is required to justify killing according to the moral sensibilities of the soldier:

Leaders must help soldiers understand that what they learn to do reflexively would be the same choice they would have made reflectively

because it is the morally right choice...by doing so, military leaders can empower their soldiers to live with clear consciences after they have justifiably killed..."<sup>44</sup>

What Kilner describes essentially amounts to reflection prior to the moment in which reflexive action is required—as per the title of his article, soldiers need to “justify” in a moral sense the killing prior to the reflexive action of actually doing the killing. Kilner advocates that “the Army should include the moral justification for killing in combat training...” because currently it fails “to prepare [soldiers] morally, and in doing so...[fails] to care for soldiers’ welfare.”<sup>45</sup> Kilner’s primary emphasis concerns how reflection would benefit soldiers in the sense that it would enhance their abilities to cope with their decisions to kill. However, while Kilner asserts that reflection would serve to help soldiers to “make morally right decisions about who to kill in morally ambiguous circumstances,”<sup>46</sup> he does not offer analysis of how exactly it would do so. Reflection that the concept of killing and the justification for doing so must be deemed morally acceptable by the soldier or Marine prior to him or her needing to kill is clearly necessary. However, the difficult challenge is the application of moral reflection in the discernment of whether or not an individual should be killed. Kilner implies that it is possible for reflection to have the depth that is sufficient to provide a moral context that would guide “reflexive” action. In a sense a soldier or Marine would be morally conditioned to take appropriate reflexive action without delays (or “hesitation”) associated with the cognitive moral analysis. This is ideal, but probably not realistic. The idea that cognitive analysis justifying killing can be completed prior to the act of killing fits within the context of conventional combat. However, it would not likely survive the complexity of the process surrounding decisions to kill in the COIN

environment, where the challenge of positively identifying enemy combatants among a population of non-combatants may be based primarily on their immediate behavior. However, despite the problems of applying Kilner's concept of morally justified reflexive action to COIN, he does hit upon the idea that "moral autonomy,"<sup>47</sup> is the solution to counteracting regret in reflection:

While some may find the idea of military professionals being unwilling to kill during battle a bit embarrassing, we should instead think of it as encouraging. We want soldiers who choose to do what is morally right, who kill enemy combatants yet protect all noncombatants."<sup>48</sup>

### VIII. Warrior and Police "Ethics"

According to *Counterinsurgency*, "progress for building support for the [Host Nation] government requires protecting the local populace."<sup>49</sup> Protection is in fact the current priority for coalition forces in Iraq. General David H. Petraeus, Commander of Multi-National Forces-Iraq, states as his first among the ten points issued in "priority order" in his *MNF-I Counterinsurgency Guidance* of Summer, 2007 that "population security is our primary mission."<sup>50</sup> With this emphasis on protecting the population, it would appear that the current situation in Iraq is more closely aligned to "maintaining" rather than "securing" peace—or more of a "policing" rather than "warfighting" function:

In counterinsurgencies, warfighting and policing are dynamically linked. The moral purpose of combat operations is to secure peace. The moral purpose of policing is to maintain peace.<sup>51</sup>

Lieutenant Colonel Tony Pfaff in his article "Military Ethics in Complex Contingencies," argues that situations that are likely in the COIN environment "make the warrior ethic, by which soldiers make and judge...decisions, seem inadequate."<sup>52</sup> Pfaff identifies two models of the ethics of force, the "police" and "warrior" ethics:

The most salient difference between the use of force in peace (the criminal model) and war (the enemy model) is the allowance each makes for civilian casualties. In the enemy model, soldiers may legally and morally act in such a way that noncombatants may be harmed or even killed. Under the criminal model, where soldiers are acting in the capacity of "police," they may not. In the former, combatants have greater permission to put noncombatants at risk, while in the latter the protection soldiers owe civilians is nearly absolute.<sup>53</sup>

In general terms, police should seek to use the least force possible, and never in such a way that innocents are harmed, as such harm would represent "a breach of the peace their purpose is to serve."<sup>54</sup> In contrast, Soldiers and Marines may minimize risk while using the most force permissible "given the restrictions of proportionality and discrimination."<sup>55</sup> Note that while constraining violence to military necessity, proportionality and discrimination do not proscribe harm to noncombatants absolutely. In both models, generally the more force that one uses, the less risk to which he or she is exposed. However, because there is a definite difference between the two models concerning the tolerance afforded to him or her relative to harming the innocent or noncombatants, the criteria for risk acceptance is different—the "criminal model" or "police ethic" requires individuals to assume greater personal risk.

The current environment in which the U.S. military is operating, Pfaff argues, requires both "ethics" and the ability for the same forces to transition between one and the other: In Iraq and Afghanistan the U.S. military, after defeating organized military forces, is fighting crime, keeping the peace, and confronting increasingly well organized insurgencies"<sup>56</sup> These are "complex insurgency" environments that require soldiers to be "simultaneously capable of conducting traditional peacekeeping tasks...one moment, and the next moment fighting force-on-force engagements."<sup>57</sup> The Marine Corps' *Counterinsurgency* indicates that this is not an anomaly, but rather the norm: "The COIN

environment frequently and rapidly shifts from warfighting to policing and back again.”<sup>58</sup>

Pfaff states that a force incurs “police” responsibilities “when the establishment of peace is no longer at risk,”<sup>59</sup> or in other words, when a war transitions into a COIN effort—protecting the population becomes the responsibility of the “occupying” force.

*Counterinsurgency* states that while “the primary COIN force is often the police—not the military,... [that] military forces might have to perform police duties at the start of an insurgency; however it is best to establish police forces to assume these duties as soon as possible.”<sup>60</sup>

Pfaff argues that the U.S. military needs a “flexible, yet comprehensive moral framework for the application of military force,”<sup>61</sup> in that it is not “morally sufficient to place soldiers in harm’s way without the indoctrination they need to conduct themselves ethically.”<sup>62</sup> He recommends, among other ideas such as consideration of policing versus combat functions when drafting ROE and making non-lethal weapons more available to Soldiers and Marines, that the military “should...[develop] forces that can function within the moral limits of both the enemy and criminal models,”<sup>63</sup> which includes more training of Soldiers and Marines (infantry and all, not just military police) in law enforcement procedures as well as for combat.

## **VIX. The Ethics of the Peacekeeper**

Dr. Paulo Tripodi, D. Bren Chair of Ethics and Leadership at Marine Corps University, agrees with Lieutenant Colonel Kilner’s idea of the importance of “moral autonomy.”<sup>64</sup> In his article “Peacekeepers, Moral Autonomy and the Use of Force” published in the *Journal of Military Ethics* in 2006, Tripodi asserts that moral autonomy and “internalization of ethical values” are “key elements for peacekeeping missions.”<sup>65</sup>

Tripodi identifies the “core value of a peacekeeper’s ethical code should be respect for human life:”

The practical and tactical implications of placing human life in such an important position, is that peacekeepers’ first and foremost task, under any circumstance, would be to prevent and stop defenseless civilians from being killed or harmed and to ensure their actions do not cause unnecessary harm.<sup>66</sup>

Tripodi “partly compliments and partly challenges Lieutenant Colonel Pfaff’s approach” to the adoption of “criminal” and “enemy” models in categorizing the appropriate use of force.<sup>67</sup> Tripodi states that “the adoption of the ‘criminal’ model should imply not only a discriminate use of force so that no harm is caused to innocent civilians, but...that it must also provide for a decisive use of force to actively protect civilians.”<sup>68</sup> This refinement to Pfaff’s argument is important in that it highlights the concept that violence is permissible for a “peacekeeper” provided that its purpose is to protect the innocent. The decision of a soldier or Marine to kill in the COIN environment will in most cases be intrinsically linked to his or her role as a “protector” rather than the role of a “warrior.” It should be noted that Pfaff probably over simplifies the “criminal” model in his argument. In his book *The Ethics of Policing*, John Kleinig identifies a “variety of models of police work”<sup>69</sup> including the “crimefighter,” “emergency operator,” “social enforcer” and “social peacekeeper.”<sup>70</sup> Kleinig offers that the “social peacekeeper” model offers “the best potential for accommodating in a practical...way the varied tasks that police are called upon to perform”<sup>71</sup> in that it “does not stand over against the crimefighter model or social service model...but embraces them.”<sup>72</sup> Tripodi’s concept of the “peacekeeper” includes this breadth of “policing” roles in that it allows for “nonnegotiable force”<sup>73</sup> as well as “social assistance.”<sup>74</sup>

Tripodi offers that there is “a shortcoming in Pfaff’s argument,” the fact that “it does not recognize the difficulties that soldiers face when attempting to transition between the two models and switch from a warrior (enemy)—to a law enforcement (criminal) mindset.”<sup>75</sup> Tripodi sees this “peacekeeper” ethos as being at odds with the warrior ethos in that “while the latter is ready to accept a high level of risk to protect his fellow citizens and national interest, the peacekeeper subscribes to humanitarian values and he/she is ready to risk his/her live to protect any fellow human being.”<sup>76</sup> While the ethos of the peacekeeper and that of the warrior as defined by Tripodi appear to be almost mutually exclusive in that their rationales to accept risk are in opposition, one may suggest that the same “humanitarian values” can be applied to both “peacekeeping” and warfighting roles. For this application to be workable, the idea of humanitarian values must be logically connected to the warfighter’s mission to protect “national interests” (i.e. a “just cause”) where potentially killing the innocent as a consequence of military necessity can be justified in the sense that it serves to protect the humanitarian values themselves. Of course this ventures into the area of “just war theory” that is beyond the scope of the argument of this paper. However, in dealing specifically with an individual Marine or soldier’s ability to “shift” among different models and reasons for risk acceptance, one must accept that an “ethos” that allows for mentalities supporting both warfighting and peacekeeping functions is possible if the same individual can be called upon to perform both.

#### **X. “Superidentity” and the Ethical Warrior Philosophy**

Volker C. Franke, in “The Social Identity of Peacekeeping,” tackles the question of resolving the “tensions between the peacekeeper and warrior identities.”<sup>77</sup> Franke’s

research and analysis draw heavily upon "social identity theory," a concept established within the discipline of social psychology. "Identity theory" in psychology "links role identities to behavioral and affective outcomes."<sup>78</sup> The theory views "the self not as an autonomous psychological entity but as a multifaceted social construct that emerges from people's roles in society,"<sup>79</sup> or that an individual's "identity" is his or her conceptualization of a role or roles that he or she plays in society, and that this identity influences behavior:

We have distinct components of self, called role identities, for each of the role positions in society that we occupy...Identity theory links role identities to behavioral and affective outcomes [with] some identities [having] more self-relevance than others.<sup>80</sup>

Social identity theory defines these "roles" in terms of membership in "groups,"<sup>81</sup> or as Franke states, individuals "perceive group norms and values as part of their self-conceptions."<sup>82</sup> Conversely, "the individual, as a group member, also shapes group norms and, subsequently, contributes to a dynamic conception of the group identity."<sup>83</sup>

Franke adds that group behaviors can either reinforce or impair an individual's identity:

Behavior (e.g., participation in combat training exercises) that is consistent with a particular social identity (e.g., combat soldier) may affirm that identity, whereas behavior inconsistent with the identity (e.g., fulfilling peacekeeping duties) may impair the commitment to that identity.<sup>84</sup>

Franke develops an idea of a "dynamic model of identity" that "takes into account the potency of multiple identity images" that form from within a "mosaic of cognitive, affective and behavioral motives that shape...self-conception."<sup>85</sup> Considering that some identities have "more self-relevance than others...role identities are organized hierarchically in the self-concept."<sup>86</sup> The idea that those role identities "positioned near the top of the hierarchy are more likely to be invoked in a particular situation"<sup>87</sup> may lead

an individual whose role identity is that of a "warrior" to behave more in accordance with that role in situations where there is ambiguity surrounding what behavior best addresses their requirements (such as in peacekeeping operations.)

Franke notes that "soldiers are trained to possess a combat identity...however,...the identity demands of peace operations may conflict with the social identity of soldiers participating in these operations."<sup>88</sup> Of four models that he references for "resolving cognitive inconsistencies"<sup>89</sup> between the identities of warrior and peacekeeper,<sup>90</sup> Franke advocates a "transcendence/integration" model in which "both conflicting identities are combined and subsumed under a superordinate identity." This imbedding of the "discordant identities" into a comprehensive "superidentity" would serve to either resolve the tension or provide a cognitive justification for identity congruent behavior.<sup>91</sup> As Franke conceptualizes identity as "a dynamic process of self-categorization and social comparison considering...the *centrality* of values and attitudes and the potency of multiple sub-identities,"<sup>92</sup> he proposes that it is possible for soldiers to "negotiate" among multiple "*central* identity images"<sup>93</sup> that are equally accessible within the "superidentity" for application according to the role behaviors required by a specific situation. Franke believes that it may be possible for a military to develop this "superidentity" within its soldiers and reduce identity tension:

Military socialization that teaches soldiers to invoke positively valenced identity images that are congruent with different mission objectives would add certainty to behavioral choices, especially in the fluid context of peace operations. Such cognitive preparation could diminish the need to bolster the warrior identity or to deny or normalize the peacekeeper identity and could motivate soldiers to negotiate a new military identity reflecting both combat and non-combat roles. The implication is that soldiers could then rely on previously practiced integration strategies to help them resolve identity dilemmas more quickly and more effectively.<sup>94</sup>

In that the "responsiveness of social identity to immediate social contexts is a central feature of social identity,...the cognitive system, in seeking to maximize meaning in a specific context, engages whatever categorization is cognitively most readily available."<sup>95</sup> Provided that the Marine Corps places equal emphasis on the development of what Franke considers the conflicting identities of "warrior" and "peacekeeper," or identities that are more usefully termed within the context of this paper's argument as "killer" and "protector," within the "superidentity" of the ethical warrior philosophy, both extremes in the spectrum of violence could be *equally* accessible. According to this idea, if a Marine were able to clearly categorize which role that he or she would fulfill in a given situation (which "identity" among the multiple possibilities within the spectrum of conflict that would need to be "readily available,") then his or her interpretation of events would occur within the appropriate context and his or her decisions and behavior would be ethically correct.

## **XI. Summary of the Argument**

To this point, we have established that the basis of the values expressed by the Marine Corps as essential, to the point that compromising them "can have devastating effects on our unit, our Corps and our Country,"<sup>96</sup> is the ideal of the equality of human life. However, we also acknowledge that linkage of this ideal to the various tangible risk-acceptance situations possible in the COIN environment has not been firmly established. We have also asserted that risking the lives of "buddies" to potentially save the lives of strangers on foreign soil may be somewhat counter-intuitive to the traditional Marine Corps "ethos" and difficult to justify under the guise of national defense when linkage of the combat to actual tangible defense of the United States requires a global inclusion in

thinking that is probably not typical in the average young Marine. We have discussed how reflexive killing is psychologically harmful to soldiers and Marines when the moral reasoning behind the killing is not firmly justified in all circumstances, and how reflexive killing is not conducive to the COIN environment where moral autonomy is required to support ethical reasoning within complex situations. We have identified ethical constructs relative to risk-acceptance that correspond to different roles that soldiers and Marines may be required to assume on 21st century battlefields, and that individuals called upon to serve in these different roles must be capable of shifting among them in order for those individuals to be able to make decisions that are morally and ethically correct according to the responsibilities of those roles. Finally, we propose that the Marine Corps' ethical warrior philosophy can have the depth and flexibility to address the ethical requirements of identity roles spanning the spectrum of conflict if the Marine Corps focuses its ethics education on clearly defining the requirements of those roles in terms of risk and sacrifice and how Marines should assess situations in order to determine which role should apply.

## **XII. Completing the Ethical Warrior Philosophy**

The Marine Corps' ethical warrior philosophy, designed to inculcate within Marines the ability to practically apply their "core values" toward ethical conduct on and off the battlefield, is a well-conceived model that can be useful as the cognitive framework that encompasses the range of roles and responsibilities that are possible for Marines to fill within the spectrum of conflict and provides "humanitarian value" unity among those roles. In order for the ethical warrior philosophy to achieve this depth, the Marine Corps must first more fully develop the idea of the primacy of the protection of human life—the

idea that Marines, when in the role of protectors, must hold the lives of those whom they protect at a higher value than their own and at a higher value than those of their fellow Marines. The level of risk that is required to be accepted by Marines in the protector role must be articulated in corresponding terms. Developing this humanitarian values idea and solidifying the risk-acceptance implications will add balance to the ethical warrior philosophy that is currently lacking, not as a result of institutional negligence, but rather as a result of the Marine Corps not clearly defining the deficiency in order to focus on addressing it. This balance is as important as it is difficult to maintain. Giving "equal billing" in professional military education to roles on opposite ends of the spectrum of conflict from where the force is presently occupied is challenging but not supportive of a coherent philosophy (i.e., it is tempting but dangerous to focus education only on the roles that are "most likely" in the immediate future.)

The second task deals with interpretation and practical application of the ethical warrior philosophy. In order for Marines to be capable of interpreting the philosophy within the context of operational scenarios, they must be able to assess situations, determine their roles in those situations relative to all others involved, and then clearly establish what levels of risk-acceptance apply. This will require the Marine Corps to clearly categorize personal/unit risk parameters in accordance with roles that Marines will fulfill within operational scenarios, and develop education that supports clear differentiation among the nuances of responsibility for lives that Marines have within the range between and including the lives that they protect and the lives that they take.

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