

Military Ethics in Counterinsurgency:
A New Look at an Old
Problem

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ABSTRACT

MILITARY ETHICS IN COUNTERINSURGENCY: A NEW LOOK AT AN OLD PROBLEM by MAJ Theodore K. Shinn, Jr., 104 pages.

For military operations, the counterinsurgency environment is perhaps the most complicated and arduous environment in history. Often, government and military leaders are unsure how conventional forces should deal with an inferior enemy who stays hidden in the population. Characteristically, this enemy hits hard, and constantly harasses friendly forces while fading quickly into the landscape of the environment. Leaders at all levels wrestle with the conflicting operational designs based on whether insurgents can be directly engaged and defeated tactically or whether the support of the populace has to be won in order to deny insurgent sanctuaries. Some decision-makers fail to realize that goodwill alone will not win the people over if they are held hostage in the grip of fear and terror. The environmental conditions constantly shift to favor operations of direct action against insurgents, and stability and support operations focused on the populace. These Stability and support operations run the gamut from coercive force to benevolent missions of goodwill and humanitarian aid/relief. Commanders may fail to recognize when coercive force may be necessary or may be unsure what level and type of coercive force is acceptable. Leaders must decide, often with inadequate guidance or training how coercive force impacts the concept of legitimacy in the minds of the host nation populace. The key task is to determine the ethics of a counterinsurgency environment and project the impact of those ethics on the outcome of the war. This thesis outlines military ethics in counterinsurgency and examines ethical systems, counterinsurgency principles, and historical examples to shed light on these difficult concepts.

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ACRONYMS

AO	Area of Operations
COE	Current Operating Environment
COG	Center of Gravity
COIN	Counterinsurgency
FM	Field Manual
GAC	Ground Assault Convoy
GVN	Government of Vietnam
MOUT	Military Operations in Urban Terrain
LRA	Lord's Resistance Army
SASO	Stability and support operations
VC	Viet Cong

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CHAPTER 1

INTRODUCTION

The current operating environment (COE) for United States and coalition forces is characteristically a non-contiguous, multicultural landscape threatened by various insurgent forces. This counterinsurgency (COIN) environment is arguably the most difficult type of operating environment in the history of warfare. In counterinsurgency operations, simply defeating the enemy tactically is not sufficient. While the capability to tactically defeat insurgent forces is necessary, the real center of gravity (COG) is the hearts and minds of the people. More and more soldiers at the lowest levels are placed into situations where, thanks to Information Age technology, their individual actions may be instantly transmitted around the world with possible ramifications at the highest strategic levels. Yet soldiers may not be adequately trained to act in the capacity of a “Strategic Corporal.” In his article titled *Losing the Moral Compass: Torture and Guerre Revolutionaire in the Algerian War*, Lou DiMarco (LTC, Ret) concludes, “American Leaders must understand that in counterinsurgency war, the moral component can be strategically decisive. They must ensure that they provide clear ethical guidance to young soldiers and officers who operate in the stressful and obscure tactical counterinsurgency environment.”¹ Counterinsurgency ethics need to be defined and understood by leaders and trained in soldiers in order to facilitate conditions necessary to allow the achievement of strategic objectives within a the culturally diverse, current operating environment (COE).

Current US Army Doctrine from FM 3-24 identifies legitimacy of the government as the main objective in a counterinsurgency.² One definition of legitimacy is “lawful;

reasonable, justifiable; conforming to accepted rules, standards, etc.”³ The aspect of accepted rules and standards is the purview of ethics. Ethics is the study of systems that make up moral behavior. Ethics is sometimes referred to as “moral philosophy.” The ethical perceptions of a populace appear to be a major part of its concept of legitimacy. This thesis will focus on ethical perception, which is defined as the discernment of right actions.

Ethical perception can work for or against insurgent/counterinsurgent forces. This thesis will examine historical instances where insurgents/counterinsurgents have used ethical perceptions as a weapon against their opponents by trying to provoke actions which may be viewed as inappropriate by the host nation populace or other nations/organizations providing external support.

Ethical perception is not the only part of legitimacy. Security is also a major factor. Insurgent forces typically target security in order to delegitimize the government by showing it as inept and incapable of protecting its people. The difficulty for the counterinsurgent lies in finding the proper balance satisfying ethical perception and providing security. With enough force and coercion, security can be maximized, yet in so doing the ethical perceptions of a society may not be sufficiently addressed. Without satisfying these perceptions to the appropriate level, a lasting peace cannot be attained. If the government is deligitimized in the view of the public, the insurgency gains strength and support. If the government is deligitimized through lack of security, the insurgent gains strength and support. Three main conclusions result from these observations:

- 1) Any success by the counterinsurgent in winning some form of lasting peace is not possible without addressing the ethical perceptions of the populace as they relate

- to legitimacy.
- 2) The factor of ethical perception alone is not sufficient for guaranteeing success in counterinsurgency.
 - 3) Ethical perception alone is sufficient to guarantee failure.

This thesis focuses on the central issue of how the ethical perceptions of a society determine governmental legitimacy in counterinsurgency.

Past qualifications including education, training, and experience have helped to pave the way for this project. A Bachelor of Science Degree in Psychology from North Georgia College and State University is useful in thinking about motivational ethics. Experience serving as a certified Iraqi unit cultural awareness trainer and commanding and leading US and Korean military and civilian organizations has bestowed deeper insights into dealing with different cultures. Serving as a lane trainer focusing on military operations in urban terrain (MOUT) and ground assault convoy (GAC) supporting US troop training and validation prior to deployment in Operation Iraqi Freedom and Operation Enduring Freedom has granted me an understanding of tactics, techniques, and procedures employed at the tactical level. Also, serving as an enlisted member of a Georgia Army National Guard Military Police Company (1992-1996) and being state activated to deal with floods, snowstorms, and prison riots has brought forth a basic understanding of law enforcement, detainee handling, law of war, humanitarian relief operations, and security operations. Finally, devotion of considerable personal time in the study of Christian Theology and Doctrine cultivated a deeper respect and understanding of spiritual perspectives.

To meet the challenges of the current operating environment (COE), the US Army is hard at work transforming itself to meet the challenges of the future, becoming lighter, more agile, and more lethal. At the same time, the Army is engaged in combat operations in Afghanistan and Iraq. These conflicts have taken shape as counterinsurgencies (COIN). In a COIN environment, the overall focus is not on combat with insurgent forces but rather the perceptions of the host nation populace. The insurgency wants to undermine, weaken, and delegitimize the government, and while capturing/killing insurgents will remain a priority, the strategic political objectives will not be met until the support of the population is secured. To these ends, the US Military has stepped up its cultural awareness/sensitivity training. When cultures collide they create situations of cooperation and conflict. The basis of this cooperation/conflict is rooted in the ethics of the colliding cultures. Cultural awareness/sensitivity is a good beginning, and may keep one from offending the host nation populace, however culture is only the tip of a much larger iceberg. Being culturally aware is one thing, but achieving ethical awareness requires a much deeper level of analysis. Just as cultural awareness should take into consideration both the view of one's own culture and the view of the host nation culture, so too must an ethical awareness more deeply define the multiple viewpoints of the current operating environment (COE). Differing standards of ethics exist between the US, Coalition, and host nation which will characterize and define the nature of relationships between military/security forces and the general population. A battlefield ethical awareness may ultimately prove to be the key factor in achieving counterinsurgent strategic objectives.

Problems arise when trying to work with host nation forces due to a fundamental clash over the basic ethical motivational drives. Soldiers operating in an ethically diverse environment must be able to increase their situational awareness by detaching themselves and utilizing a “bird’s eye view” of the ethical landscape. One must understand not only why he or she thinks a certain way, but also in what ways the insurgent forces, host nation forces, and host nation populace will think. A detailed understanding of the ethical landscape is essential in order to probe the ethical fault lines so that one may maximize cooperation and minimize conflict.

The concept of metaethics holds the key to the attainment of cultural awareness. Philosopher/Writer James Fieser states “the term ‘meta’ means *after* or *beyond*, and, consequently, the notion of metaethics involves a removed, or bird's eye view of the entire project of ethics. We may define metaethics as the study of the origin and meaning of ethical concepts.”⁴ Janet Lasley and Ilayna Pickett from the Woodrow Wilson Biology Institute give an excellent outline of differing ethical systems. While countless systems and theories are possible, their selection is simple, yet thorough enough to understand the complexity, depth, and diversity of ethical thought process and motivation. Even so, the spectrum of diversity seen in the Lasley and Pickett outline shows that simply defining ethics and where ethics come from can be a daunting challenge.⁵

Table 1. ETHICAL SYSTEMS

<p><u>ETHICAL RELATIVISM</u> – No universally valid principles exist. The validity of all moral principles is based on cultural preference. Society’s rules serve as the standard.</p> <p>Strength – Tolerance of diverse cultures Weakness – Fails to differentiate what should be done with what is currently done.</p> <p>Example – Cannibalism is customary among some South Seas Islanders. Cannibalism is not permitted in the US.</p>
<p><u>DIVINE COMMAND THEORY</u> – Morality is based on God. All actions must conform to God’s law or they are wrong.</p> <p>Strength – Standards are from a higher authority than humans. Explains why man should behave morally. Equality for all. Weakness – different interpretations are possible. How can one be certain of true divine authority</p> <p>Example – The Ten Commandments.</p>
<p><u>UTILITARIANISM</u> –Actions are right or wrong based solely on their consequences. Right actions produce happiness.</p> <p>Strength – Promotes well-being and lessens suffering. Weakness – diverse definitions of happiness. What is good to one may be evil to another.</p> <p>Example – The use of the atomic bomb in WWII: the US believed using the atomic bomb would end the war, stop a higher loss of life.</p>
<p><u>DEONTOLOGY</u> – Emphasizes universally acceptable moral rules and duty. If everyone is not willing to follow a rule, then it is not moral. Stresses autonomy, justice, kind acts. People always treated as ends and not means.</p> <p>Strength – Special moral status for humans. Universal moral rules Weakness – Rules can be abstract. Offers no mechanism to resolve conflicting moral obligations</p> <p>Example – Continued emphasis in the US on human rights for all people comes from willingness to reason that justice and equality should be universally applied.</p>
<p><u>VIRTUE ETHICS</u> – Morals are intrinsic, and spring from inner values or virtues.</p> <p>Strength – Internalizes moral behavior. Weakness – offers no guidance for solving ethical dilemmas.</p> <p>Example – A faculty determines to give more recognition to a student council officer with a genuine interest to serve. A student that just desires credit for his resume is not given as much recognition.</p>

Source: Janet Lasley and Ilayna Pickett, ETHICAL SYSTEMS, (http://www.woodrow.org/teachers/bi/1992/ethical_systems.html , Woodrow Wilson Biology Institute, accessed November 30, 2007).

Katharine Cook Briggs and Isabel Briggs Myers faced a similar problem with the complexities of analyzing human thought. They tackled the problem of analyzing human thinking processes based off of a theory that humans cycle through dominating factors of extroversion or introversion, sensing or intuition, thinking or feeling, and judging or perceiving, resulting in the Myers-Briggs type indicator personality tests. This theory acknowledges thinking dichotomies across a range of categories. For example, just because one is dominant in the trait of judging does not mean he has no capacity to also perceive the situation. He simply exhibits a preference to judge based on what is known instead of waiting to try to perceive all aspects and different viewpoints of a problem. Thus regardless of whether one is dominant in judging or perceiving, he retains still the capacity to both judge and perceive. The same logic may be applied to the problem of ethics. Humans most certainly have dominant ethical systems which motivate them, but they may also be influenced to lesser varying degrees by the other systems. When looking at an ethical problem, one may start with an initial tendency to jump on the obvious conclusion of his or her dominate ethical outlook, but give afterthought to the other systems. Perhaps this “afterthought” phenomenon has something to do with the way humans perceive others’ viewpoints and our ability to empathize. Those who are more skilled in empathy probably think through the afterthought systems in greater detail.

After considering the possibility of being influenced by multiple ethical systems, a self-examination of ethical thought processes used in analyzing ethical problems yielded an outline for intuitive ethical decision making. When considering an ethical problem, information is processed through three main spheres of influences: Personal values, perceived duties/obligations, and consequences of the actions. Personal values

draws from the virtue theory of ethics. Obligations and duties come from deontology. A focus on the consequences comes from utilitarianism. Now we have a model derived from three distinct ethical theories. Value/virtue comes from within. Consequences/ utilitarianism focuses on the external. Obligations and duties are based off of the perceptions of responsibility to others. Perceived obligation and duty, or the lack thereof, is the middle ground that links the values with the consequences. Values then are processed through this middle ground in terms of the conscience. Conscience is defined as “the knowledge of right and wrong that affects action and behavior; the sense of guilt or virtue induced by actions, behavior, etc.”⁶ Consequences then refer to the net gains/losses to all parties involved. Yet there is more to this middle ground than just obligations and duties. One’s own needs and desires work alongside obligations to color one’s perceptions. So, for the thesis model, this middle ground will expand from obligations to perception, which encompasses obligations, needs, and desires.

Perceptions of obligations, needs, and desires in ourselves and others lead to the ability to empathize. Empathy then becomes the perceptual gateway in which we relate to others, and the primary method for mapping out the concept of legitimacy in any given society.

Every ethical consideration seems to have three main elements: values, perceptions, and consequences. From a psychological perspective, these elements seem to act as motivational drives. Value focuses on both on virtues and principles we cherish and hold in high esteem. The values of the individual yield principles held in high esteem that the individual acts on regardless of consequences. Thus values act oftentimes contrary to whatever the consequences may be. Perceptions help us interpret the

environment through the lenses of obligations, desires, and empathy. The perceptions of our obligations, desires, and needs combined with the ability to empathize, drive us to perform our duty, achieve personal goals, or to reach out to others. Individuals can place a high degree of concern over meeting obligations, or they may not care much about them. Personal desires can be for selfish or selfless goals, and empathy can be used positively to encourage, or negatively to manipulate. Finally, the motivation stemming from consequences focuses on outcomes. In this view the consequence of an action defines it and the end might be used to justify the means.

Human beings possess each of these three drives to various degrees. An analysis of the interaction of these primary drives yields many behavioral insights. The degree of one's values, whether values of love and kindness, or greed and lust, can provide strong motivation. As people interact with one another, degrees of obligation, desire, and empathy emerge. Whether responding to an obligation to provide for a family, or working hard in school to achieve a personal goal, or reaching out to others by volunteering to help at a charity event, obligations, desires, and empathy call us to action in support of either our values or perceived consequences. Every action has consequences that affect other individuals. The perceived consequences can be strong motivators as well. Instant gratification is often the primary goal behind a focus on consequences. Values, on the other hand, emphasize long term, delayed gratification.

If a society is dominated by values and principles, then it will tend to set up obligations that support their values and principles. So the obligations may be dominated by values and, as a result, act to reinforce cherished virtues and principles. For example, the obligatory duties of voting and military service also fulfill the virtuous (value) need of

patriotism. Meeting the obligatory need of providing for one's family also helps to meet the motivational demand of the values for family love and fellowship. Western civilization is traditionally dominated by values. The concept of "moral courage" comes from a life dominated by values. Telling the truth even when it gets one in trouble or returning some money that was found simply because it did not belong to the one who found it, (even though the one who found it may be short on cash), are both examples of a value dominated culture.

By contrast, a con man who would sell a "lemon" car, or swindle an elderly woman out of her life savings would be an example of someone who is motivationally dominated by consequences, with a focus on immediate gratification. The concept of these ethical motivational drives is only a generalization, certainly not an absolute. For instance, even the most moral, and virtues dominated individual might speed on his way to work.

In this case speeding violates both the demands of the value and obligation for the consequential benefit of a shorter travel time. Regardless his overall makeup, the individual has succumbed to the consequential motivation. A majority of other areas may remain value dominated, but in certain cases such as the speeding driver, consequences dominate.

Another variant of consequence based behavior stems from structuring one's values in such a way as to support a consequence-based approach to behavior. A suicide bomber may have a strong value system that is completely dedicated to martyrdom and the positive ramifications of the afterlife. He may believe he is performing the will of God and may be deeply committed to his cause. In this case, the strong values system

results in a disregard for the sanctity human life. The individual is willing to kill indiscriminately in order to achieve his objectives. Therefore, while strongly dominated by his values, his disregard for human life results in a behavior that is dominated by the consequences of any given situation. So in this case, his dominating values lead him to behavior that results in a focus on consequences. The reason for this consequence based behavior is due to one key factor: disregard for the sanctity of human life.

This key factor, the value for human life and humanity, is the fulcrum point for the ethical motivation model of this thesis: A strong value for human life and humanity, restrains and limits behavior due to the inherent respect for others. A disregard for the value of human life and humanity frees the behavior to unlimited methods and techniques to achieve objectives. Thus, an important factor to remember in the model construct of this thesis is that the term “values dominated” refers to values that place limitations on behavior as a result of the regard for the sanctity of life and humanity. Values that disregard the sanctity of human life result in behavior dominated by consequential motivations.

The next question is how to view the soldier who fights and if necessary kills for his nation? If the soldier is “values dominated,” as defined by the construct of this thesis, then he accepts limits and constraints to his actions in the way he treats civilians, prisoners of war, and property in his environment. The US Military is a values dominated organization as evidenced in doctrine, promotion selection criteria, counseling, and training. However, in many of the host nations where the US has been operating recently, US personnel can face worst case ethical conflict where specific

situations or perhaps the entire ethical landscape is dominated by consequential drives with a focus on different values.

The reasons for a consequentially focused ethical landscape can be many and varied. Perhaps religious values dictate the consequential behavior of exterminating all infidels in order to “purify” the religion. Maybe impoverished conditions on the ground create necessities that influence the host nation populace/forces to act on outcome based ethical motivations resulting from the perception of need. Some of the following attitudes may develop: “I need food and money to survive, even if I have to kill someone to get it.” “I don’t have enough money to provide for my family, therefore, I will sell some government property and pocket the money.” The business system in the Republic of Korea often makes use of “kickbacks” to purchasing officials as a normal part of the business transactions. US personnel operating in Korea view “kickbacks” received from contractors performing services as a type of bribery and corruption, despite the fact that the practice is common in the society. When US Forces hire Koreans to manage contracts and deal with host nation contractors various ethical conflicts develop and Korean Government Employees are routinely under investigation.

The Ethical Motivation Sphere figure shows a worst-case situation comparison of imbalanced ethical motivations of US with host nation populace/forces. When compared with host nation counterparts, the ethical worst-case comparison shows inversely related motivational drives. Bear in mind that the host nation ethic still has values, and perhaps many even share similar values with the US ethic. However, ethical fault lines may lie between the value and consequence drives. Even though some values may be shared, they may not have the same priority. There may possibly be found some common ground

in the perceptions where goals might come together, but it is the methods used to achieve those goals that cause the friction. Even if the conflict is due to focusing on a different set of values, it will most often be the methods to bring about consequences that will cause the problem.

Ethical Motivation Sphere

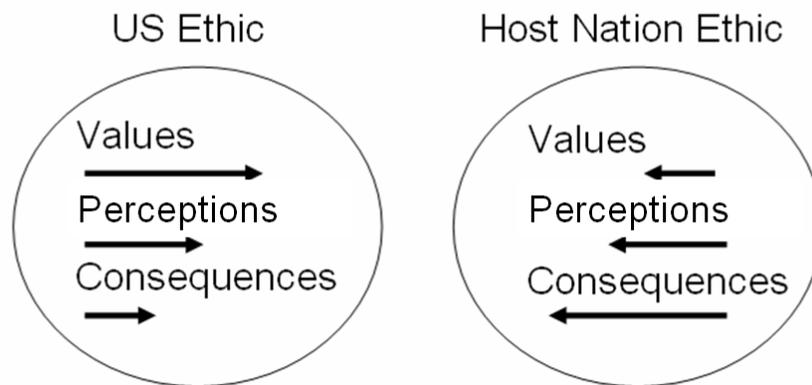


Figure 1. Ethical Motivation Sphere

One strength of the value dominant drive is that it allows for the sharing of good virtues otherwise known as “goodwill” to others. Such thinking sprouts concepts such as “liberty and justice for all.” The ability to have such concepts comes with a price. The only way to spread “goodwill” is by putting limitations on the methods available to accomplish objectives. For example, stealing, killing, and rigging elections may be highly effective means of achieving short-term goals, but they would never be condoned by the value dominated. Utilitarians would be quick to point out the classic axiom of

utilitarianism, the greatest good for the greatest number; however, desiring good for others is a value in and of itself. So this model is not to say that one with a values dominated drive never focuses on consequences, merely that values work with perception to determine the acceptability of consequences. The consequence dominated drives operating unfettered by a strong values system (specifically, value for the welfare of others), gives leeway to much broader methods of achieving objectives at the expense of not fostering and disseminating goodwill with the people.

Insurgent forces leverage the ethical landscape to their advantage by playing the perceived ethical outcomes of events to favor their strategic objectives. In an environment where the ethical perceptions of the populace are the center of gravity, insurgent forces use the counterinsurgents' own ethics as a weapon and combine the power of the media to cast the newly formed host nation government in the worst possible ethical light based on the specific culture of the host nation. Events that could damage the image of the US and its allies at home and abroad are also strategically planned.

Military victory may not be the goal of an insurgency fighting with guerilla tactics. A primary insurgent goal is to undermine and erode the will to continue a difficult struggle. In the Philippine Insurrection in 1899, the strategy of Filipino leaders was to play to the consciousness of the American public, sustaining offensives until the presidential election of 1900. The goal was to foster sentiment in the US for the election of anti-imperialist William Jennings Bryan, who would declare Filipino independence.⁷ However, when McKinley was re-elected, much of the support for the insurgents went away, and key insurrection leaders were captured or surrendered.

Such strategies of eroding the will of a nation to fight may currently prove increasingly more effective due to technological advances. The power of the media is now brought to bear stronger and faster than ever, thanks to rapid transmission via global networks. Consider when a convoy comes under fire from an insurgent ambush. The convoy returns fire, but the insurgent forces intentionally place women and children around the ambush site. When a few women and children are hit from the convoy's return fire – the media headline becomes “US Forces kill unarmed women and children.” For the host nation government, it serves to further highlight the inability to keep citizens safe thus damaging its legitimacy. The results in this case are negatively viewed by the host nation populace, the US population, and US allies. The consequence-based motivation adopted by the insurgents is possible because the value for human life is not a priority, and this becomes a primary tactic, for as long as they can keep the negative media focus on the counterinsurgents.

This pattern of using the media until it no longer suits the purpose can be seen in the televised beheadings that were common towards the beginning of Operation Iraqi Freedom. Once the impact of the televised beheadings helped to turn opinion against the insurgents, the televised beheadings stopped. An intercepted letter from the Jordanian-born head of al-Qaeda in Iraq, Abu Musab al-Zarqawi, confirms the double edged sword of the media: “...we are in a battle, and that more than half of this battle is taking place in the battlefield of the media. And that we are in a media battle in a race for the hearts and minds of our Umma. And that however far our capabilities reach, they will never be equal to one thousandth of the capabilities of the kingdom of Satan that is waging war on us. And we can kill the captives by bullet. That would achieve that which is sought after

without exposing ourselves to the questions and answering to doubts. We don't need this.”⁸ This excerpt from al-Zarqawi’s letter confirms the importance insurgents place on the strategic use of the media in operations. Even though this is an example of an al-Qaeda media strategy that backfired, the fact that the insurgent ethical motivation is consequence based, with a lack of value on human life, gives them enormous short-term flexibility to use any methods they deem necessary, as long as it continues to support their cause.

The only way to combat the insurgent manipulation of ethics is with a combination of the following two methods: First is a slow cultivation of value in the host nation populace by spreading seeds of goodwill. This cultivation of virtues is a long term, painfully slow process which will be insufficient by itself. Recent events in US goodwill efforts to spread democracy seem to indicate that the process of cultivating goodwill for a whole society takes too long to sufficiently address the often-drastic changes following a war that topples the ruling regime. The following illustration represents the COIN ethics battle.

COIN Ethics Battle

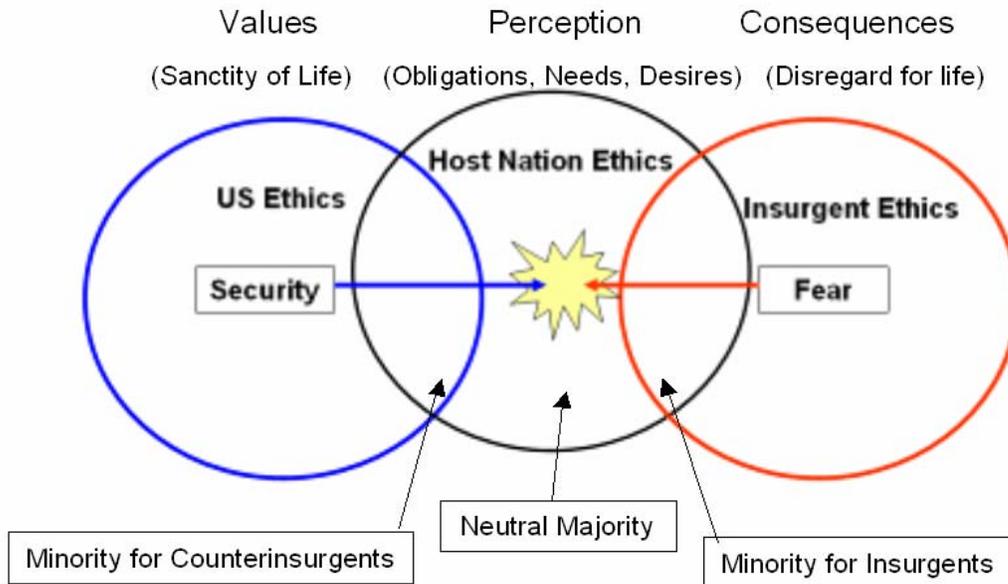


Figure 2. COIN Ethics Battle

The COIN Ethics Battle illustration shows the nature of conflicting motivations playing out in a COIN environment. The diagram shows how the counterinsurgents fight the insurgents using author David Galula's principle of an "active minority for the cause, a neutral majority, and active minority against the cause."⁹ The goal of both the insurgents and counterinsurgents is to win the support of the neutral majority. The battle takes place in the perceptual obligations, needs, and desires of the host nation populace. All the insurgents have to do is continually create disorder and fear in order to discredit the counterinsurgents who need security and stability to win the population.

The US, much as it would like, cannot simply copy and paste its own ethical values instantly onto another society. It may be possible, however, to sow seeds of value, and have virtue and principles begin to take root that will have a slight to moderate impact on the value level of the population over time. Such is the case when cultures come in contact with one another – situations of culture shock, or in this case ethic shock, are created. When cultures with their individual ethics collide, they affect each other. Which leads to the other method to combat insurgent manipulation of ethics: The US must allow for more of a consequential style of business by the host nation government, security forces, and population when the time is right. For some societies, only with the pragmatic style of teleological ethics, will the society be able to recover. If terrorists threaten to have an individual's family killed just for associating with the counterterrorists, all the good will in the world given by counterinsurgents will not win him over. The power brokers of the society must be broken first, especially if they support the insurgency. Only after breaking the hold of their strangleholds will the time is right for winning hearts and minds through good will policies. Benevolence intended to win over the populace is only successful if it is received free from external, interfering influences.

Philosopher John Stuart Mill's utilitarian approach of asking "what will result in the greatest amount of good for the greatest amount of people" should be one of the guiding principles to consequentialism. The application should focus on needs, such as security, prosperity and individual liberties. In this context, the concept of the greatest good for the greatest number emerges when one possessing a values dominated perspective is forced to choose between two or more negative consequences; hence the phrase, "the lesser of two evils."

When working jointly with host nation forces, US Forces must understand that methods the US would normally consider a form of corruption will be prevalent as the society acts in the same way as it always has, in a traditional, consequence oriented fashion. Consequence oriented action may be the only thing a society understands and initially responds too. To such an outlook, a values dominated posture will appear to be weakness. This weakness plays into the insurgent hands to further discredit the counterinsurgents. Much to the disdain of US Forces, these corrupt circumstances will, at least initially, prevail and the US must anticipate them, try to project ethical pitfalls, and make accommodation where possible. There are lines of virtue concerning such topics as murder, which may not be crossed without confrontation. However, there are also lines of financial misappropriation, and excessive show of force that may have to be “managed” in such a way that benefits the overall good of the mission.

The US must perform a delicate balancing act, knowing it will be impossible to completely stamp out all “corruption” everywhere, it must adapt by managing what it perceives as “corruption” to the best achievable ends possible. This results in a give and take situation of short term teleological ethics verses long term virtue cultivation. This give and take situation constantly creates conflicting choices for goals, operations, and resources of coalition forces which themselves approach problems from ethically diverse perspectives.

Reporter Greg Jaffe gives an excellent example of an ethical clash in his article “A Camp Divided.” Jaffe tells the story of two American colonels: Colonel James Pasquarette, commanding the 1st Brigade, 4th Infantry Division at Camp Taji, and Lieutenant Colonel Charles Payne, commanding 50 US Army advisors to an Iraqi

brigade. There was a disagreement between the two colonels about the response to a sniper attack. The Iraqis stated that snipers who killed and wounded Iraqi troops used roadside kiosks for cover. The kiosks were made from mostly palm fronds suspended by bamboo poles. The Iraqi Army bulldozed about two dozen kiosks. COL Pasqualette thought the destruction of the kiosks would enrage the locals and drive them to support the insurgents. He made arrangements to offer pay vouchers to the owners. LTC Payne stated, "When I first heard what they had done, my initial response was, 'I am all for it.'" He said, "This is not a law and order situation. This is war."¹⁰ COL Pasqualette's view is primarily value focused – centering on the people and winning them over in order to defeat the insurgency. LTC Payne's view is more consequence oriented, desiring to immediately punish the population and perhaps save lives in the future by denying cover to insurgent snipers. Each viewpoint, taken separately, is equally valid. The challenge is to determine how the populace will react, and employ the correct policy at the proper time according to the perception of the populace. The commander must determine whether actions will enrage the populace and create deeper sympathy and support for the insurgents, or will whether actions will be perceived as a sign of strength and motivate the populace to support the government. The reaction of the host nation populace may even be mixed and the dominant viewpoint must then be determined. Leader's must understand and visualize this ethical motivational clash and give guidance to synchronize operations. Adverse reactions by the population indicate an incorrect response. When Greater information starts to flow from the populace coupled with weakening support for the insurgency indicate a correct gauge of the host nation populace perception.

To shed more light on the problem of gauging the host nation populace, the Counterinsurgency manual, FM 3-24, advocates several methods of assessing perceptions. Demographic analysis and cultural intelligence are key components of perception analysis. Understanding a population's history can help predict expectations and reactions. Human intelligence can provide information on perceptions. Reactions and key activities can be observed to determine whether people act based on real or perceived conditions. And finally, editorial and opinion pieces of relevant newspapers can be monitored for changes in tone or opinion shifts that can steer, or may be reacting to, the opinions of a population group.¹¹ The multifaceted nature of this list shows how difficult it can be to get a true assessment of the population's perceptions. Due to the inherent difficulty of the operating environment and the imprecise art of finding the proper balance of ethical standards, leaders must foster a learning environment for subordinates. Leaders must also be prepared for dealing with the ramifications of ethical mistakes made within such a learning environment, recognizing that "the road to hell is paved with good intentions."

This thesis will examine events from historical counterinsurgencies and concentrate on the ethical motivations present. The ethical motivations will be examined in the light of the Ethical Motivation Sphere. The goal is to offer a new way of thinking about and analyzing the complex ethical ramifications of modern counterinsurgency warfare. This thesis will be limited by not focusing on the debate of which views of ethics are best, but rather the viewpoints which define how and why humans act the way they do and how they perceive situations ethically.

¹ Dimarco, Lou. "Losing the Moral Compass: Torture and Guerre Revolutionaire in the Algerian War." *Parameters*, July 13, 2006, 63-76.

² FM 3-24, Counterinsurgency, (Headquarters Department of the Army, Washington D.C., December 15, 2006), 1-21.

³ *Webster's Universal English Dictionary*, (Scotland, Geddes & Grosset, David Dale House, 2004), 168.

⁴ Feiser, James, *The Internet Encyclopedia of Philosophy*, (August 5, 2007), <http://www.iep.utm.edu/e/ethics.htm#H1> , (accessed December 1, 2007).

⁵ Janet Lasley and Ilayna Pickett, INTRODUCTION TO TYPES OF ETHICAL SYSTEMS (Woodrow Wilson Biology Institute, 1992), http://www.woodrow.org/teachers/bi/1992/ethical_systems.html , (accessed December 1, 2007).

⁶ *Webster's Universal English Dictionary*, (Scotland, Geddes & Grosset, David Dale House, 2004), 66

⁷ Birtle, Andrew J., *U.S. Army Counterinsurgency and Contingency Operations Doctrine 1860-1941*, (Washington D.C., Center of Military History United States Army, 2003), 112

⁸ Al-Zarqawi, Abu Musab, Student Text C-400, Army Operations, Lesson 432, Reading C, "Enemy Document Captured in Iraq During 2005," (Fort Leavenworth, Kansas, U.S. Department of the Army, Command and General Staff College, 2006), C432RC-1-C432RC-10.

⁹ Galula, David, *Counterinsurgency Warfare, Theory and Practice*, (New York, Ny, Frederick A. Praeger, Publishers, 1964). 75-76.

¹⁰ Jaffe, Greg, "A Camp Divided," *The Wall Street Journal*, June 17, 2006, A1.

FM 3-24, Counterinsurgency, (Headquarters Department of the Army, Washington D.C., December 15, 2006), B-8.

CHAPTER 2

ETHICS IN COUNTERINSURGENCY LITERATURE REVIEW

Literature pertaining to this thesis spans three main categories: the nature of ethics, the nature of the counterinsurgency (COIN) environment, and historical examples of counterinsurgencies. In order to see how ethics relate to COIN, one must first understand ethics, and second, possess a working knowledge of the principles of COIN. These two building blocks allow an in depth analysis of historical COIN examples.

The Nature of Ethics

This body of literature on the nature of ethics summarizes several major ethical systems, offers principles of application (using the biomedical field as an example), and facilitates structuring of ethical theoretical models through the examination of culture conflict. Selected areas include Virtue Ethics, Deontology, Consequentialism/Utilitarianism, Biomedical Ethics, and Just War Theory. Virtue ethics, Deontology, and Consequentialism help to understand ethical motivation on a personal level. Biomedical ethics and just war theory foster a deeper understanding of ethics applied on large scale.

Virtue ethics is the first of three major approaches in normative ethics. Initially virtue ethics may be identified as emphasizing virtues, or moral character which comes from within ones self. In contrast, deontology emphasizes duties or rules and consequentialism emphasizes the consequences of actions. The founding fathers of virtue ethics are Plato and Aristotle. This ancient Greek philosophy has three parts: *arête* (excellence or virtue) *phronesis* (practical or moral wisdom) and *eudaimonia* (usually translated as happiness or flourishing.) Virtue ethics persisted as the dominant approach in

Western moral philosophy until the Enlightenment. The virtue perspective faded briefly in the 19th century due to deontology and utilitarianism. Virtue ethics re-emerged in the late 1950's in Anglo-American philosophy, partly due to an article by G.E.M. Anscombe called "Modern Moral Philosophy." The article addresses issues that not extensively dealt with in deontology or utilitarianism such as virtues themselves, motives and moral character, moral education, moral wisdom or discernment, friendship and family relationships, a deep concept of happiness, the role of the emotions in the moral life of humans and the fundamentally important questions of what values one should hold and how one should live. The revitalization of virtue ethics stimulated thought in the other two approaches as well.¹

Immanuel Kant (1724-1804) sought for a rational principle that would be categorical, not hypothetical or conditional. He believed true morality should not depend on likes and dislikes or on abilities and opportunities. For Kant, two main categorical imperatives are:

Always act in such a way that you can also will that the maxim of your action should become a universal law.

Act so that you treat humanity, both in your own person and in that of another, always as an end and never merely as a means.²

The first imperative highlights the need for moral principles to be universal and the second makes a dramatic distinction between people and things, emphasizing the need to respect people. These universal imperatives are a type of duty-based, or deontological ethics. Deontology judges inputs rather than outputs. It judges based on

actions within our control, based on willingness and not achievement. According to Kant, everyone should be able to agree on a rule, and this universal agreement makes the rule acceptable.³ Most of Kant's work in ethics is contained in two works, *The Foundations of the Metaphysics of Morals* (1785), and *The Critique of Practical Reason* (1787). The first book highlights Kant's search for a principle of morality that is supreme. The second book unifies his account of practical reason with his work in *Critique of Pure Reason* (1787). Kant is the primary proponent of deontological ethics, which is duty-based. In Kant's view, the motive behind an action is what gives an action its moral worth, not the outcome of an action.⁴

There exist two main criticisms for deontology. First, it only deals with absolutes. Principles are either accepted or rejected without any room for "gray areas." Second, moral dilemmas occur when duties come in conflict with each other, and deontology offers no method to resolve them. One may have a duty to perform two physically incompatible actions, and the failure to do so may constitute a moral wrong in itself.⁵ Possibly, when faced with moral dilemmas of conflicting duties, one focuses more on internal virtues and external consequences to provide the missing variables to rationalize the discrepancy. Kant's work and ideas inform on the ethical model of this thesis by providing a bridge between and grounding for the ethical extremes of virtue and consequences.

Another perspective of ethics is consequentialism, which emphasizes consequences of actions. Utilitarianism is the greatest example of consequentialism. Utilitarianism holds to the principle of utility, which is that actions are right in the proportion that they result in happiness. The roots of utilitarianism trace back to the

Greek Philosopher Epicurus (341–270 B.C.), who believed the physical existence was all there is, therefore the greatest thing to do was to maximize pleasure, and minimize pain. Maximizing pleasure or minimizing pain are examples of the results or consequences of actions. Consequences are the only thing that matter, and the end result must be the most pleasurable outcome which results in the greatest happiness. There are numerous ways of interpreting how to achieve the greatest happiness. One way is hedonistic, which claims pleasure is the only intrinsic good, and pain is the only intrinsic bad. Another view recognizes the nature of virtues such as loyalty, kindness, duty, honor, self-sacrifice, and countless others as being the best way to achieve happiness. One of the weaknesses in consequentialism is the inherent difficulty in defining what constitutes happiness. Christian utilitarianism looks to God to resolve through His own mandate the competing interests in man's quest for happiness and the interests of overall society.⁶

William Godwin presented a secular view of utilitarianism in 1793 with his book, *Political Justice*. Secular utilitarianism arose through a desire for social reform rather than through the pursuit of ethics or religious moral principles. Godwin's use of the principle of utility for the cause of radical political and social critique began the identification of utilitarianism with anti-religiosity and dangerous democratic values. Jeremy Bentham, who was much more successful than Godwin at building a movement around his ideas, and also employed the principle of utility as a device for political, social, and legal criticism.⁷

John Stuart Mill (1806-1873) from Britain, was the most prominent proponent of utilitarianism. Mill was taught Greek at three and Latin at eight. He read histories, Greek and Roman Classics, and Newton by age eleven. In his early teens he studied

logic, math, political economy, legal philosophy and metaphysics. He became fluent in French and developed an interest in French thought and politics. He founded several intellectual societies and study groups and contributed to periodicals such as the *Wesminster Review*.⁸

Mill found himself at odds with intuitionism, a trend which held that moral principles are self-evident truths. Mill believed actions are right only if they produce happiness. He consistently argues that the moral worth of actions should be judged by the consequences of those actions. In 1861, he published *Utilitarianism* in *Fraser's Magazine* and later in book form in 1863. He defines happiness as intended pleasure with absence of pain. Unhappiness then is pain and the denial of pleasure. He refutes the Epicurean notion that there is no higher goal than pleasure. Mill distinguishes between higher and lower pleasures, with higher pleasures including mental, aesthetic, and moral pleasures. He argues that advancing the pleasure of fellow human beings constitutes a higher moral pleasure.⁹ His ideas on liberty were greatly influenced by Alexis de Tocqueville.¹⁰

Mills' ideas are important to the ethical model of this thesis because they show consequential drives exercised under the control of values. While a utilitarian would say that actions resulting in happiness are the only concern, this thesis views Mill's "higher pleasure" of concern for the happiness of others as an intrinsic value that restrains and guides consequential actions. Thus, in the view of this thesis, a value-dominated individual may certainly act according to consequences, but will do so in a manner consistent with his values, and duty, as much as possible.

In addition to the established perspectives of normative ethics comprised of virtue, deontology, and consequentialism, modern applications of ethical standards also yield valuable insights.

Recent technology and doctrine have transformed war into something more closely resembling the field of medicine. Certainly the descriptive language bears some similarity, referring to military “operations” and “surgical” strikes. It seems more and more current operations call for these “surgical” strikes in order to remove some “cancerous evil” in any given country of the world. COIN procedures bear striking similarities to a hospital. A military strike would be a surgery; whereas getting the proper amount of rest, nutritious diet, and physical therapy/exercise is akin to stability and support operations (SASO). Due to these striking similarities, Beauchamp and Childress’ *Principles of Biomedical Ethics* provides a unique and helpful perspective when dealing with the application of ethics that is highly applicable to the COIN environment.

Dr. Tom L. Beauchamp serves as Professor of Philosophy and Senior Research Scholar, Kennedy Institute of Ethics. He was a staff member of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, where he composed most of the Belmont Report (1978).¹¹ Dr. James F. Childress is the University of Virginia’s Hollingsworth Professor of Ethics and Medical Education, and directs the Institute for Practical Ethics there. From 1996 to 2001, he served on the presidentially-appointed National Bioethics Advisory Commission.¹²

Beauchamp and Childress offer deep insights into ethical reasoning across a variety of situations. While the focus of the book is on the field of medicine, the ethics

reasoning principles are sound, and widely transferable to other disciplines. The authors lay out the principles of nonmaleficence and beneficence:

Nonmaleficence

1. One ought not to inflict evil or harm.

Beneficence

2. One ought to prevent evil or harm.
3. One ought to remove evil or harm.
4. One ought to do or promote good.¹³

These principles closely parallel counterinsurgent goals, as outlined by Author David Galula. To relate the work to COIN, if the counterinsurgent is viewed as the “doctor,” and the people are viewed as the “patient,” then the insurgency becomes the “evil or harm.” This point of view yields an insightful analysis of COIN environment. If the counterinsurgent holds himself to the highest ethical standards which resonate with the people, then he can more likely win the people’s support, which is a center of gravity in the COIN environment.

Samuel P. Huntington, Harvard University political scientist and foreign policy aide to President William Clinton, observes the culturally related sources of future conflicts in his essay “The Clash of Civilizations?.” Huntington illuminates some of the underlying motivational causes behind ethical conflicts of different cultures. His observations on cultural clashes provide the backdrop for a more focused analysis of ethical clashes. Huntington concludes that Western civilization must respond to increasing modernity and military and economic strength of Non-Western civilizations with significantly different values and interests than that of the West. The West will have

to maintain the military and economic power necessary to protect its interests. Also the West must develop a more profound understanding of the basic religious and philosophical assumptions underlying Non-Western civilizations and how the people in these civilizations view their own interests. Huntington also says that the West has to identify “elements of commonality” between western and other civilizations. Since there is no relevant universal civilization, all civilizations will have to learn to coexist.¹⁴

Huntington further expounded on his essay with a book, *The Clash of Civilizations and the Remaking of World Order* (1998). In his book, Huntington delves into much greater detail on the concept of civilizations, the question of a universal civilization, the relation between power and culture, the shifting of the balance of power among civilizations, cultural indigenization in non-Western societies, the political structure of civilizations, and conflicts generated by Western universalism. He also deals with Muslim militancy, Chinese assertion, balancing responses to the rise of Chinese power, the causes and dynamics of fault line wars, and the futures of the West and of a world of civilizations. Major topics absent from the article are: growth on instability and the balance of power, and clashes of civilizations being the greatest threat to world peace.¹⁵ Understanding the inherent problems mentioned in these complex topics is helpful when dealing with international perceptions of legitimacy.

Huntington’s distinctive observations here revolve around this “profound understanding” of underlying religious and philosophical assumptions and the ways in which people see their interests. In other words, the West must understand perceptions. Understanding perceptions is the most critical aspect in learning to “coexist” with different cultures. Bringing this idea to the COIN environment, a knowledge of

perceptions together with “identifying elements of commonality,” may prove to be the key to understanding the principle of legitimacy¹⁶

Just War Theory

Just War Theory is one of the most influential perspectives related to war and peace. Many of the rules from the just war tradition have been codified into international law, such as the United Nations Charter, and the Hague and Geneva Conventions. Legal discourse surrounding war has been dominated by the just war tradition.¹⁷

Understanding the basic tenants of just war theory provides a helpful perspective how the international community legitimizes war between nation states. The understanding of common threads of legitimacy is a key proponent of this thesis. A detailed description of the history of just war theory and an exhaustive list of the body of literature (to include critical views found in competing theories of pacifism and realism) can be found in the online resource, the Stanford Encyclopedia of Philosophy (<http://plato.stanford.edu/entries/war/>), summarized briefly in this review.

Just war theory is broad and encompasses three main parts: *Jus ad bellum*, which deals with causes for going to war; *Jus in bello*, which deals with how to conduct war; and *Jus post bellum*, which deals with how to end war justly.¹⁸ The first part, *Jus ad bellum*, has six prerequisites to meet prior to going to war: just cause, right intention, proper authority and public declaration, last resort, probability of success, and proportionality.¹⁹

Jus in bello, or “justice in war,” has six principles. These principles concern obeying all international laws on weapons prohibition, discrimination and non-combatant immunity, and proportionality. The principles also address benevolent quarantine for

prisoners of war (POWs). The last two principles are: No Means *Mala in Se* (“methods that are evil in themselves”), and no reprisals (meaning no violations of *Jus in bello* in response to another country who has already violated *Jus in bello*).²⁰

Finally, *Jus post bellum* pertains to just termination and seeks to regulate the transition from war to peace. *Jus post bellum* principles include: proportionality and publicity (peace settlement should be measured and reasonable, as well as publicly proclaimed); rights vindication (the settlement should secure the basic rights whose violation triggered the justified war. Rights include human rights to life and liberty and community entitlements to territory and sovereignty); discrimination (distinction made between the leaders, soldiers, and civilians in the defeated country); punishment #1 (regime leaders face fair and public international trials for war crimes); punishment #2 (soldiers from all sides held accountable to investigation and possible trial); compensation; rehabilitation (may involve demilitarization and disarmament; police and judicial re-training; human rights education; and even deep structural transformation towards a minimally just society governed by a legitimate regime).²¹ Due to the incorporation of just war theory principle into a large body of international law, an understanding of the basic tenants of just war theory is helpful in correctly gauging international perceptions of legitimacy.

Historian James T. Johnson notes that just war theory is a synthesis of classical Greco-Roman and Christian, values. Aristotle (384-322 BC), Cicero (106-43 BC) and Augustine (354-430 AD) are said to be early founders of the tradition.²² Aurelius Augustinus, more commonly known as “Saint Augustine of Hippo,” or Augustine, infused Christian doctrines and Neoplatonism.²³ Augustine was the first Western

Philosopher to promote the argument by analogy: there are similar bodies external to my own that behave and appear to be nourished as mine is nourished, therefore, by analogy, I am justified in believing these bodies have a similar mental life as my own.²⁴

The just war tradition lists several other distinguished contributors including Aquinas, Grotius, Suarez, Vattel, and Vitoria.²⁵ Thomas Aquinas' moral and political philosophy consisted of the concepts and propositions of principles that choose intelligent, reasonable action together with the arguments necessary to justify and defend those concepts and propositions against objections or doubts. Aquinas offers a practical philosophy of principles which lead to human fulfillment in a way that is constituted and achievable by way of manifesting excellence of character, or virtues.²⁶

Hugo Grotius is often cited as one of the most comprehensive and formidable contributors to just war theory, and Michael Waltzer is largely regarded as one of the foremost modern just war theorists. Other contemporary just war ideas can be found in the works of Paul Christopher, J.B. Elshtain, Michael Ignatieff, Doug Lackey, Brian Orend, and Richard Regan.²⁷ Grotius and Walzer's works embody the core components of just war theory.

Hugo Grotius, one of the most influential contributors of just war theory, was a remarkable youth. Born in Holland in 1583, Grotius mastered Latin by age and was admitted to study at the University of Leyden at age eleven. He received his doctorate at age 15 and accompanied a diplomatic mission to France that same year. King Henry IV was greatly impressed by him and pronounced him "The Miricle of Holland." He became a lawyer of great reputation and was appointed Attorney General for Holland, Zeeland, and West-Friesland at age twenty four. He was soon awarded a seat in

Holland's legislature and then on the national legislature. Next he was placed on the Committee of Councilors which ran the nation.²⁸

Grotius studied and became Arminian and struggled to unite the Arminian and Calvinist factions. The conflict revolved around the Arminian belief that man had a choice concerning his salvation versus the Calvinists belief that salvation was entirely God's decree. Politically, Arminians supported states rights and Calvinists advocated for a more centralized authority. Grotius' reconciliatory efforts failed. In a stunning coup, the Calvinist factions seized Arminian political leaders. The Calvinists imprisoned Grotius and charged him with high treason. He escaped to Paris. At the time, the Thirty Years War was raging across Europe, and governed by Machiavellian principles. Grotius was appalled and wrote *On the Law of War and Peace* in 1625 as an appeal to international justice. In the book he appealed to natural law and showed that the heathen often acted better than Christians. The results of the book were mixed. The Catholic Church placed the work on the prohibited list. Swedish King Gustav Adolphus adopted its principles and Grotius became Sweden's ambassador to France where he negotiated with Richelieu and Louis XIII. Grotius hated the compromises he had to make and resigned, but on the way home his ship was de-masted and driven ashore. He became weakened by exposure and died believing his life was a waste. However, in three years after his death, the Peace of Westphalia (1648) bore the impact of his ideas. This accomplishment, which ended the Thirty Years War, marks a major milestone in defining human decency between nations, and Grotius' work has been acclaimed as the standard international conduct. Historians often refer to Grotius as title "The Father of International Law."²⁹

On the Law of War and Peace is One of Grotius' chief works. According to Grotius, all law should be divided into what is divine and what is human. He distinguishes between the primary and secondary laws of nature. Primary laws express the will of God, and secondary laws are laws that lie within reason. In Grotius view, war is a mode for protecting rights and punishing wrongs. This mode has judicial procedures. War is viewed as a "necessary evil," in need of regulation. The "just war," according to Grotius, is a war waged to obtain a right.³⁰

One key aspect of Grotius ideas is that humans must limit their behavior because of God. Concerning the origin of laws, Grotius comments, "...God has made these principles more manifest by the commandments which He has given in order that they might be understood by those whose minds have weaker powers of reasoning. And He controlled the aberration of our impulses, which drive us this way and that, to the injury of ourselves and of others; bridling our more vehement passions, and restraining them within due limits."³¹ This concept of accepting limits to behavior based on belief in principles is a cornerstone of this thesis. The model for ethical motivation used in this thesis observes that those dominated by values voluntarily accept limitations to their methods.

A major contemporary statement of the principles of just war theory is Michael Walzer's *Just and Unjust Wars: A Moral Argument with Historical Illustrations*.³² A leading political theorist, Walzer has written on several topics in political theory and moral philosophy, including political obligation, just and unjust war, nationalism and ethnicity, and economic justice and the welfare state. His work has helped to revive a practical focus of ethics to issues and a pluralist approach to political and moral life.³³

Walzer has been a Social Science Professor at the Institute of Advanced Study, in Princeton, New Jersey since 1980.³⁴

One of the chief ideas Walzer addresses in *Just and Unjust Wars* is the concept of wars prosecuted in the name of interventions, especially humanitarian interventions, and asks how much suffering we are prepared to watch before we intervene. He argues for unilateral intervention when crimes are taking place that “shock the moral conscience of mankind.” He maintains that any state that can stop them should, or at least has the right to do so.³⁵

Walzer also addresses key topical questions such as what level of violence must exist to justify a war, who should fight a justified war, how intervention should be done, and the nature of peace that should be sought by those conducting intervention. He adds that greatest danger is moral indifference, as opposed to greed or lust. His work provides important context needed to understand the motivations behind, and justifications often used in committing US Forces, and in how they conduct war.³⁶

Just war theory has had a profound influence on the development of laws of war. The Lieber Code of 1863 (General Order 100) established the code of conduct for Union Troops during the US Civil War, and was extensively used during the Philippine Insurrection.³⁷ The Kellogg-Briand Pact signed by several nations in 1928 provided for the renunciation of war as an instrument of national policy.³⁸ The Geneva Conventions protect the victims of war, and the Hague Conventions affect the conduct of the hostilities.³⁹ The Genocide Convention responded to atrocities committed in World War II and was ratified in by the United Nations in 1948. The Convention defines genocide and makes it an international crime.⁴⁰ These are just few examples which highlight the

widespread use of just war theory principles. These examples serve to illustrate the baseline perspectives of legitimacy just war theory provides to the international community.

The Nature of Counterinsurgency

This body of literature on the nature of counterinsurgency outlines the US Army Doctrine, together with principles and theories of counterinsurgency. An understanding of US Army doctrine is an important baseline to developing a deeper analysis of military operations in a COIN environment. An understanding of principles and theory of COIN is essential to understand the mechanics of a COIN environment. This thesis looks at theory and historical examples while using the COIN theories, principles, and the US Army doctrine as a baseline.

FM 3-24, the Army's Counterinsurgency (COIN) manual, contains the current doctrine for counterinsurgency warfare. Doctrine is the basis of action for the US operations. The manual gives key operational considerations and tactics for the COIN environment that are currently being implemented in Operation Enduring Freedom and Operation Iraqi Freedom. Key sections include the aspects of COIN, contemporary imperatives for COIN, paradoxes of COIN, and Lines of operation,

Author David Galula lays out the definitions of and principles behind counterinsurgency, insurgency, and revolution in his book *Counterinsurgency Warfare Theory and Practice*. Galula's book is an insightful look at the complicated nature of counterinsurgency warfare. Galula provides a critical analysis of the prerequisites for a successful insurgency, and the goals and tactics of the counterinsurgent/insurgent. He observes that insurgents follow these steps:

1. Create a political party
2. Present a united front
3. Conduct guerrilla warfare
4. Conduct movement warfare
5. Conduct an annihilation campaign

Galula also outlines the critical operations the counterinsurgent must perform to achieve success:

1. Destruction or expulsion of insurgent forces
2. Development of the static unit
3. Contact with and control of the civilian population
4. Destruction of the Insurgent political organization
5. Local elections
6. Testing the local leaders
7. Organizing a party
8. Winning over or suppressing the last guerrillas

Each of these steps is dependent, to varying degrees, on the civilian populace and their perception of legitimacy. The counterinsurgent must follow through with the step 8, winning over or suppressing the last guerrillas, or else the insurgency will begin a new cycle by creating a political party. Galula gives key principles such as the importance of mobilizing the neutral majority, and strengths and weaknesses of the insurgent/counterinsurgent, intelligence and propaganda to name a few. He also discusses topics critical to this thesis such as the ethical consideration of coercive force, and the importance of a learning environment to the counterinsurgent forces.⁴¹ The principles laid out in Galula's work allow for numerous points of analysis to further examine the

impact of ethics in COIN.

Author Bard E. O'Neill also offers an insightful view of the goals and tactics of insurgents in his book, *Insurgency & Terrorism: From Revolution to Apocalypse* (2005).⁴² Bard classifies insurgencies into one of nine types: anarchists, egalitarians, traditionalists, pluralists, apocalyptic-utopians, secessionists, reformists, preservationists, and commercialists. His book elaborates on the critical elements of insurgent strategies, the environment, popular support, and government response. He categorizes insurgent strategies as conspiratorial, protracted popular war, military-focus, and urban-warfare. When studying different counterinsurgencies side-by-side, Bard's classifications provide needed context by helping to quickly pinpoint critical differences between the insurgencies.⁴³ A detailed understanding of insurgent tactics and mindset is essential to comprehend critical vulnerabilities found in counterinsurgent ethical responsibilities. The insurgency typically tries to turn these responsibilities against the counterinsurgent in the effort to delegitimize the government.

In 1937, Mao Tse-tung wrote *On Guerilla Warfare*,⁴⁴ to serve as an instruction manual for guerrilla fighting. Many scholars designate Mao "the father of modern insurgency." He had more than a decade of personal experience and drew from the basic strategy and tactics of warfare described by Sun-tzu. Mao notes the importance of guerrilla tactics and synchronization with conventional warfare tactics in revolutionary war.⁴⁵

Mao outlines seven steps in his strategy for insurgency:

1. Arousing and organizing the people.
2. Achieving internal unification politically.

3. Establishing bases.
4. Equipping forces.
5. Recovering national strength.
6. Destroying enemy's national strength.
7. Regaining lost territories.

He asserts the relationship of guerrilla warfare to the people centers around a political goal that must coincide with the aspirations of the people. He notes that political objectives must have the sympathy, co-operation, and assistance of the people or guerrilla warfare is doomed to failure. This premise is so important to Mao, that he stresses the importance of having highly disciplined troops and he highlights ethical standards of conduct for them:

Rules:

- All actions are subject to command.
- Do not steal from the people.
- Be neither selfish nor unjust.

Remarks:

- Replace the door when you leave the house.
- Roll up the bedding on which you have slept.
- Be courteous.
- Be honest in your transactions.
- Return what you borrow.
- Replace what you break.

Do not bathe in the presence of women.

Do not without authority search those you arrest.⁴⁶

Mao understood that unless well behaved, his troops would drive away the critical support of the population. Mao was very concerned about the importance of information operations (propaganda) and felt any negative impacts would critically affect his efforts. His work underscores the basics of insurgency strategy and the importance of legitimacy among the populace, which is a key concern of this thesis.

*Modern Warfare A French View of Counterinsurgency*⁴⁷, by Roger Trinquier deals with the problems facing the French in Algeria and draws from experience in Indochina. Trinquier was born into a peasant family and graduated from the military academy at Saint-Maixent. He served in the Far East for much of his career. He served in Vietnam after World War II and returned home to organize and train a colonial parachute battalion in France. He was then assigned to Indochina as an expert on counter guerrilla warfare. Trinquier had an active role in the revolt of 1958 by the French army in Algeria. He then served with approval of the Ministry of Defense with a group of fellow elite retired officers as mercenaries in the Katanga Province, Zaire under secessionist leader Moïse Tshombe. He published *La Guerre Moderne*, which was translated into English, and several other books on the Indochina War and French airborne forces.⁴⁸

Trinquier's work offers valuable insights into the nature of counterinsurgency warfare. Among Trinquier's many useful observations is a confirmation of the necessity for the unconditional support of the people. He saw the control of the population to be the stake of modern warfare. He also thought that any propaganda which undermines

morale of the army must be suppressed unmercifully, anyone who favors the enemy should be treated as a traitor, yet, should avoid extreme measures. He observes that harsh actions can be viewed as brutality by the people, and the insurgents will be quick to take advantage of it. In his work, he states that war aims must be made clear to the people, and the confidence of the people must be gained by crushing those who want to oppress them, and highlights the vital role of propaganda in swaying an impatient population. Trinquier's observations noted here help to underscore the concept of legitimacy and impact this thesis accordingly.⁴⁹

Historical Examples of Counterinsurgencies

The historical examples from this body of literature allow for a test of several main points of theory and doctrine such as the concept of legitimacy, mobilizing the neutral minority, importance of denying sanctuary to insurgents, and stages of an insurgency to name a few. These examples also show what can happen when ethics are ignored, when ethical values hinder operations, and why counterinsurgency requires more than just a tactical fight using conventional forces.

Understanding the development of an insurgency and how it gains strength through a lack of ethics on the part of the counterinsurgent is an essential concept of this thesis. Author M. Hassan Kakar's book, *The Soviet Invasion and the Afghan Response, 1979-1982*, describes how atrocities and genocide committed by Soviet forces in Afghanistan contributed to the rise of a massive insurgency leading to catastrophic consequences. Hassan was a professor at Kabul University and a scholar of Afghanistan affairs.

The Bear Went Over the Mountain: Soviet Combat Tactics in Afghanistan by Lester W. Grau, illustrates what drove the Soviets choice in the use of tactics and how that choice led to failure. Grau is a retired U.S. Army Lieutenant Colonel and graduate of the U.S. Army Russian Institute. He is a leading source on Russian and Soviet tactics and operations. This work highlights the importance of using the proper tactics at the proper time and place and link those tactics to ethical principles as they relate to the concept of legitimacy.

Online resource *Jane's Intelligence Review* gives a helpful overview of the insurgency in Uganda. The information details the quick rise and demise of the Holy Spirit Movement, which transformed into the Lord's Resistance Army. The review highlights the initial willingness of the people to support a good cause, i.e., the promise of a society ruled by the 10 Commandments. The study also shows how the movement quickly lost public support once numerous atrocities perpetrated by the group came to light. This counterinsurgency is important because it shows the spectrum of support for legitimacy, starting first with 100% support from the people, and then shifting rapidly to almost no support at all.

U.S. Army Counterinsurgency and Operations Doctrine 1860-1941, by Andrew J. Birtle, a historian at the U.S. Army Center of Military History in Washington, shows the evolution of Army COIN doctrine during the Philippine Insurrection, changing from peaceful assimilation to use of more "heavy-handed" techniques including forced relocation and torture. Birtle's book offers insights into the strategic and operational levels of COIN. The work shows the futility and perceived weakness inherent in using

only peaceful and benevolent means to fight an insurgency at the expense of stronger forms of coercion.

Savage Wars of Peace: Case Studies of Pacification in the Philippines 1900-1902, by Robert D. Ramsey III examines case studies of US pacification efforts of the Ilocano and Tagalog Provinces on the island of Luzon during the Philippine Insurrection. Robert D. Ramsey III retired from the US Army in 1993 after 24 years of service as an Infantry officer that included tours in Vietnam, Korea, and the Sinai. He earned an M.A. in history from Rice University. Ramsey taught military history 3 years at the United States Military Academy and 6 years at the US Army Command and General Staff College. These case studies offer an important operational and tactical look at problems commanders face in COIN.⁵⁰

Lieutenant Colonel John A. Nagl's book *Learning to eat Soup with a Knife* offers counterinsurgency lessons from Malaya and Vietnam. LTC John A. Nagl (USA) is currently a Military Assistant in the Office of the Deputy Secretary of Defense. He led a tank platoon in the First Cavalry Division in Operation Desert Storm, taught national security studies at West Point, and served as the Operations Officer of Task Force 1-34 AR in Khalidiyah, Iraq. A West Point graduate and Rhodes Scholar, Nagl holds the M.Phil. and D.Phil. in International Relations from Oxford University and an MMAS from the Command and General Staff College. His book highlights the disposition and culture of the British Army in Malaya and the US Army in Vietnam. He highlights the need for the culture of a "learning environment" as critical to success in COIN.⁵¹

Coalition forces will continue to apply the principles, theories, and ethics for COIN as Operations Enduring Freedom and Iraqi Freedom continue. In his article

“Insurgency and Counterinsurgency in Iraq,” Steven Metz, Director of Research at U.S. Army War College’s Strategic Studies Institute, offers a thorough situation analysis of Iraq. Metz outlines key doctrines and approaches for US Forces and lays out the true nature of the conflict as a test of wills between the counterinsurgents and the insurgents. He urges a focus on two key battlespaces, intelligence, and Iraqi perception. His paper is essential to understanding the complex environment and how to operate in it.⁵²

This body of literature furnishes essential foundations in principles of ethics, and COIN. The examples from history provide an opportunity to view these principles. Taken together, the works cited in this text broaden understanding of the difficult and complex concept of legitimacy as perceived by ethically diverse groups.

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³ Ibid.

⁴ The Internet Encyclopedia of Philosophy, (November 24, 2007), <http://www.iep.utm.edu/k/kantmeta.htm> , (accessed December 1, 2007).

⁵ Kay, Charles D., “Notes on Deontology,” (November 24, 2007), <http://webs.wofford.edu/kaycd/ethics/deon.htm> , (accessed December 1, 2007).

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¹⁵ Huntington, Samuel P. *The Clash of Civilizations and the Remaking of World Order*, (New York, NY, Simon & Schuster, 1998), 13-19.

¹⁶ Huntington, Samuel P., "The Clash of Civilizations?" (Foreign Affairs, 1993), <http://www.foreignaffairs.org/19930601faessay5188/samuel-p-huntington/the-clash-of-civilizations.html> , (accessed December 1, 2007).

¹⁷ Stanford Encyclopedia of Philosophy, (November 18, 2007), <http://plato.stanford.edu/entries/war/> , (accessed December 1, 2007).

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Neoplatonism is the period in Platonic Philosophy from Plotinus 204-270 AD to Justinian in 529.

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²⁵ Stanford Encyclopedia of Philosophy, (November 18, 2007), <http://plato.stanford.edu/entries/war/> , (accessed December 1, 2007).

²⁶ Stanford Encyclopedia of Philosophy, (December 2, 2005), <http://plato.stanford.edu/entries/aquinas-moral-political/> , (accessed December 3, 2007).

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²⁸ Christian History Institute “Glimpses #122: Hugo Grotius: A Good Lawyer on the Lam” (2007), <http://chi.gospelcom.net/GLIMPSEF/Glimpses/glmps122.shtml> , (accessed December 1, 2007).

²⁹ Ibid.

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⁴² O’Neil, Bard E., *Insurgency and Terrorism from Revolution to Apocalypse*, (Dulles, Va, Potomac Books Inc., 2005).

⁴³ Ibid., 19-29, and 45-63.

⁴⁴ Tse-tung, Mao, *On Guerilla Warfare*, (Urbana and Chicago, University of Illinois Press, Translated by Samuel B. Griffith, 2000).

⁴⁵ Ibid., 43.

⁴⁶ Ibid., 92.

⁴⁷ Trinquier, Roger, *Modern Warfare A French View of Counterinsurgency*, (London, England, Pall Mall Press Ltd., 1964).

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⁴⁹ Trinquier, Roger, *Modern Warfare A French View of Counterinsurgency*, (London, England, Pall Mall Press Ltd., 1964), 48.

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⁵¹ Nagl, John A., *Learning to eat Soup with a Knife*, (Chicago, Il, The University of Chicago Press, 2002), 250.

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CHAPTER 3

RESEARCH METHODOLOGY

The research methodology for this thesis constitutes examination of the principles of ethics and construction of a motivational model for perceptions of legitimacy. These points of motivation will be analyzed and correlated to the characteristics of the COIN environment as revealed by COIN principles and historical examples. The historical examples provide an opportunity to view and confirm the ethical and COIN principles, and make observations on the concept of legitimacy. The conclusions reached provide insights into ethical perceptions of legitimacy.

Ethics and morality have sometimes been used interchangeably. This thesis defines ethics as the philosophical study of morality. Webster defines moral as capable of distinguishing right from wrong, and it defines morality as virtue; moral principles. This thesis defines morality as action that is viewed as right, correct, and justifiable. The whole concept of right and wrong is assumed to be a major part of what we believe to be legitimate. Legitimacy is a key principle in counterinsurgency warfare. The US Declaration of Independence defines a distinctive Western perception that justifies governmental legitimacy.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on

such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

The Declaration of Independence claims that the nature of its views is fundamentally universal, or as it says, “self-evident.” At minimum these ideals proved to be true to the American Colonies, giving the US Revolution the needed underpinnings of legitimacy to see it through a long and costly war. The legitimacy of principles and ideals seem inherently able to bestow on societies and individuals enduring motivations to fight and endure hardship, as long as the cause is viewed as just. Galula states “In any situation, whatever the cause, there will be an active minority for the cause, a neutral majority, and an active minority against the cause. The technique of power consists in relying on the favorable minority in order to rally the neutral majority and to neutralize or eliminate the hostile minority.” He also states, “...the better the cause and the situation, the larger will be the active minority favorable to the counterinsurgent and the easier its task.” This thesis will examine the concept of legitimacy as it relates to the ethical perceptions of a host nation populace in the COIN environment. Ethical and moral motivational factors outlined and analyzed in this thesis enable a deeper understanding of the importance of legitimacy concept in COIN.¹

Developing a Model to Understand Legitimacy

Understanding the fundamental concept of legitimacy is essential to any strategy of winning hearts and minds. Webster defines legitimate as “lawful, reasonable, justifiable; conforming to accepted rules, standards.”² This thesis will define governmental legitimacy as the degree to which a government operates in a manner that meets both the perceived ethical and moral standards of a society. Thus the key to

understanding legitimacy is to understand the perceptions of the populace as it relates to ethics and morality.

The category of perceptions comprises the perceived obligations, desires, and benefits as they relate to one's self, family/friends, profession, society, and religion. As stated earlier, the concept of legitimacy deals with the perception of both ethics and morality. Yet the battle for hearts and minds is waged across the battlefield of perceptions. One can talk extensively about values and platitudes, but little common ground may be found unless one addresses the perceived obligations, needs, and desires of the host nation population.

The key to understanding and maximizing cooperation with individuals and societies of various cultures is as follows:

1. Determine whether values or consequences command greater emphasis.
2. Determine the core values that are most important. (Take special note of the level of value placed on human life and rights.)
3. Analyze government/societal actions and deduce the perceived obligations, desires, and benefits.
4. Initiate counterinsurgent actions in such a way as to positively influence and win over the population.

The single greatest indicator of value vs. consequences is the level of importance placed on the sanctity of human life. If a high value for the sanctity of human life exists, then, to a degree, the quality of life may also be valued. Those who disregard human life likewise do not care for human quality of life. Cultural/religious awareness opens the door to the determining what values are most important. Daily conversation, interaction, and

observation will help to establish core value baselines.

The third item from the list, (Analyze government/societal actions and deduce the perceived obligations, desires, and benefits), is accomplished by analyzing the actions, not words, of individuals and organizations. For example, any company operating in a free market economy has profit as the baseline motivator. The Phillip-Morris Tobacco Company may give money to support the community, and run commercials stating how the company cares about people, however the core product, the cigarette, is addictive and causes cancer. Thus the deduction is that the core focus is on consequences as related to profit. The desire for the perceived benefit of profits focuses more on consequences than values. Any dealing with the organization will have to address the core motivational perceptions of desire for the perceived benefit of profit.

The feud in Iraq with Sunni vs. Shea sects is a similar construct in which the baseline motivator revolves around the perceived benefits of power. Under Saddam Hussein the Sunni sect was in power. After the fall of Saddam, the Shea, who are in the majority, have a desire to consolidate power, and the Sunni have a desire to maintain power. This desire for power is compounded by the fact that many Sunnis believe that Shiites are heretics. Sunni Muslims make up Al-Qaeda, and part of the al-Qeada strategy shifted to conducting violence against Shiites, whom Abu Musab al-Zarqawi refers to as “the most evil of mankind,” in order to try to awaken a Sunni movement to assume power over the Shiites.³

US Intelligence intercepted a letter in January, 2004 in which Zarqawi states, “if we succeed in dragging [the Shea] into the arena of sectarian war it will become possible to awaken the inattentive Sunnis as they feel imminent danger.”⁴ Osama bin Laden

replied to go ahead and “use the Shiite card.” He felt that Al-Zarqawi might be able to persuade the Iranians to hand over al-Qaeda figures being held in Iran, including his son Saad.⁵ The news has been full of vicious, sectarian violence being fomented by al-Qaeda in Iraq. Thus the conflict is consequence based and colored by tribal loyalties, but the absence of value on human life and human rights, even among Muslims of different sects is striking. This absence of value on human life frees operations from any constraints, making them completely consequence based, and any dealing with the problem will have to address the desire for the perceived benefit of power.

Cultural awareness is an important first step in determining the perceived obligations, needs, and desires. For some military leaders, the need to work out a process to maximize cooperation comes naturally, but others have to work at it. The greatest danger is a tendency to focus too heavily on the tactical fight at the expense of reaching out to the populace and establishing a base of support. Historical examples covered in the next chapter show the potentially catastrophic danger in ignoring these precepts. This thesis will examine several counterinsurgencies through books, theses, online information and interviews to determine whether value or consequence based approaches were used and note the effectiveness of the policy. Once analyzed, common elements of legitimacy will be identified and put into a model. This model will help COIN planning and resource allocation by allowing commanders to better visualize the dynamics of the COIN environment.

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³ Wright, Lawrence, *The Master Plan*, *Annals of Terrorism*, (The New Yorker, September 2006), http://www.newyorker.com/archive/2006/09/11/060911fa_fact3 , (accessed December 1, 2007).

⁴ Ibid.

⁵ Ibid.

CHAPTER 4

RESEARCH ON ETHICS IN COUNTERINSURGENCY

Several historical examples illustrate the application of ethics and the concept of legitimacy in counterinsurgency. The Soviet invasion of Afghanistan showcases the potential catastrophic results of ignoring ethics and legitimacy. The French experience in Algeria shows how ignoring the concept of legitimacy and focusing on tactics can result in political failure. The US Army's shifting between policies of benevolence and chastisement at the right time during the Philippine Insurrection allowed for a measure of success. Finally, an interview with Gatete Karuranga of Rwanda displays the finding of critical motivating forces of a local populace by working across perceptions.

In 1979, at the request of the Afghanistan Government, the Union of Soviet Socialist Republics began committing troops to Afghanistan. Although the initial mission was not clearly defined the troops began to guard cities and installations. The mission eventually expanded to full combat operations. It failed because the Soviets misjudged the strong religious and tribal loyalties of the region. Even the People's Democratic Party of Afghanistan, or PDPA was never completely unified. The PDPA was split along ethnic and tribal lines. Infighting between the "Khalq" and the "Parcham" factions made the situation extremely difficult for Moscow to manage.¹ The Soviets escalated intervention with full military forces but suffered a humiliating defeat. The primary reasons for the Soviet failure in Afghanistan were the ignorance of knowledge about counterinsurgency warfare, the underestimation of ethnic, religious, and tribal nature of the Afghan society, and the complete lack of ethical standards of conduct which ultimately resulted in massive genocide.

The precipitating event for escalation of Soviet intervention was the April 1978 Communist coup against Afghan ruler Sardar Muhammad Daoud, who, ironically was killed by the same communist party faction and Soviet Military-trained officers who had backed his takeover five years earlier. Daoud established close ties with Moscow which resulted in Soviet economic aid, Afghan forces equipped with Soviet military weapons, and Soviet military training and advisors. However, Daoud became a liability to Moscow after seizing power because he tried disengage with his Soviet supporters.²

Daoud took several steps reversing trends toward communism, including outlawing some communist factions. The Soviets, faced with a deterioration of what had been years of foreign investments, took direct action and orchestrated a military coup. Then the Soviets took further steps to bolster the communist government. They installed favorable political and military advisors and greatly increased and military aid. However, Communism came to represent a serious challenge to the power of traditional tribal leaders who still held too much influence with their relatives in regional areas. The conflict resulted in armed insurgencies that were supported with arms and equipment from guerrilla organizations in Pakistan.³ The Soviets were unprepared and untrained for counterinsurgency warfare, guerilla tactics, and operations in the mountainous terrain, despite escalating the intervention over a ten-year period.

Author David Galula states that one of the potential weaknesses for the counterinsurgents is the lack of knowledge about counterinsurgency.⁴ Soviet leadership has admitted they did not know very much about the culture and customs of the people, and had no cultural experts in the government. They misread the entire nature of the war. Dr. Robert F. Baumann observed “The true ‘center of gravity’ lay as much in their

conception of the struggle as in any strategic objectives.”⁵ The deep religious motivations of the populace escaped consideration. The Soviets failed to realize the religious fervor with which the insurgents fought. The war against the Soviets transformed into a holy war, which ignited support across the region and from several Arab States.

Also key in the Soviet defeat in Afghanistan was the almost complete lack ethical regard for the sanctity of human life and the humanity of people. Author Hassan M. Kaker states that one of the prerequisites for genocide is the absence of value on human life. Problems started when Soviet soldiers began abducting and raping women. These atrocities enraged the populace, and heightened tensions in their conflict with the Soviets. Next, the Soviets escalated tensions by prohibiting social gatherings. Soviet Troops even fired on weddings and other gatherings that were an integral part of the society.⁶ These incidents and many others atrocities continued to escalate tensions. This example suggests that when the two factors of lack of knowledge about counterinsurgency/cultural awareness and a lack of ethical regard for the sanctity of life are both present, genocide may occur.

The Soviets adopted a policy of mass retaliation in an attempt to quell violence quickly. Kaker states that although the total number of mass killings was high, the separate number killed in each incident was relatively low.⁷ Nevertheless, the horrible sufferings of the Afghan people swung international opinion hard against the Soviets. International terrorism consultant and author Evan Kohlmann observes that “even worse than the humiliating personnel casualties was the effect of the ‘bleeding wound’ of Afghanistan on both foreign and domestic support for the Soviet Union.” Kohlman

observes that the Soviets had perceived to be among their staunchest allies against the U.S., vigorously condemned the occupation of Afghanistan and often worked to aid the *Mujahideen* (“holy warriors”) in their struggle for freedom.⁸ The Mujahideen were the indigenous resistance and they had Pakistan and Iran as sanctuaries for their families and themselves, which made it nearly impossible for the Soviets to isolate and eliminate them. The Mujahideen enjoyed foreign sustained support and could fight and withdraw whenever conditions warranted. These factors resulted in stalemating the Soviet forces for the duration of the war.⁹

The Soviet Union’s genocidal policies and atrocities contributed greatly to Soviet political internal divisions. According to documentation from The National Security Archive, the Soviet-Afghan War may have been a key factor in the “delegitimization of Communist Party Rule.”¹⁰ The Army was demoralized and marginalized by society. The image of the Soviet Army fighting Islam contributed to the rise of Islamic fundamentalism in the Central Asian republics, and possibly gave strength to the independence movement in Chechnya. Both Islamic Fundamentalism and the Chechnya independence movement till pose major threats to Russia.¹¹ Dr. Baumann concludes, “the inescapable irony of Afghanistan is that the presence of Soviet Forces gave the opposition a cohesion it never could have achieved on its own.”¹² This cohesion developed as the people united against a common enemy. The actions of the Soviets delegitimized counterinsurgent authority and maximized host nation support for the insurgency.

The results of the Soviet invasion in Afghanistan proved catastrophic for the USSR. The Soviet atrocities committed during the war, along with the casualties

suffered and duration of the war helped to catalyze internal social unrest that sparked the very chain of events leading to the collapse of the USSR in 1991. At the same time, the Soviets helped to galvanize the Fundamentalist Islamic Terrorism movement by providing a common threat. In light of these conclusions, some deeper possible motivations behind the September 11 attacks on the US become clear: Terrorist masterminds, now lacking a uniting force to help create unity sought to attack the US, (more infidels), in order to illicit a US military response. Terrorist masterminds may seek to use the Western threat to help manipulate a greater unity. No wonder al-Qaeda has referred to Iraq as the central front in the Jihad.

The historical lessons for these events highlight the potential, dire consequences of failure to grasp the nature of counterinsurgency warfare, ignoring cultural factors, and failing to adhere to ethical perceptions. World-wide, the current operating environment (COE) in the wake of the Soviet Union's collapse has been moving more and more toward forms of counterinsurgency operations. The overall outcome of the Soviet invasion of Afghanistan was to unify Islamic fundamentalist terror in ways it may never have achieved independent of the Soviet threat, while also delegitimizing the Soviet Union itself. Once the Soviets withdrew, terrorist masterminds lacked a unifying threat. Just looking historically at these outcomes, it would seem likely that terror leaders would miss the overarching polarizing threat that assisted them to consolidate their power.

Logically, one might conclude that the September 11th attacks in the US were engineered to provoke a military response in order to rally the Islamic world against the West. Some research into this conclusion has yielded supporting evidence. Jordanian author Fouad Hussein, (as quoted by Lawrence Wright in a New Yorker Article "The

Master Plan”) outlines al-Quaida’s seven step, twenty year plan in his book, *Al-Zarqawi: al-Quaida’s Second Generation*. (Hussein’s book is based off of interviews with al-Quaida’s leaders and time spent in prison with Zarqawi, who later became the top al-Quaida operative in Iraq).¹³

According to Hussein, the first phase described is “The Awakening.” Currently, the Islamic nation is in a state of hibernation. Striking America, “the head of the serpent,” will cause America to act chaotically and strike back at those who attacked it. This will entitle the party that hit the serpent to lead the Islamic Nation. This phase ended in 2003 with the fall of Bagdad.¹⁴

The second phase described is “Eye Opening,” and lasts until 2006. Iraq becomes the recruiting ground for young men eager to attack America. Al-Quaida becomes an “invincible and popular trend.” Muslims contribute funds to make up for assets seized by the West. Al-Quaida funds will increase and its ideas will flourish.¹⁵

The third stage in the strategy is “Arising and Standing up” and lasts from 2007 to 2010. The focus is on Syria and Turkey, and direct confrontation with Israel begins in order to gain more credibility among the Muslim population.¹⁶

The forth stage lasts until 2013. Arab governments demise and al-Quaida gains power. Attacks conducted on Middle East petroleum industry. The US economy is targeted using cyber terrorism. One goal is to promote the idea of using gold as the international exchange that will lead to the collapse of the dollar.¹⁷

The fifth stage lasts until 2016. An Islamic caliphate is predicted to be declared. The international balance changes and the Western hold on the Arab region will loosen.

Al-Quaida will attract powerful new economic allies such as China, and Europe will fall into disunity.¹⁸

The sixth stage of the strategy is known as “Total Confrontation.” The established caliphate will form an Islamic Army and will instigate a worldwide fight between the believers and the non-believers. The world will realize the real meaning of terrorism.¹⁹

The seventh Stage is “Definitive Victory.” In this stage, “falsehood will come to an end... The Islamic state will lead the human race once again to the shore of safety and the oasis of happiness.”²⁰

Such an ambitious strategic outline clearly shows the terrorist masterminds emboldened from the outcomes of the Soviet Invasion, and willing to bide their time in a long, protracted warfare. US leaders must study the critical factors of ethical perception and COIN intently, in order to prevent catastrophic results similar to those of the Soviets in Afghanistan. The wrong strategic moves could further embolden, empower, and unite al-Quaida, or similar organizations.

Another important ethical consideration currently facing US Forces is the debate over interrogation techniques. Lou DiMarco (Lieutenant Colonel, USA Ret.) a faculty member at the US Army Command and General Staff College, poses several thought provoking remarks from his article *Losing the Moral Compass: Torture and Guerre Revolutionaire in the Algerian War*. DiMarco points to aggressive interrogation techniques and the indiscriminate use of force as major factors in failure of the French Counterinsurgency in Algeria even though the French Army had great tactical success the French lost the war. The insurgents were able to achieve political and strategic goals

which eluded the French due to the French Army's inability to put the war into a strategic context. DiMarco admits the French Army had great tactical success but concludes, "their tactical successes only undercut the French political aim and their own moral foundation and legitimacy."²¹ The French Army indiscriminately used force and aggressive interrogation techniques that contributed to internal demoralization. He goes on to state that firm, ethically grounded leadership that enforces professional standards may have been able to achieve victory by preventing many of the strategic dilemmas caused by the army's tactics.²²

DiMarco asserts that as the US Government debates the merits of harsh interrogation techniques (such as "water boarding,")²³ it should remember that critical strategic implications come into play such as military and political cohesion; national and international legitimacy, and most critically, catastrophic effects on the hearts and minds of the populace. The key questions that should drive American policy ought to center around operational and strategic effectiveness and not just issues of legality and temporary tactical benefits derived from harsh interrogation. Finally DiMarco notes how isolated abuse cases have already worked to harm international perceptions of US legitimacy and had negative impacts domestic support for the US counterinsurgency fight.²⁴ Trinquier also notes "Certain harsh actions can easily pass for brutalities in the eyes of a sensitive public." He goes on to state how insurgents will use this as propaganda to advance their cause.²⁵

Both Dimarco and Trinquier's conclusions highlight the immense importance of ethical perceptions of legitimacy in achieving strategic objectives. The subjects of interrogation techniques and appropriate levels of force can be controversial and

inflammatory, and are beyond the scope of this thesis. However, when reasoning the ethical guidelines and determining acceptability standards, one must bear in mind the perceptions of both the host nation populace and the international community.

The examples have shown where ethical perceptions of legitimacy can contribute to failure, yet there have been relatively few historical examples of successful counterinsurgencies throughout history. Even among the successful counterinsurgencies, there is debate as to the actual degree of lasting victory achieved. One such arguable success was the Philippine Insurrection of 1899. Author Andrew J. Birtle, in his book *U.S. ARMY Counterinsurgency and Contingency Operations Doctrine 1860-1941*, gives a useful overview of the Philippine Insurgency against the United States from 1899-1902. The Philippines are an archipelago of 7,000 islands. At the time, the Philippine Island chain consisted of over seven million people divided among tribal, linguistic, and religious groups, many of which many disliked each other. In the wake of the Spanish American War, Spain handed control of the Philippines over to the United States in 1898. The US Army controlled the capitol of Manila, and Filipino revolutionaries dominated the rest of the archipelago. These revolutionaries were primarily the Tagalog tribe, who were given assistance from the US to seize the opportunity provided by the Spanish-American war to revolt against the Spanish. The US was unable to convince the rebels to disband after the war, and the Filipino revolutionaries refused to acknowledge American authority over the islands. The revolutionaries proclaimed their own government under the leadership of Emilio Aguinaldo. They surrounded Manila with an army, and fighting erupted in February of 1899.²⁶

Unable to beat the US Forces conventionally, the revolutionaries hoped to undermine America's will by harassing US Forces. The Filipinos were very aware that many Americans opposed US Imperialism and timed attacks to coincide with the presidential election of 1900. They wanted to replace McKinley with the proclaimed anti-imperialist William Jennings Bryan.²⁷

The US Forces dispersed and conducted decentralized operations. They conducted aggressive counter guerilla and intelligence campaigns while also reaching out to the population through a benevolent pacification policy of attraction. The US Army opened schools, built roads, refurbished markets and public facilities and worked to sanitize towns. They also established local governments led by native officials to demonstrate a commitment to political autonomy for the Philippines at the local level. Birtle states, "The Army's benevolent policies had achieved some positive results during the early stages of the war, especially in those parts of the archipelago that had never been firmly committed to the rebellion." He also said that "by the spring of 1900, it was already becoming evident that the policy of attraction was not powerful enough to win the war by itself."

Author Robert D. Ramsey III notes that initially only 43 out of 77 Filipino provinces opposed American occupation, which proves that the policy of benevolent assimilation or attraction was successful in areas without any *insurrectos* (Filipino Revolutionaries). He concludes that the policy of attraction was inadequate without also applying a policy of coercion to break the support links between *insurrecto* base of towns and guerillas in the field.²⁸ Among the reasons that Attraction could not win alone were

that the US was not able to fully stamp out the insurgents, and the fact that the insurgents were willing to use intimidation, violence, and terror when dealing with civilians.

Ramsey states “Coercion and terror provided a credible deterrent to those who considered cooperating with the Americans. Nevertheless, the bottom line was that the *insurrectos* provided better security and a greater threat of harm than the Americans.”²⁹ Fear proved to be a powerful motivator. The US also had a policy of judicial leniency on criminals as part of its benevolence policies. This leniency came to be regarded as a sign of weakness by the population who were impressed by the guerrillas’ ability to strike down their enemies.³⁰

Up to this point in the Philippine Insurgency the US had set a fairly high standard with its ethical policies, which probably did serve to cement a large portion of the population firmly in favor of the Americans. But, being clear that benevolence alone could not succeed to stamp out the insurgency, the policy was broadened to include chastisement.

Local commanders held local officials responsible for insurgent activities and punished communities for failing to notify the Army of guerrilla presence. They fined villages for damage done to public property and burned individual homes and entire villages in retaliation. Restrictions on the judicial system were relaxed authorizing provosts to arrest and detain suspects without evidence and permitted many condemned prisoners to be executed. The US went after the upper class, who were guilty of financing the insurgents, and put the upper class in jail, confiscating property, and threatening prosecution as war criminals. The Americans countered the guerrilla’s terror

with its own intimidation in order to make compliance with insurgents just as dangerous as refusal.³¹

The heavier handed techniques of chastisement gradually grew more severe. Entire areas were obliterated which were deemed to be under guerilla control or sympathetic to the resistance. The Army destroyed homes, villages, storehouses, crops, livestock, boats, and fishing nets in an attempt to give local inhabitants a object lesson in American power while at the same time depriving the insurgents of food and shelter in their base areas.

Land and sea blockades controlled the movement of food to insurgent areas. The populace was secured through the technique of concentration, in which people were forcibly relocated to areas where the Army could more readily provide protection from guerilla intimidation as well as force them to stop giving aid to the rebels. Birtle states “Although the Army’s methods were severe, its actions generally fell within the parameters permitted by the laws of war.”³² This detail is ethically significant because staying within the laws of war, unlike the Soviet invasion of Afghanistan, did not create a backlash of opposition against the US.

Yet Birtle notes that “American soldiers felt the war’s corrosive effects both on their morale, and their morals.” While not the policy, atrocities certainly occurred, including shooting unarmed men who ran at the approach of an US column, summarily executing prisoners, torture, and indiscriminate acts of killing and destruction. Birtle also notes many of the Army’s actions went unrecorded due to the unpopularity of the war and a reluctance to expose the less attractive nature of some operations. Allegations

of abuse and torture led to convening Senate investigations and many court-martials at the end of the war.³³

The policy of chastisement was most distasteful, and that was by design. The principle of “total war” as carried out by General Sherman during the US Civil War, was being exercised. The main goal was to destroy enemy capacity to make war, and make it so costly and painful make war, that the enemy will give up the pursuit. Birtle quotes Sherman: “a short and severe war creates, in the aggregate, less loss and suffering than a benevolent war indefinitely prolonged.” The policy was ultimately successful allowing the US to finally crush the insurgency by capturing its main leaders. The Army declared the war over on 4 July 1902. Birtle quotes Secretary of War Root’s conclusion: “It is evident that the insurrection has been brought to an end both by making a war distressing and hopeless on the one hand, and by making peace attractive.” Ultimately, a mix of positive and negative incentives performed by local commanders as they saw fit, combined with operations to deny sanctuary and support to the enemy worked to defeat the insurgency. Many such as Col. Robert L. Bullard saw the lessons learned as “our aversion and long failure to use justifiable and necessary severity against insurgents prolonged the war.”³⁴ While having some merit, such an opinion also possibly discounts an unrecognized degree of success of the initial policy of attraction in winning the hearts and minds of a significant amount of the populace, along with the many intangible benefits included. Much deeper analysis of this counterinsurgency is clearly called for, but perhaps the introduction of greater severity earlier would have alienated the population and actually given more strength to the insurgency.

In any case, the methods were employed in the manner that resulted in success. The ethical considerations here revolve around the policy of attraction motivated by values, and the policy of chastisement motivated by consequences. The Philippine War demonstrates the balance between values and consequences worked out on the battleground of perceptions. The benevolent policy of attraction won much of the populace and conveyed the true intentions of the US had the best interest of the people at heart. The goodwill generated by these initial policies probably created a greater tolerance for the later chastisement policies and suffering that went with it. Further significant is that these consequence based policies applied from a values perspective of causing an intensified short period of suffering in order to avoid greater, longer term suffering. So the application of chastisement may be viewed as the lesser of two evils in the long run.

The atrocities, while certainly not conforming to a values perspective, were able to be absorbed across the plain of perceptions for several main reasons: The earlier benevolence policies, which were continued wherever possible throughout the war, created good will with the people that gave a greater tolerance for atrocity. The second reason is that not all atrocities came to light so some of them stayed hidden. And thirdly, although initially lenient, atrocities were eventually dealt with through court martial or other disciplinary measures.

Three main reasons for atrocities are apparent. First, atrocities occur because the counterinsurgents overzealously apply the values based principle of wanting to increase severity to end the war quicker and thus crossed the lines of acceptability. The second reason for atrocities is a strong desire for revenge from attacks and murders of soldiers.

The constant guerrilla warfare kept picking men off and this became extremely frustrating, creating the need for some sort of action. Finally, a perverted combination may have occurred where a desire for revenge was self-justified using the values principle of severity to shorten the war. Whether the same policies with the same types of atrocities would be as successful in modern times given the exponential increase in the speed of information is an interesting consideration.

Regardless, the Philippine War shows that heavy-handed techniques certainly have their place when used only when necessary and after the establishment of a baseline of good intentions. Such techniques may be essential when it is important to show strength to combat terror techniques used by insurgents. Success was due to several factors, including the geography which being an island chain, helped isolate the insurgency from outside aid, facilitating blockades of food and other supplies. The combination of chastisement with concentration helped to simultaneously control and stop support to the rebels from the population while denying the insurgents sanctuary. The timing in executing these policies, while perhaps unintentional, also helped tremendously. The US simply won over all the support it could from the general populace, and then came down hard on everyone else. These factors combined with sound underlying ethics, ultimately worked together to turn the tide in favor of the US.

Thinking again in medical terms, such distasteful policies of chastisement may be thought of as a radical mastectomy and chemotherapy in the treatment of cancer. Terrible procedures may disfigure and debilitate, yet if successful, may ultimately save the life of the patient. There is no sure way to tell the right mix of force and benevolence. This is why a learning environment is critical. The US Army Counterinsurgency manual

states, “An effective counterinsurgent force is a learning organization. Insurgents constantly shift between military and political phases and tactics.”³⁵

Another key observation Ramsey makes is the importance of the elites in controlling the Filipino population. “As long as the elite provided support—recruits, supplies, intelligence, taxes—the guerrillas were not destroyed.” He also observes, “In both case studies [Ilocano and Tagalog] the population followed the lead of the elite. When the elite faltered, support for the guerrillas dropped and some natives cooperated with the Americans.”³⁶ A 1969 Rand study concerning the Tet offensive in Vietnam concludes that most lower and middle classes seemed more concerned with their own personal welfare than the conflict. Most interviewees complied minimally with Viet Cong (VC) demands, mostly for food and shelter, but did not offer active support to VC or GVN forces. On the other hand, many upper-class citizens avoided contact with the VC through fear of arrest or assassination.³⁷ In the Philippines, targeting the elites was the key to operational success because the elites were behind the *insurrectos* and thus a decisive point. This was not the case in Vietnam where the elites and upper class were not related to the VC, even if they did support the GVN. Hence understanding of the population and critical motivating forces is essential to any COIN environmental analysis.

The following example illustrates the pinpointing of critical motivating forces of a local populace. These notes and comments were taken from an interview with MAJ Gatete Karuranga of Rwanda. MAJ Karuranga was born in Uganda and as a refugee because his parents had fled from persecution in Rwanda in the late 1950s. In Rwanda, there was persecution by the Hutu Government which was committing genocide against

the Tutsis. To survive, Karuranga, together with his colleagues, decided to conduct an insurgency against the Rwandan Hutu Government. When the Hutu Government was ousted, it launched insurgent attacks against the newly formed Rwandan Government of national unity. Karuranga was next involved in the new Rwandan government counterinsurgency against the former forces that were launching a counter attack (insurgency).³⁸

When discussing insurgency/counterinsurgency warfare people usually want to know how an insurgent goes from having very little power, almost no resources, and no external support to challenge and win against an established government which has total control, all the resources, a military force, and political support/connections from other nations. The factor that makes such a feat possible, according to Gatete Karuranga, is a cause. The cause is the single most important factor in insurgency/counterinsurgency because it gives the will power to resist and eventually erode the adversary's will to fight. Characteristic of successful insurgencies is an initial lack of popular support. This support gradually increases over time.³⁹

Perhaps the strongest causal motivation is survival. When a government singles out and persecutes certain groups among its citizens by killing them, confiscating and destroying their property, and seizing land, it sets the stage for an insurgency. When the only choice is whether to fight or die, then strong motivation exists to take up arms against the government. The stronger the cause, the weaker the government becomes.⁴⁰

Insurgents/counterinsurgents faced with tough opposition sometimes resort to genocide. Genocide is a sign of weakness for the government. Genocide also supports the cause of the opponent, by stirring up the population and international outcry against

those carrying out the genocide. Since the cause is the most important factor, acts of genocide strengthen the opponent's cause.⁴¹

Karuranga observes, "There are always more good people in the population than bad." In 2002 while performing duties as acting battalion commander, Karuranga found himself in a difficult situation. Local civilians conducted attacks against the Rwanda military defensive positions in the Minebwe area. Many commanders were extremely frustrated with the local populace of this area and tensions raised between the military and the population. The battalion commander was relieved and Karuranga took over. His guidance from higher was that the people in his area were hostile; the people were evil and he would have to deal with them carefully. The company commanders largely echoed this sentiment.⁴²

Karuranga, instead of escalating tensions with the local populace, identified the religious composition of the locals was largely Christianity and the local church was a center of gravity to the community. Karuranga, while not a devoted Christian, dressed in civilian clothes and went to church regularly. He carried a Bible, and spoke Bible verses, giving his own interpretations to put a positive light on his forces and their operations. Karuranga did point out the populace was not well educated or intelligent, so he could interpret the verses as he needed. Through these actions he was able to connect with the people and establish a bond. Within about two months an effective information network was established, insurgents left their cause and returned to their families, and many lives were saved. Karuranga took an ethical approach to the problem, appealed to the population morally and won the day. Karuranga notes "you have to understand what the population wants, what it needs, and appeal to that."⁴³ This observation supports the

thesis model of working through the perceptions or obligations, needs, and desires of the host nation populace.

The notion of the “cause” as a center of gravity and the importance of ethics relating to the cause and perception bears closer scrutiny. The Holy Spirit Movement, an insurgency in Uganda, initially had wide acceptance and support, offering a society ruled by the Ten Commandments. Such a proposition seemed to resonate in the initial stages. The movement suffered some critical conventional defeats and the leader was ousted. Remnants joined the Lord’s Resistance Army. After engaging in numerous atrocities, public support left and the number of operatives has been contained to 1500 or less, according to current estimates. The LRA teeters on the edge of being wiped out but still survives thanks to the inadequate resources of the Ugandan Government. The LRA has continued to commit atrocities (kidnappings, murders, tortures, rapes) for almost two decades. Fear has been the primary motivating factor behind the insurgency, and the insurgency has displaced some 300,000 Ugandans over the years. This insurgency seems to be presently in a defeated state, barely hanging on, primarily due to its ethical practices.

Here, the initial widespread public support was due to the perceived legitimacy of the movement based on the movement’s stated purpose of rule by the Ten Commandments. The people were drawn in, desiring to follow God and obtain His blessings. This is a short-term gain that immediately helped the insurgency. Once the atrocities came to light, however, the people were shocked and the only thing which kept the movement alive at all was the iron grip of fear. At present, it seems fear is the only thing sustaining the movement, and if the movement is to have any chance of success, it

will need to transform itself and either stop or subvert its terror while adding components that resonate with the populace.

Summary of Major Research Findings

These historical examples have shown the power and inseparability of ethical perception in a counterinsurgency environment. The Soviet invasion of Afghanistan shows the potential catastrophic results from ignoring the power of ethics and legitimacy. The French counterinsurgency in Algeria shows the importance of linking strategic goals with tactical successes. The tactical success of the French Army meant nothing without winning the support of the populace. The Philippine Insurrection shows the need for applying the proper amount of coercive force at the proper time and synchronizing coercive force with stability and support operations. Coercive force, however regrettable, may be essential to crush the insurgent forces. When coercive force is used, it must be countered with benevolent policies. The interview with Karuranga illustrates finding critical motivating forces of a local populace by working across perception (obligations, needs, desires). The power of ethics can prove decisive in achieving victory or securing defeat.

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³ Ibid.

⁴ Galula, David, *Counterinsurgency Warfare, Theory and Practice*, Frederick A. Praeger, Publishers, 1964, p. 26-27.

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⁶ Kakar, M. Hassan *Afghanistan: The Soviet Invasion and the Afghan Response, 1979-1982*. (Berkeley: University of California Press, 1995).
<http://ark.cdlib.org/ark:/13030/ft7b69p12h/> , (accessed December 1, 2007).

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¹⁰ Savranskaya, Svetlana, *The Soviet Experience in Afghanistan: “Russian Documents and Memoirs.” Volume II: Afghanistan: Lessons from the Last War*, (The National Security Archive, George Washington University, October 9, 2001),
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¹¹ Ibid.

¹² Baumann, Robert F., “Russian-Soviet Unconventional Wars in the Caucasus, Central Asia, and Afghanistan,” *The Leavenworth Papers; no 20*, (Fort Leavenworth, KS: Combat Studies Institute, US Army Command and General Staff College 1993), 216.

¹³ Wright, Lawrence, “The Master Plan”, *Annals of Terrorism*, (The New Yorker, September 11, 2006) http://www.newyorker.com/archive/2006/09/11/060911fa_fact3 , (accessed December 1, 2007).

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Dimarco, Lou. "Losing the Moral Compass: Torture and Guerre Revolutionaire in the Algerian War." (*Parameters*, July 13, 2006), 63-76.

²² Ibid.

²³ "Water Boarding: The prisoner is bound to an inclined board, feet raised and head slightly below the feet. Cellophane is wrapped over the prisoner's face and water is poured over him. Unavoidably, the gag reflex kicks in and a terrifying fear of drowning leads to almost instant pleas to bring the treatment to a halt." Brian Ross and Richard Esposito, "CIA's Harsh Interrogation Techniques Defined," ABC News, (Nov. 18, 2005), <http://abcnews.go.com/WNT/Investigation/story?id=1322866> , (accessed November 26, 2007).

²⁴ Dimarco, Lou. "Losing the Moral Compass: Torture and Guerre Revolutionaire in the Algerian War." (*Parameters*, July 13, 2006), 63-76.

²⁵ Trinquier, Roger, *Modern Warfare A French View of Counterinsurgency*, (London, England, Pall Mall Press Ltd., 1964), 48.

²⁶ Birtle, Andrew J., *U.S. Army Counterinsurgency and Contingency Operations Doctrine 1860-1941*, (Washington D.C., Center of Military History United States Army, 2003), 108.

²⁷ Ibid. 112.

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Birtle, Andrew J., *U.S. Army Counterinsurgency and Contingency Operations Doctrine 1860-1941*, (Washington D.C., Center of Military History United States Army, 2003), 123-127.

³¹ Ibid.126-129.

³² Ibid. 129-131.

³³ Ibid. 131, 138.

³⁴ Ibid. p. 134-135

³⁵ FM 3-24, Counterinsurgency, (Washington D.C., Headquarters Department of the Army, December 15, 2006), 1-26.

³⁶ Ramsey III, Robert D., *Savage Wars of Peace: Case Studies of Pacification in the Philippines, 1900-1902*, (Fort Leavenworth, Kansas, The Long War Series Occasional Paper 24, Combat Studies Institute Press, U.S. Army. Command and General Staff College, 2007), 114-115.

³⁷ Phole, Victoria, *The Viet Cong in Saigon: Tactics and Objectives During the Tet Offensive*, (Office of the Assistant Secretary of Defense/International Security Affairs and the Advances Research Projects Agency, Rand Corporation, January 1969), ix-x.

³⁸ Gatete, Karuanga MAJ, Rwanda, (Interview with MAJ Theodore Shinn, USA, September 9, 2007).

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

CHAPTER 5

CONCLUSIONS

Observations and Recommendations

The Power of Perception

Ethical perception is powerful. Ignoring ethics can be disastrous for the counterinsurgent and give strength to the insurgent as was the case with the Soviet invasion of Afghanistan. The unethical practices of the Soviets continued to be a major issue after the military withdrawal helping to delegitimize the Soviet regime internally and externally. Also, The ethical baseline must be genuine and have substance as evidenced by the Holy Spirit Movement/Lord's Resistance Army in Uganda. Promises made must be kept or else credibility is lost. With loss of credibility comes loss of legitimacy.

Biomedical ethics may provide an overarching baseline for the conduct of counterinsurgency. Striking similarities between a doctor and a counterinsurgent suggest similar standards of ethics. Do no harm – always keep the overarching objective focused on the best interests of the host nation citizens.

The Necessity of Coercive Force

Heavy handed techniques that increase suffering over the short term may be legitimate and even necessary in order to crush the final stages of an insurgency, but only with the proper timing and in light of cultural considerations. As evidenced in the Philippine War, such techniques used in the chastisement policy gave a perception of strength to US Forces. Fear is a powerful motivator. Such techniques are designed to

affect immediate consequences. These techniques should be used sparingly, only when absolutely necessary to set the conditions for a return to a values based operation.

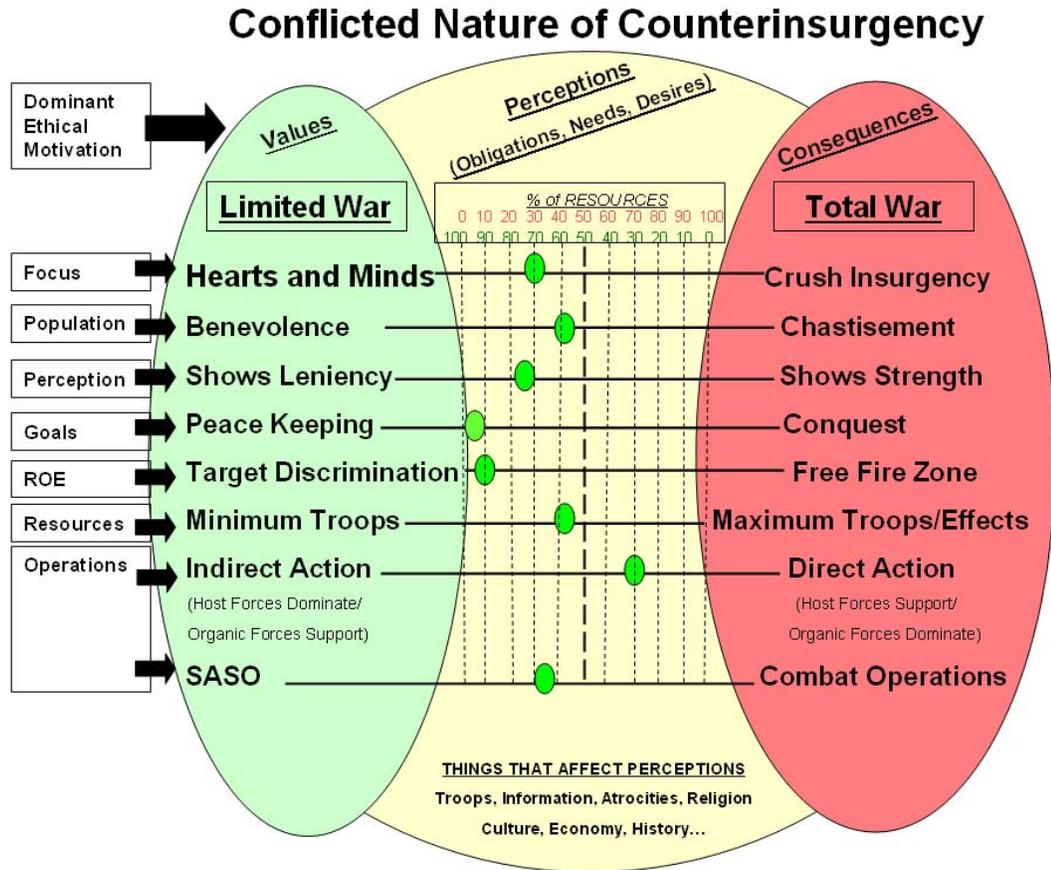


Figure 3. The Conflicted Nature of Counterinsurgency

The Conflicted Nature of Counterinsurgency diagram (fig. 3) shows the percentage of resources and polices committed to various lines of effort (LOE) at any given time. The percentage of resources applied must be adjusted to account for variables such as the current strength of the insurgency, effects of media and information ops, second and third order effects from making adjustments in various areas which affect other areas, and other unexpected events that affect perception.

The realm of consequences encompasses the physical strength of an organization. Without consequences, anarchy ensues. A governing body can have consequences without values, but it cannot have values without consequences. The hearts and minds of the people listed on the left side under the values column cannot be won unless the insurgency is first crushed or at least mitigated to a certain degree. Benevolent and lenient policies may win over some, but will be viewed as weakness by others, and if the insurgents show strength through fear and terror, the populace will more likely follow them, or at least, be more highly influenced by them. If the populace sways toward the insurgency, then violence, terrorism and instability will increase and work toward further delegitimization of the counterinsurgents. In such a case, the counterinsurgents must deal from a position of strength by enacting a policy of chastisement that will punish the populace more for supporting the insurgents, and create more fear and perhaps worse consequences (real or perceived) than the insurgents. Once accomplished, the support of the people will shift back to the counterinsurgents. This shift in support may be a forced shift rather than a voluntary one, however, once the support shifts, the conditions will now be set to crush the insurgency. Once the insurgency is crushed, then the policy/operational focus can shift back toward winning the hearts and minds. The Philippine War and US Civil War are prime examples of a system of benevolence and chastisement working to set conditions for crushing an insurgency.

Timing in policy shifting is critical. Greatest success may come from using benevolent policies first in order to win as many hearts and minds as possible, then at the critical moment, shift to chastisement in order to set the conditions for crushing the

insurgency. Finally, as soon as possible, enact benevolent policies to quickly win the hearts and minds, after chastisement has demonstrated the appropriate level of strength.

Success in such a strategy is also heavily dependent on the culture of the populace. If a culture tends toward deep religious and tribal bias, then only host nation forces may use heavy-handed techniques. If perceived religious or tribal obligations, needs, and desires stir inner feelings of the populace then the counterinsurgents may be delegitimized on those grounds in the view of the populace, thus cementing support for the insurgency and making the hearts and minds virtually un-winnable.

The Importance of a Learning Environment

A learning environment is essential to find the right balance of techniques (benevolence vs. coercion). Officers and leaders must be given proper COIN indoctrination and a wide latitude to arrive at optimal solutions community by community, city by city, and province by province. Because the ethical perceptions of a populace are based on cultural and local social customs and religious traditions they may be difficult to initially discern. Without these critical perceptual insights, a commander does not know what the ethical boundaries are according to the populations' view. Changing developments on the ground may dictate the tactical placement of forces without adequate ethical preparation needed to deal with local areas. The challenge comes in balancing the important goals of killing/capturing insurgents with winning the population. Finding the balance between immediate direct action with organic forces and developing the situation to win the population (using persuasion/coercion and building information networks and denying sanctuary) happens with all the grace and finesse of a man groping for the light switch along the wall of a pitch black room he has never been

in before. One should expect to stumble around, bump his head, and inadvertently break things before finally finding the switch. The situation is no different when it comes to COIN. In order to defeat the insurgents, the counterinsurgents must either launch an immediate strike or take the time to win the populace and build an information network. In such a situation one does not initially know if he has “crossed the line” in operations because he doesn’t even know where the “line” is. Commanders must be given time and patience consistent with a learning environment to find where the ethical lines are in order to determine what works with the population.

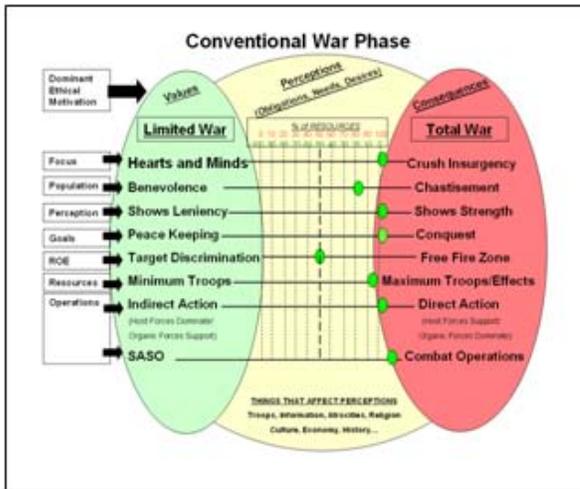
Current doctrine depicts the spectrum of conflict in a kind of “three band equalizer” consisting of offense, defense, and stability. Different levels of offense, defense, and stability operations exist depending on the phase of operations across the spectrum of conflict.¹ This is a good beginning to understanding the phases of the COIN environment.

The chart on the conflicted nature of COIN (fig. 3) is much like an audio mixing board. The sliders move on the field of perception back and forth from across differing aspects across the spectrum of limited war and total war. Both aspects on either side are present to varying degrees. The goal is to be able to move all the sliders all the way to the left, enabling peace and stability to dominate. The hard part is that all the sliders cannot be moved all at once. First, limited resources prevent the counterinsurgent from addressing everything, everywhere, all at once. Second, once one slider is moved, the results can have second and third order effects that can move the other sliders. Third, the insurgent forces are also trying to move the sliders in such a way as to hinder and delegitimize the counterinsurgent’s efforts. The counterinsurgents therefore must be

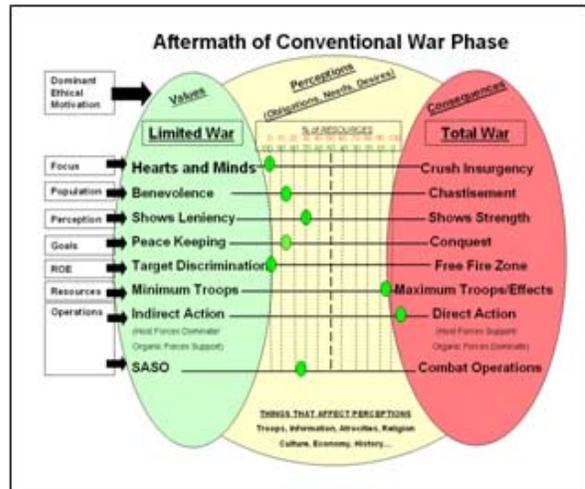
given an opportunity to try a broad variety of mixed techniques at all levels. Ethical constraints based on internal values and cultural analysis are great starting points, however, the only way to ultimately find the right mix of attributes that resonate with the people is by trial and error.

The sound engineer learns what does not work by making quite a few failed mixes before he finally starts to get good at it. Military officers working in a COIN environment are much like the inexperienced sound engineer. They must keep applying different techniques at local, city, provincial, and national levels to find that just right mix. In the case of COIN, the mix has to be set to facilitate the insurgents' defeat first, in order to secure the environment for further stability and support operations (SASO). Leniency, understanding, and patience must be given across time in order to allow skill to develop.

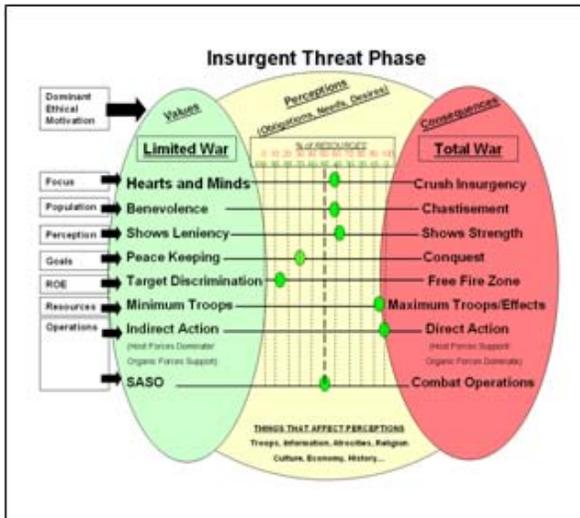
The following illustration, "Time Phased Mix for Full Spectrum Operations" (fig. 4), depicts a simple concept for a synchronized mix of focus areas and combat power required by full spectrum operations across time. The ultimate goal for the counterinsurgents is to move all the sliders from right to left. The insurgents want to make this process as difficult as possible in order to demoralize the counterinsurgents and destroy the will to carry on the fight. The ability of the counterinsurgent to succeed depends on the strength of the insurgency, which depends on the support of the host nation populace, and the sustained will of the counterinsurgent to continue the fight.



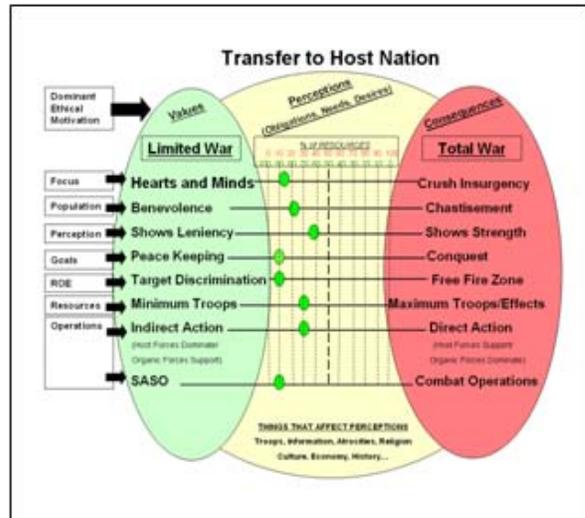
1. Conventional War against enemy forces. Culminates with the total defeat of enemy military and occupation of the country. Most resources committed to war fighting



2. Initial Phase after the conventional fight and securing of key areas of control. Resources shift to initial push of support to humanitarian relief and stability operations. The insurgency is hopefully weak or non-existent



3. The Insurgency movement gains strength and momentum. Resources shift as needed to deal with insurgents.



4. Insurgents have been taken out and the host nation government established. Transfer of authority and security responsibilities takes place as the Host Nation is able.

Figure 4. Time Phased Mix for Full Spectrum Operations

Recommendations

Ethical perception is only one factor, albeit a major one, that must be properly addressed and synchronized with the other factors of culture, geography, timing, religion, etc., across the perceptual spectrum of obligations, desires, and needs. Ignoring the potential dire consequences of perception may prove disastrous.

Coercive force, which may be essential to crushing an insurgency, must be used in such a way that it addresses the obligations, needs, and desires of the host nation. Simply stated, if the people support the counterinsurgents, then obligations, needs, and desires are fulfilled. If the people support the insurgents, then obligations, needs, and desires are denied. When achieved, these conditions reinforce the strength of the counterinsurgent in the minds of the populace.

Finally, these conditions may be difficult to discern and use of coercive force is applied through more of a “trial and error” method until discovering what resonates properly with the people. Therefore a learning environment is critical to the structure of the counterinsurgent. Only a learning environment that encourages questions and discussions, and fosters constant self-examination may prove flexible enough to quickly ascertain the perceptions of the host nation populace.

The factors of ethical perception, coercive force, and a learning environment work in harmony to point the way to success in the COIN environment. With the understanding that setbacks occur, and time is required to properly develop situations, perseverance and constant, flexible adjustment to operations may prove decisive.

Proposed Future Research

At present the chart on the conflicted nature of counterinsurgency is merely a theoretical construct, but it could evolve into a tool for measuring the overall strategic and operational effectiveness of efforts if baselines could be developed through further research, analysis of trends, and polling data. The benefit would be a tool to help commanders set the right level of operations in place to at the right time to deal with ever-changing conditions while synchronizing proper resources to support operations.

Example:

% of troops performing stability and support ops geared toward Hearts and Minds = 70%

% of population recipient of benevolence oriented projects= 59%

% of detainees shown leniency vs. being prosecuted = 75%

% of operations devoted to peace keeping = 95%

% of area of operation (AO) designated for strict target discrimination = 90%

% of host nation ran operations = 57%

% of host nation ran combat operations = 30%

% of stability and support operations = 65%

The mean is 67.6%. This average could be called the counterinsurgent strength percentage. (This, of course, would yield an insurgent strength percentage of 32.4%.)

Baseline data may indicate that typical COIN strength percentages by phase might look as follows:

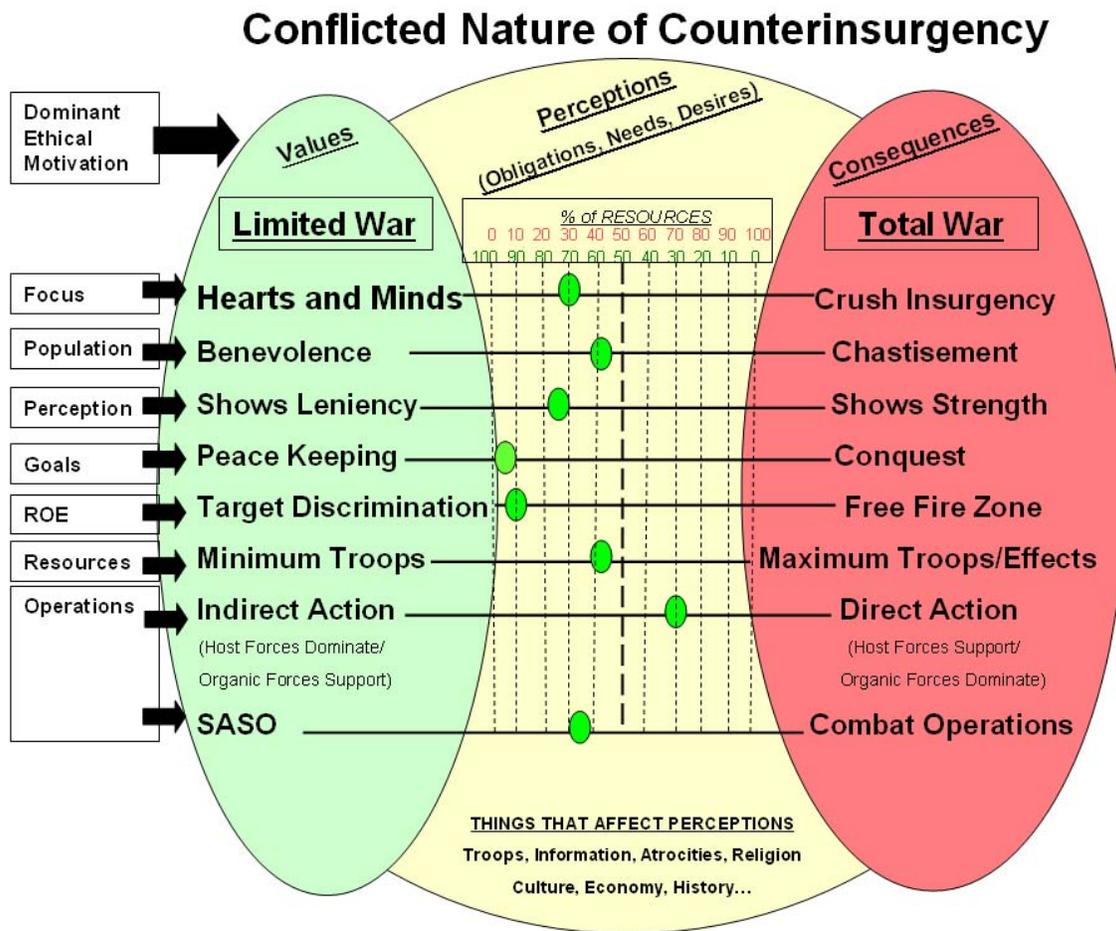
Phase I conventional war = 0 to 15%

Phase II aftermath = 50 to 65%

Phase III insurgency threat = 45 to 55%

Phase IV turnover to host nation = 75% or greater

More than likely, a baseline determined phase IV COIN strength percentage will represent a necessary, but not sufficient condition, based on other variables specific to the region. This simple model, once developed, could help commanders tremendously in setting operational posture, synchronizing support, and gauging effectiveness of efforts at all levels of operation.



¹ FM 3-24, Counterinsurgency, (Washington D.C., Headquarters Department of the Army, December 15, 2006), 1-19.

GLOSSARY

Consequentialism. Outcome-based form of ethics that focuses on the consequences of actions.

Counterinsurgency. Type of war waged against an insurgent group who is trying to overthrow the government

Deontology. Form of ethics based on duties and obligations that can be universally agreed on and serve as ethical constants.

Ethical perception. The discernment of right actions.

Ethics. The philosophical study of systems that make up moral behavior.

Genocide. Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group."

Just War Theory. Ethical system concerned with initiation, conduct, and termination of war.

Legitimacy. Lawful; reasonable, justifiable; conforming to accepted rules, standards, etc.

Insurgency. Organization or group which seeks to overthrow existing government through a combination of political action, unconventional/conventional military force, subversion, terrorism, propaganda, or other means.

Morality. Action that is viewed as right, correct, and justifiable

Metaethics. The study of the origin and meaning of ethical concepts.

Utilitarianism. Example of consequentialism; emphasizes the utility principle of the greatest good for the greatest number; also the outcomes of actions are proven moral according to the proportion of happiness generated.

Value. Trait or aspect that an individual respects and holds in high regard.

Virtue. An intrinsic value adopted or cultivated which manifests itself as part of an individual's character.

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