



Guilt-Free War

Post-Traumatic Stress and
an Ethical Framework
for Battlefield Decisions

John G. Sackett

Major, USAF

Air Command and Staff College

Wright Flyer Paper No. 56



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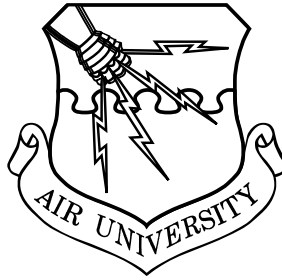
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JOHN G. SACKETT
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Foreword

It is my great pleasure to present another issue of *The Wright Flyer Papers*. Through this series, Air Command and Staff College presents a sampling of exemplary research produced by our residence and distance-learning students. This series has long showcased the kind of visionary thinking that drove the aspirations and activities of the earliest aviation pioneers. This year's selection of essays admirably extends that tradition. As the series title indicates, these papers aim to present cutting-edge, actionable knowledge—research that addresses some of the most complex security and defense challenges facing us today.

Recently, *The Wright Flyer Papers* transitioned to an exclusively electronic publication format. It is our hope that our migration from print editions to an electronic-only format will fire even greater intellectual debate among Airmen and fellow members of the profession of arms as the series reaches a growing global audience. By publishing these papers via the Air University Press website, ACSC hopes not only to reach more readers, but also to support Air Force-wide efforts to conserve resources. In this spirit, we invite you to peruse past and current issues of The Wright Flyer Papers at http://aupress.maxwell.af.mil/papers_all.asp?cat=wright.

Thank you for supporting *The Wright Flyer Papers* and our efforts to disseminate outstanding ACSC student research for the benefit of our Air Force and war fighters everywhere. We trust that what follows will stimulate thinking, invite debate, and further encourage today's air, space, and cyber war fighters in their continuing search for innovative and improved ways to defend our nation and way of life.



THOMAS H. DEALE
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About the Author

Chaplain Maj John Sackett is the deputy wing chaplain assigned to the 71st Flying Training Wing, Vance Air Force Base (AFB), Oklahoma. He advises on matters related to religious, spiritual, ethical, moral, and morale concerns and provides policies toward meeting the diverse spiritual needs of the base's personnel. His previous assignments include Edwards AFB, California; Misawa Air Base, Japan; F. E. Warren AFB, Wyoming; Cannon AFB, New Mexico; and an Air Force Institute of Technology civilian institution selection to the Iliff School of Theology in Denver, Colorado. He has deployed with the Air Force three times to Afghanistan and once to the United Arab Emirates.

Chaplain Sackett originally served six years in the United States Navy as a reactor mechanical operator. Upon graduating from seminary, he served as pastor to a civilian parish in Abingdon, Maryland, while concurrently serving in the United States Air Force Reserve as the Protestant chaplain for the 512th Air Wing at Dover AFB, Delaware. He accessioned onto active duty in 2001. He is ordained and endorsed by the Presbyterian Church in America.

Preface/Acknowledgments

The topic of moral injury continues to surprise me. When originally researching to write a paper on post-traumatic stress disorder, I was surprised that the topics of guilt, shame, and anger kept surfacing and not the emotions of fear and shock that I had expected. I was further surprised that my paper was well received and actually thought my buddies were playing a practical joke on me. I was surprised when a proposed luncheon to discuss moral injury at our base sold out in three hours a full month before the luncheon was to be held and surprised again when the crowd showed up. I was further astonished when our operational psychologist and the operations group chaplain teamed up to take this topic into our operations group.

However, as I have reflected more on this topic, its warm reception should not have surprised me. The men and women of the United States military are determined to serve both sacrificially and with honor, and at times, some feel the only way to accomplish that is to sacrifice their own sense of honor.

War has always been complex, and as our strike capability changes with remotely piloted aircraft, and in light of the reality that the desired end state of our recent conflicts has been fuzzy at best, some of our nation's warriors are struggling with guilt and confusion about why they did (or were not allowed to) take that last shot. They are serving with honor without knowing why they are serving, and as such they are ripe to sustain moral injury.

In addition to my gratitude to those who received my research so warmly, I am deeply grateful to my wife, who graciously encouraged me to push through this paper even though it meant working on it through weekends and during our family vacation. Secondly, I am thankful to all the Airmen I have had the privilege to listen to and learn from. Finally, I am obliged to my advisor Dr. Gregory F. Intoccia, who wisely guided me to narrow my focus and work for more clarity.

Abstract

Post-traumatic stress disorder (PTSD) affects roughly 15 percent of all combat veterans. In a combat situation, when a warrior experiences a moral dilemma that violates a deeply held conviction, he or she suffers a moral injury. These moral injuries and the combat guilt that accompanies such injuries are a leading cause in the development of PTSD. Today's warriors are even more vulnerable to moral injuries, given the ambivalence surrounding morality in general. Compounding this situation are increasingly restrictive rules of engagement against an unseen enemy who does not appear to follow any rules at all. These dynamics increase the vulnerability of US warriors to moral injuries. Given the connections between moral injury, guilt, and post-traumatic stress, this paper seeks to open a dialogue on the need for the development of an ethical framework that can guide warriors in making battlefield decisions, providing possible armor against moral injury and assisting warriors in their reflection on previous involvement.

Introduction

There's an old adage that "war is hell." For many, though, war is simply the beginning of hell. Historically, approximately 15 percent of returning warriors struggle with the long-term effects of the unseen wound of post-traumatic stress disorder (PTSD).¹ Current fiscal estimates show that warriors suffering from PTSD received during tours in the last 20 years will cost the US government more than \$6 billion. Cost considerations alone should prompt us to work to understand and minimize causes of PTSD.²

Throughout the history of warfare, the names or terms used to describe what is currently called PTSD have changed: shell shock, combat fatigue, or PTSD. Most researchers have traditionally felt that the condition's principal causes were prolonged exposure to threat, fear, and the bloody aspects of war. Because these are generally unavoidable aspects of warfare, little was done to prevent the onset of PTSD; however, new research is showing that a leading cause for PTSD is the feelings of guilt.³ Combat-related guilt, which is being categorized as a "moral injury," is also being recognized as a leading cause of suicide among veterans.⁴

Moral injury occurs when a warrior faces what he or she perceives to be a moral dilemma on the battlefield.⁵ To further compound this challenge, today's warrior is more likely to face these dilemmas for several reasons. For instance, warriors often now find themselves burdened with increasingly complicated rules of engagements (ROE)—often fighting an unseen enemy who appears to follow no rules at all. This dichotomy is especially challenging to service members with an inherently ambivalent moral framework. The moral and ethical training that military members presently receive is varied, unsystematic, and, in large part, completely unregulated. This ambiguity puts the warrior in a precarious situation when confronted with a moral decision and increases the likelihood of sustaining a moral injury.

To address this cluster of important issues, this paper seeks an answer to the following question: To what extent, if at all, may having ethical frameworks enable warriors to process battlefield decisions and minimize or heal long-term moral injuries?

This paper proposes to answer that question by showing that to survive in a battlefield environment, warriors need an ethical framework that will enable them to process moral challenges and navigate the complex decisions they face on the battlefield. An ethical framework is a system of criteria that individuals could use to process experiences and perceptions from a moral and ethical perspective.

This ethical framework could serve as moral armor that protects warriors in two ways. First, it could provide them with a framework for real-time decision making. Second, it can provide them a process for healthy reflection regarding previous moral challenges on the battlefield. In both cases, an ethical framework could reduce the number of warriors receiving moral injuries on the battlefields and therefore reduce the number of warriors suffering from PTSD.

Warriors within the battlefield environment need an ethical framework for decision making in today's complex environment because without such a framework, those warriors are more susceptible to the long-term effects of PTSD. As recent and ongoing studies show, there is a high correlation between a warrior's feeling of guilt and the development of PTSD. Admittedly, the construction of an ethical framework highlighting universally recognized standards of moral behavior is a lofty goal, especially in a culture that exhibits a wide range of perspectives on morality. However, it is not an impossible task because cultures agree to a similar set of universal truths about morality. Furthermore, the construction of a working ethical framework or key criteria for models of ethical frameworks would be a worthy endeavor if such could reduce the number of moral injuries on the battlefield—thereby reducing the number of warriors suffering from PTSD.

This paper will utilize aspects from the problem/solution framework approach, employing a few case studies. The paper begins with the storytelling format of the case study framework to introduce at a personal level the possible connection between guilt resulting from a battlefield decision and the onset of PTSD. This story will explore to what degree an ethical framework could equip today's warriors against moral injuries. The narrative will then shift toward the problem/solution approach, where the foundational ideas of "moral injury," "guilt," "ethical framework," and PTSD will be discussed. The paper will then give a brief historical look at the previous understandings of PTSD. Elements of the case study approach are utilized to identify PTSD causation, particularly focusing on several studies within the last two decades, including a recent US Marine Corps study. The paper will then move toward a discussion of ethical frameworks: a decision-making system that allows an individual to judge an action as morally acceptable or not. Further discussion will follow showing how various models or approaches, historical and modern, affect a warrior's vulnerability to moral injuries and likelihood of PTSD. Finally, based on the analysis, a recommendation for an ethical framework—or key criteria to be included in ethical frameworks—will be given to further equip warriors against moral injuries and therefore lessen the likelihood of PTSD.

Background Discussion of Post-Traumatic Stress Disorder

The Marines of Fox Company, 2nd Battalion, 23rd Marine Regiment were warriors who called themselves “the Saints and the Sinners.”⁶ They had recently entered into Baghdad and were enjoying cheers, flowers, and accolades from the gathering crowd, when the sound of gunfire and the visible trauma of their radioman falling backward from a gunshot to the head sent them into action. They executed their ambush drills as they had been trained and—5,000 rounds of ammunition and dozens of rocket-propelled grenades later—emerged from their intense firefight. Amazingly, all the Marines from Fox Company made it home to Salt Lake City, Utah, alive—even the radioman that had been shot in the head. However, since those days, 25 percent of those Marines have been diagnosed with PTSD. One of them is serving a life sentence, convicted of drowning the mother of his twin daughters in a warm bath he had drawn for her after they had made love.⁷

This story of warriors returning home, only to find that their minds and emotions are still at war, is all too common. Data collected from a series of conflicts spanning from World War II to the present show that between 10 to 30 percent of veterans will develop PTSD.⁸ The likelihood of warriors developing PTSD varies with the conflict. Those percentages translate into hundreds of thousands of warriors returning home victorious but unable to live with the damage they inflicted, the violence they witnessed, or the senselessness perceived of their combat experience. For instance, over 61,000 or 21.8 percent of veterans who served in Iraq and Afghanistan have been diagnosed with PTSD.⁹ Additionally, a Department of Veterans Affairs (VA) report released in March 2013 indicated that over 286,134 combat veterans have been seen by the VA for PTSD-related symptoms they received since 2001.¹⁰ Clearly the prevalence of PTSD as well as the costs incurred, in terms of dollars spent and lives damaged, warrants a look into the causes of and potential ways to minimize the effects of PTSD.

PTSD is a condition defined by the *Diagnostics and Statistical Manual of Mental Disorders (DSM)* as occurring when an individual has experienced, witnessed, or been confronted with an event or events that involve “actual or threatened death or serious injury, or a threat to the physical integrity of another person . . . [and responded to that event with] intense fear, helplessness or horror.”¹¹ In general, PTSD has traditionally been considered the result of prolonged exposure to the bloody or dangerous aspects of war. When one looks at the *DSM* definition, it is easy to understand why combat experience would increase an individual’s propensity

to suffer from PTSD. Furthermore, the more frequently or more intensely an individual experiences combat, the more likely that warrior is to develop PTSD. This correlation further reinforces the traditional understanding that fear, combat, killing, and the threat of death were the principal factors in causing PTSD.¹²

However, newer research is beginning to challenge that traditional model and suggests that a leading cause of PTSD may actually be the emotional feelings and moral attitudes that a warrior has regarding the combat experience. In other words, it may not be the killing itself but the warrior's attitude regarding the killing that causes PTSD. This causality would be particularly true if a warrior experiences intense feelings of guilt resulting from his or her involvement in killing.¹³

Feelings of guilt from a battlefield environment typically come from two factors. First, warriors can feel guilty over something that they did not do. Survivor's guilt is a prime example: a warrior experiences feelings of guilt over his or her inability to save a comrade, to warn a buddy, or to react fast enough. Feelings of guilt can also be caused by what the warrior did. For instance, warriors who engage in killing often find emotional conflict, shame, and profound guilt regarding their actions that may burden them for a lifetime.¹⁴ Because of the potentially devastating effects of these feelings of guilt, mental health professionals are beginning to use the descriptive term *moral injury*.

Moral injury can be defined as an injury that occurs as a result of a warrior "perpetrating, failing to prevent, bearing witness to, or learning about acts that transgress deeply held moral beliefs and expectations."¹⁵ Moral injury occurs when warriors are faced with what they perceive to be a moral dilemma on the battlefield and they are unable to respond in what they understand to be the moral or ethical manner.¹⁶ Moral injury can also develop as warriors reflect on their combat involvement and sense profound regret for the senselessness of their actions.

PTSD is a relatively new category as a disorder, and as such, the data pool or knowledge base used to understand and hopefully work to treat or prevent it continues to grow. For instance, in the definition of PTSD cited above, which came from the revised fourth edition of *DSM* (*DSM-IV-TR*), the wording makes no mention of guilt as one of the causes of PTSD. However, the latest edition of *DSM* (*DSM-5*), released in May 2013, includes the language "persistent and distorted cognition about the cause or consequences of the traumatic event(s) that lead the individual to blame himself/herself or others" as one of the new criteria.¹⁷ What is significant about this definition is that *DSM-5* appears to recognize feelings of guilt or, in clinical diagnostic language, "distorted blame of self" as one of a list of criteria associated with PTSD.

This recent change to the definition and criteria of PTSD is a result of some contemporary studies that will be reviewed in the following sections. While an exhaustive study of the growing body of research and literature surrounding PTSD would be impractical, several studies have been selected to show the steady and strengthening realization among mental health professionals that feelings of guilt are linked to the development of PTSD.

Analysis of Recent Studies

An analysis of studies in the last two decades shows a shift in understanding of the causal factors of PTSD—initially thought to result principally from prolonged exposure to the threat or fear of danger. The studies which follow now point to a correlation between feelings of guilt and development of PTSD.

1991—Guilt and Suicide among Vietnam Veterans

One of the earliest studies to suggest a correlation between guilt and PTSD was a 1991 *American Journal of Psychiatry* article that noted that feelings of guilt were predictive of suicidal ideation. In this study, a small sample of 100 Vietnam veterans with combat experience and diagnosed with PTSD was evaluated. Following the war, 19 of the veterans had attempted suicide, and another 15 were significantly preoccupied with suicide. Of the five factors determined to be indicators of suicidal ideation, guilt about combat actions ranked first among this cohort while survivor guilt ranked second. These indicators were significantly higher than depression, anxiety, and severe PTSD as factors predicting suicide. While the purpose of the study was to determine if there was a reliable method of suicide prediction, the results pointed toward the need for increased clinical attention to “the role of guilt . . . with PTSD.”¹⁸

1997—Combat Guilt and Post-Traumatic Stress Disorder

In 1997 another key study took up the challenge of taking a deeper look into the relationship between combat guilt and PTSD symptoms. This study noted that while it has been understood for quite some time that involvement in military and combat operations has been a source of guilt, not much is known about the consequences of that guilt. This study attempted to determine if guilt was more of a “mechanism in the development and/or maintenance” of PTSD.” One finding of the study was the realization that feelings of guilt often accompanied a traumatic event, which “produces aversive emotional responses.” Then when the warrior

recalls or is reminded of the traumatic event, these negative thoughts continually recharge and reinforce those initial feelings of guilt. The study concluded that “guilt plays a more prominent role in PTSD than is currently recognized.”¹⁹

2009—Killing and Post-Traumatic Stress Disorder

Shira Maguen is one of the current leading researchers working to discover just how prominent a role guilt plays in PTSD. Early in her research career, she conducted multiple studies which revealed that the act of killing is the single most significant factor in determining the probability of a warrior developing PTSD. Her groundbreaking work drew the conclusion that “killing in and of itself may be a causal ingredient in the development of combat-related PTSD. [Moreover, killing ought to be considered] as a separate component of the PTSD theoretical models.”²⁰

While at face value this study appears to support a more traditional understanding of PTSD causation, in her personal interviews with warriors, Dr. Maguen observed that warriors repeatedly told her that “nothing can prepare you for what it is really like. . . . It feels like I’ve lost my soul.”²¹ She noted that soldiers were remarking that their feelings surrounding the killing—feelings of guilt and self-blame—were a more vivid memory than the killing itself.

This revelation represented another shift in understanding PTSD causation. PTSD was initially thought to occur when individuals experienced prolonged exposure to a threat. Then PTSD was thought to emerge when soldiers engaged in the action of killing. Now, however, there is a growing recognition that it may actually be the feelings and emotions that surround “the killing” that can increase the likelihood of the onset of PTSD. In this new theory, those feelings can cause a moral dilemma in the warrior’s conscience. If this dilemma remains unresolved, the warrior suffers a moral injury and, as such, becomes vulnerable to PTSD.

2013—Marine Corps and Moral Injury Study

The preliminary report from the ongoing Marine Resiliency Survey (MRS) gives new evidence of the connection between guilt and PTSD. This report surveys over 2,600 Marines and notes that feelings of guilt are proving to be the top cause of developing PTSD.²² PTSD was diagnosed in 7 percent of the 208 Marines who saw the most intense combat, yet researchers determined that their PTSD resulted from “inner conflict rather than threat to their lives, the sight of bodies or blood and family problems.”²³ While it may be too early to definitively declare that guilt is the leading cause of PTSD, many researchers are taking note of these

findings and pushing for more research and some preliminary approaches to treatment and prevention.

The MRS researchers also used an “inner conflict” scale as one measurement that was intended to capture the moral tension or inner conflict that Marines felt on the battlefield. Results from participating Marines helped researchers term certain intensity levels of “feelings of guilt” as a moral injury.²⁴

Discussion of Various Approaches to Addressing Moral Injuries

Actually, since the country’s founding, the United States has been dealing with the idea of the moral dilemma of combat and moral injury. As these issues surface, warriors have been met with varied reactions by American society, ranging from shunning or rejection—as Vietnam veterans commonly experienced—to a hero’s welcome, as was common for veterans of World War II and the Persian Gulf War. Some individuals have been able to look ahead to how war would affect their conscience and opted to object to warfare entirely. Others served honorably and then have been told to grow up or “act like an adult” after expressing feelings of guilt over their actions and having shared their challenges of conscience.²⁵

In the past, medical institutions and the VA have attempted to meet the challenge of combat fatigue, shell shock, and combat stress through various preventive strategies and a wide range of inpatient and outpatient postcombat treatment options. Ironically, however, since World War I the military has been using a largely “demedicalized” model to promote psychological health and to combat operational stress.²⁶ In this model, warriors who were suffering from operational and/or combat stress were not allowed to see themselves as sick.²⁷ An Army psychiatry and neurological consultant to the Army surgeon general summed up the military’s mindset regarding these struggling warriors when he said, “You are neither sick nor a coward. You are just tired and will recover when rested.”²⁸ However, such approaches have failed to prevent or significantly lower the rates of postcombat PTSD in veterans from conflicts from Vietnam to the present.²⁹

This inability to lower PTSD rates is particularly troubling as the ethical challenges of warfare continue, leaving US military members unprepared for the ethical challenges they will experience on the battlefield. This lack of ethical preparedness occurs largely because “formal ethics training [is] a rarity” in the armed forces. Ethical training is simply done by “osmosis.”³⁰ Rarely are Soldiers prepared for the emotional and ethical

dilemma of returning fire on a group of hostiles through a crowd of civilians. Soldiers may react swiftly to their physical training to return fire on this group wearing civilian clothes, even while they realize they have no clear understanding of their combatant standing.

Another new area of ethical challenges is arising among officers who fly remote piloted aircraft (RPA), whose mission may require pilots who just left their homes and families a few minutes earlier to drop precision-guided munitions on someone halfway around the world. These pilots must routinely process the reality of rapidly changing their emotional outlook between killing bad guys while on the clock and then kissing spouses and children when they come off shift a few hours later. At times these RPA pilots function as extreme long-range snipers, without the additional vetting of emotional and physical toughness that designated snipers receive.

Today, warriors also struggle with issues surrounding making sense of their involvement in helping to restore order in a country that has little regard for the freedoms Americans enjoy. For instance, US service members wrestle with sacrificing their lives to defend the interests of nations that do not respect the free exercise of religion and speech and do not honor diversity or promote equality in ways Americans understand. If these service members are unable to reconcile this struggle, they may feel a sense of betrayal by their nation.³¹ Currently, the US military has no formal method or framework for understanding how to help service members process all these ethical struggles.

This lack of structure is in stark contrast to every other aspect of training that a service member receives, which is uniform and consistent. Warriors may come away from training having learned that there are no absolutes. However, many philosophers and sociologists argue that throughout the ages, humanity has essentially adopted the same ethical standards of right and wrong.³² The resulting situation creates a disparity between what warriors know instinctively and the message they have been receiving. When they are confronted with a moral decision, this disparity puts them in a precarious situation.

Just War Theory

Throughout its history, humanity has deliberated the morality of war and combat. Writings on just war theory, also called *jus ad bellum*, flow from philosophers and military thinkers, including Aristotle, Cicero, Augustine, Locke, Kant, and Clausewitz—just to name a few. Each of these thinkers wrestled to articulate the reasons why a state was morally able to engage in warfare. Even though they wrote to different audiences in dif-

fering times, their lists of required criteria for armed conflict to be deemed morally acceptable are remarkably similar. Those principles include last resort, just cause (self-defense), right intention, proper authority, probability of success, and proportionality.³³ A brief description of these terms will follow.

Last resort is simply the conditions under which all other instruments of power that a state possesses have failed to prevent war. *Just cause* is usually understood to mean that the state has a right to self-defense. *Right intention* ensures that the state's reasons for entering the conflict are proper and that the state is not simply using combat to achieve some ulterior end. *Proper authority* ensures that those declaring war for the state possess the legal authority to do so. *Probability of success* is a criterion to caution a state from engaging in what may be suicidal actions. Finally, *proportionality* is a principle similar to the US military's law of armed conflict (LOAC), which seeks to limit a state to using only that force necessary to defend its interests.

Another point of commonality between just-war thinkers is that for a war to be morally just, all of the principles listed above must be met. In other words, even when their particular lists vary slightly, in terms of order or wording, they still all agree that every principle must be met in order for the war to be considered morally just.³⁴ Although not universally accepted, this commonality shows that throughout the history of humanity, there has long been a general understanding that if certain conditions exist, a nation or state was morally able to declare war on another entity and that such military action, including the killing of combatants, could be a morally justifiable action.

The Impact of Religion

Theologians have joined military ethicists and philosophers in the discussion of what makes warfare justifiable. In the past, some Christian theologians have fortified the morality of warfare by stating that in war, when fighting evil enemies, one actually does those individuals an act of kindness by killing them. This killing is an act of mercy because it prevents enemies from committing further sins, thus sparing them from a heavier divine judgment.³⁵ Warriors from these religious traditions would plausibly have a lighter conscience for two reasons. First, they would believe that they were morally allowed to kill in order to defend their nation's interests and protect the rights of innocent civilians. Second, they would believe that in killing the evil enemy, they would actually be engaged in an act of mercy.

This idea of warfare as an act of mercy on the souls of one's enemy has been largely absent in recent discussions although religious organizations do continue to speak to the morality of particular wars. For instance on the eve of the 2003 invasion of Iraq, Pope John Paul II declared that a preemptive strike against Iraq could not be justified, either legally or morally.³⁶ In his letter to Pres. George W. Bush, which was delivered by papal envoy, Cardinal Pio Laghi, condemned a preemptive strike, declaring the war "immoral" and "a defeat for humanity."³⁷ The impact of this statement was significant and caused complications on the consciences of Catholic service members.³⁸

These concerns have not been limited to the Catholic Church as many denominations have spoken out either in favor of or opposition to the US military's involvement in various conflicts. This response is to be expected as 78 percent of the United States population consider themselves Christian while another 4.7 percent claim strong adherence to other religious beliefs.³⁹ While it could be argued that many individuals who claim a religious affiliation are not necessarily influenced by religious beliefs, over 56 percent of Americans still claim that religion is very important to them and affects their ideology.⁴⁰ Religious leaders' declarations do affect the conscience of American Soldiers. The effect of such religious influence is compounded if a warrior is already experiencing a burden of conscience prior to entering a combat environment. In that condition, warriors are more vulnerable to sustaining a moral injury, which in turn increases their likelihood of developing PTSD.

If, on the other hand, religious and political leaders are in agreement that a war is just, then the religiously affiliated warrior may have a stronger resistance to feelings of guilt, or, to use the *DSM-5* language, the warrior may have a stronger resistance to "persistent self-blame."⁴¹ In this case, the warrior's conscience is armor against sustaining a moral injury. Clearly, this armor would not protect against every possibility of moral injury, just as body armor has its limitations, but an armored conscience could help to minimize moral injuries.⁴²

Law of Armed Conflict and Rules of Engagement

Currently, the US military uses several means to declare whether actions and operations are legally acceptable. One of these means is the LOAC, which is used to help determine the legal guidelines regarding a particular conflict. Most often, these laws will parallel and complement the individual warrior's ethical and moral beliefs. In these cases, the LOAC could serve as additional protection against moral injuries in that

warriors have the assurance that, assuming they follow the LOAC, their involvement will be legal.

A second means currently used is ROEs, which serve to give specific guidance and are tailored to meet unique conflicts, scenarios, and circumstances. Great attention is given to the development of ROEs to minimize collateral damage and sustain—or improve—US relations with the host nation. While ROEs are extremely useful tools for a nation-state to ensure that broader political goals are being achieved through the managed use of force, such rules can cause personal conflict for the warrior.

By viewing some ROEs as overly restrictive, warriors put themselves into a personal state of conflict.⁴³ They are forced to decide between following ROEs that they feel are inappropriate for the specific situation and listening to what their own instincts are telling them to do. Admittedly, ROEs are written exactly to limit an individual warrior's ability to make battlefield decisions in situations where greater national interests are at stake. Appendix D, "Sample ROEs," of US Army Field Manual 100-23, *Peace Operations*, makes the point with this telling quotation from British admiral Sir John Forster "Sandy" Woodward: "Meanwhile, I shall have to amplify the ROE so that all commanding officers can know what I am thinking, rather than apply their own interpretation, which might range from 'ask them for lunch' to 'Nuke 'em for breakfast.'"⁴⁴ The moral dilemma occurs when there is a mismatch between an individual warrior's interpretation and the ROE. At that point, the warrior may consider the ROEs restrictive, thus increasing his or her vulnerability to suffering a moral injury.

However, the LOAC and ROEs are not enough by themselves to protect warriors from moral injury. That is because to declare something as legal is not the same as to declare it moral or ethical. Stated another way, the fact that authorities deem particular actions to be legal does not mean that individuals, or even a majority of people, will believe they are ethically or morally right. One quick, tangential example will drive home this point.

Research shows that 47 percent of the adult population in the United States thinks that abortions are morally wrong while only 13 percent view abortions as morally acceptable.⁴⁵ Another 27 percent believe that abortion is not a moral issue while the remaining 13 percent chose not to answer. Interestingly, these numbers have remained relatively stable despite abortions being legal in various forms for more than 40 years.⁴⁶ Thus, a legal decree declaring something as permissible does not necessarily change the perceptions of individuals regarding the morality of the issue. One could easily argue the reverse: that during the years in which abortion was illegal, many felt strongly that it was morally acceptable or

right, even while it was legally wrong or illegal. This example utilizes a topic that for some people is emotionally charged to show the reader that in some cases there is little connection between the legality of an action and the perceived morality of that same action. For the warrior on the battlefield, this difference could be the deciding factor between whether or not he or she suffers a moral injury and develops PTSD.

The connection to this paper is to make the point that simply receiving a LOAC briefing or a set of ROEs does not necessarily preclude warriors from holding strong moral positions regarding the mission or the situations that they encounter. Instead, warriors need a moral/ethical framework that they can use to process the LOAC and various ROEs and actual scenarios they encounter. This ethical framework includes ROEs and the LOAC, but it must also consist of more than legal declarations.

When the law or other governing authorities declare something to be good or bad, moral or immoral, legal or illegal, this situation is often described in ethical terms as *malum prohibitum*: wrong because it has been declared wrong. These rules are not explicitly moral in and of themselves though they may be moral or immoral based on their relationship to the proper governing of society—for instance, speed limits or zoning laws. Society follows these rules, but there are not necessarily moral implications when occasional infractions occur.

To be clear, ROEs and the LOAC are vital and need to be clearly articulated and understood. They play an invaluable role in helping to construct a moral framework, or, more accurately, they give concrete examples of how to apply a moral framework to particular situations. However, it is not enough to simply state that something is allowed or not allowed—ethical or unethical—to assuage the conscience of an individual. Warriors need to understand that the actions they are involved in are not, to use another ethical term, *malum per se* (wrong by nature). A warrior has to completely agree—and will struggle to agree—unless he or she possesses an ethical framework by which to judge and evaluate those rules.

ROEs can both complement and conflict with personal beliefs, but a clearly understood ethical framework can help a warrior understand the larger view of why a restrictive ROE is actually good. This understanding can then provide “armor” against a moral injury (as discussed below) by shifting the responsibility of the restrictive ROE to the state rather than the warrior.

Ethical Framework Defined

Psychologically healthy people have a type of ethical framework. In other words, they possess some means to evaluate whether an action is morally good or bad though most often this analysis is operating in the background, functioning similarly to one's conscience. A question to consider is whether the US military should work to create an ethical framework or, at a minimum, teach individual warriors how to develop an ethical framework that would function in the foreground of one's thought. Much like a mission planning tool—such as the LOAC or ROEs—this ethical framework would help warriors quickly evaluate the moral implications of a situation. This ability could be of vital importance as recent studies are showing that there is an emerging connection between guilt and PTSD.

The challenge is whether or not an ethical framework can be built that is broad enough to capture the diverse beliefs and backgrounds of the US military and yet be specific enough to actually do any good for particular service members. To be able to accomplish development, there must be a set of commonly held ethical or moral principles that, when drawn out and organized, could function as a framework by which service members could evaluate their actions.

In his work *Healing Invisible Wounds: Paths to Hope and Recovery in a Violent World*, Richard Mollica writes of a shared experience by survivors from combat trauma from around the world: “Looking up at the heavens, they saw something that was eternally unaffected by human actions. The stars helped keep them alive while they were being tortured . . . [and] every morning the sun reminded them that they had survived another day.”⁴⁷ The constellations, the stars, the sun—all of these were forces that “could not be dimmed by human cruelty.”⁴⁸ Mollica transitions to the discovery that these survivors often found that they were also united by a set of common values and beliefs even though they came from varying cultural and religious backgrounds.⁴⁹

Mollica is joined in his belief of a common set of values and beliefs by many ethicists and philosophers who advocate that there is an “independently available conception of moral goodness and of good moral reasons.”⁵⁰ While a discussion as to the source of these moral reasons, God or society, would be beyond the scope of this paper, the shared understanding of the existence of a moral code can be helpful.

Principles Common to Various Ethical Frameworks

In examining ethical and philosophical writings, one finds that a common listing of generally held beliefs begins to emerge. These commonly

held beliefs fall into two categories, the first of which relates to the inherent value of life. In this category are those values which hold that human beings possess inherent rights and that these rights must be protected.⁵¹ In this category, one finds the commonly held values such as the inviolability of acting in self-defense. Another shared value in this area would be the belief that protecting individuals who are innocent in a conflict is important. Linked to this belief is the reality that cultures have historically believed it is important to protect women and children from armed conflict.⁵² Similar to these values is the instinctive understanding that there is a difference between a combatant and a noncombatant.

A second grouping of commonly held values is more difficult to label, principally due to its philosophical nature. Included in this group of values would be the idea that evil should be resisted. The challenge with this particular value is the obvious question: who gets to decide what or who is evil? While there is no easy answer to this question, the reality still applies that when military members view the adversary as evil, they are less likely to feel guilty fighting that enemy.⁵³

Another commonly held value that fits this second category is the understanding that there is a difference between actions that are premeditated and those that are spontaneous. This distinction is commonly recognized throughout history as exemplified in Hebraic laws distinguishing various types of killing and current laws that compare various degrees of murder. These distinctions are designed to weigh motives and adjust the punishments accordingly. The implicit understanding here is that the more deliberate and planned the murder, the more morally heinous the crime, and, therefore, the greater the punishment.

Although philosophers are in general agreement with the idea of commonly held moral values, even when they debate the source or author of those values, warriors live in a morally ambivalent time. Immoral actions such as adultery, sexual assault, blatant discrimination, and harassment are discouraged simply by using terms such like *inappropriate* and *unwanted*. Much of the moral language is removed from training. Warriors are continually told *how* to behave but rarely, in moral terms, *why* they should behave in this manner. This lack of moral teaching, coupled with a general doubting in society regarding the existence of a moral absolute, contributes to placing the warrior in a vulnerable position. As Paul Robinson states, "This lack of [positive] social influences makes a formal system of ethics training desirable."⁵⁴ Warriors seem to know instinctively that there exist clear rules of right and a wrong, but they are receiving subtle messages that all actions are relative. An ethical framework can correct this ambiguity and can help them in their decision making.

However, an ethical framework is more than simply a collection of moral statements and philosophical beliefs. Embedded in a warrior and combined with an understanding of just war and an acceptance of the ROEs, an ethical framework may provide armor against moral injury. This protection can occur in several ways. First, an ethical framework can help the warrior process the violence of war prior to actual engagement and therefore be better prepared to anticipate ethical dilemmas. Second, an ethical framework can help warriors process moral decisions in real time. Finally, an ethical framework can assist warriors as they reflect on their involvement in particular engagements.

In *Henry V*, Shakespeare illustrated the “moral needs” of the common warriors in a dialogue that occurred the night before the battle at Agincourt.⁵⁵ One soldier remarks, “If the king’s cause be wrong, our obedience to the king wipes the crime of it out of us.”⁵⁶ The other responds, “But if the cause be not good, the king himself hath a heavy reckoning to make.”⁵⁷ In this dialogue, the soldiers require of their king what today’s warriors expect from their elected leaders: acceptance of the moral responsibility of the conflict.⁵⁸

When a nation’s leaders publicly declare a conflict to be just, their declaration helps the common warrior transition the burden and the guilt associated with conflict to whom they believe to be its rightful owner.⁵⁹ Warriors need to know that the violence they are inflicting is necessary. If the state’s reasons are neither good nor right, warriors may lose confidence in their nation and furthermore begin to personally own the violence they inflict.

A classic example of warriors losing confidence in their national leaders to hold sufficient reasons for engaging in conflict was the US military’s involvement in Vietnam. Studies focusing on combat veterans with experience in Vietnam showed a strong correlation between feeling betrayed by their country and the development of mental health disorders such as depression and PTSD.⁶⁰

Ethical frameworks also help a warrior make real-time decisions. If integrated into their training, an ethical framework can be a final check on the morality of pulling the trigger in specific situations. This final ethical check could prevent tragic violations from occurring, averting both personal and international damage.

Lastly, an ethical framework acts as an aid to reaching a fuller decision or to reflecting more fully on a previous event. After the event, warriors are able to process their involvement throughout the combat experience by using an ethical framework that reminds them why they needed to take that shot. Alternately, if upon reflection they realize they are not sure if they should have pulled the trigger, an ethical framework will help fo-

cus and narrow their feelings of guilt to a specific event. This awareness of guilt could prompt them to seek relief more quickly and aid them in returning to mission-capable status.

Ethical frameworks strengthen a person's moral conviction. Research has clearly shown that when violence shatters one's world, strong beliefs and convictions can slow the descent into anger and despair and may lessen feelings of guilt.⁶¹ Additionally, religious frameworks and practices may have an important influence on how people interpret and cope with traumatic events.⁶²

Key Criteria for a Strong Ethical Framework

For an ethical framework to be effective as moral armor for a warrior, several factors must be present, including a strong message of instruction from the national authority figures sufficient to justify the Soldier's personal call to action in a national cause. National leaders must articulate that the conflict is a just war. Reasons for the Soldier's involvement must be communicated in moral terms. Particularly, the national leaders need to explain why the enemy is evil or, at a minimum, why an adversary's actions are evil. Second, national leaders must show that the victims of the enemy's actions are innocent. Finally, national leaders must communicate that because of this situation the nation's citizens have a moral obligation to consider their part in stopping that evil and protecting those innocents.

A second potentially significant voice in a warrior's life is religion. Many US service members remain deeply affected by the teachings of their religious institutions.⁶³ Individual religious leaders as well as many religious organizations often issue statements regarding how they view pending or ongoing conflict from their religious perspectives. Their statements are often stated emphatically using strong moral language.

Once national authorities and religious leaders have stated their reasons for national involvement in a particular conflict, warriors need some time to reconcile that message with their own understanding of right and wrong. Warriors will also undoubtedly be hearing from other voices in society through the media and their own social networks and family connections. During this time, an ethical framework can help warriors process all of these competing or complementary voices with their own understanding of what is ethical.

Moral instruction should be woven into current training. Clearly, the topic of a nation's involvement in a conflict should be taught and communicated, but additionally local military leaders should communicate desired behavior across a full range of topics in terms of moral language.

Wherever behavioral problems existed, military leaders could utilize the ethical framework to challenge their warriors in moral terms.

In these moral and ethical discussions, an ethical framework would benefit leaders who might otherwise feel uncomfortable with this type of controversy. Without an ethical framework, every warrior is left alone to figure out where to find national leaders' declarations regarding a particular conflict and how to process all the opinions from society, friends, family, and religious leaders regarding that conflict. This practice has been the status quo that the US military has been operating under throughout its recent history. The problem is that warriors enter conflict lacking a firm conviction that their involvement, including the taking of life, is morally justifiable. For all these reasons, several recommendations are warranted.

Recommendations

In this section, three recommendations will be made that could aid in preparing the warrior for the ethical challenges of combat. These recommendations will highlight the existence of moral injury and the need for its further study. Additionally, they will call on national leaders to communicate more clearly the ethical basis for particular conflicts and will call for the development of a framework to assist warriors in their decision-making dilemmas. Adopting these recommendations will promote a better understanding of the relationship between guilt and PTSD and equip US military personnel with armor against sustaining moral injuries on the battlefield. Finally, these recommendations could serve as a benefit to current combat veterans suffering the effects of PTSD.

Expand the Understanding of Moral Injuries

Better understanding of the concept of moral injuries requires further study regarding causality of PTSD. The evidence showing a strong connection between guilt and PTSD is growing, yet many leaders within the Department of Defense (DOD) are reluctant to acknowledge the reality of battlefield moral injuries. This acknowledgment is critical for two reasons.

First, it would serve to help remove from combat veterans the stigma associated with PTSD. Many combat veterans wrestle in profound ways with the notion that they have committed grievous and morally heinous actions. They are profoundly weighed down with the guilt that they experience, all the while being told they simply need to grow up. A DOD acknowledgment of the reality of a moral injury would help the healing

process for these wounded warriors, encouraging them to utilize an ethical framework to specifically address the moral challenges they faced.

Additionally, this acknowledgment by the DOD would help warriors that have just engaged in morally questionable actions. If DOD leaders have admitted the existence of moral injuries, then warriors who may feel they have been morally grazed or come dangerously close to a moral dilemma would be more willing to seek helping agencies in a timelier manner. Using commonly accepted criteria for an ethical framework, military units can help warriors process their involvement and continue the fight.

DOD acknowledgment of growing evidence showing the correlation among moral injury, guilt, and the development of PTSD can free additional resources to deepen further study that can result in better treatment modalities and preventive measures. Additionally, particular studies can be designed to measure the impact that ethical training has on protecting against moral injuries.

Clearly Communicate Just War Criteria for Conflicts

In his article “Moral Injury,” Jonathan Shay notes that a key element to protect the warrior mentally and emotionally in combat is “expert, ethical, and properly supported leadership.”⁶⁴ Shay means that the warrior must hear a consistent message defending the ethical basis of a conflict from all levels of leadership for any given conflict. From the commander in chief down to the platoon sergeant, if military leaders fail to explain the moral significance and ethical relevance of a conflict, the warrior is left alone to evaluate his or her involvement in that war. Even more damaging, warriors may engage in the violence of combat with no thought of the potential moral consequences, only to find after the fact that they suffered a moral injury by engaging in actions that violated their ethics or ideals.⁶⁵

If and when a nation’s reasons for entering into violent conflict have changed, then national leaders must reevaluate its involvement, and a new or revised message of moral necessity must be communicated. This open communication will keep the public in general and the warrior in particular more attuned to the national leaders’ motivations for continuing in the conflict and will help warriors understand that they serve as agents of national power.

Develop and Adopt an Ethical Framework

Finally, the US military must develop and adopt an ethical framework for individual warrior’s use. This development will require thoughtful

navigation through various philosophical worldviews and should be part of both initial and ongoing training.

During initial training, by using an ethical framework, military leaders can demonstrate that their various services' core values flow out of moral reasoning. While such a commitment could be demonstrated for each branch, one example should suffice. For instance, the United States Air Force's core value of "Integrity First" can be shown as necessary on both moral and practical grounds. An ethical framework firmly establishes integrity on moral grounds. Integrity and all it encompasses in reporting, work ethics, and one's personal life are the morally right approach. If, however, the Air Force insists on integrity on the basis of the pragmatic or practical reasons "in the best interest of the Air Force," then each Airman is implicitly invited to make his or her own assessment as to what the best course is in each situation.

Furthermore, an ethical framework will serve as the basis for all of the behavioral modification training in which each service engages. Focus areas such as sexual assault, harassment, and drunk driving can then be tied to this ethical framework. Using an ethical framework to evaluate not only warfare but also actions at every level will enable warriors to see the moral connections and their moral responsibility in every area of life.

Conclusion

Today's warriors are continually confronted with complicated decisions often involving split-second decisions with profound implications for themselves and their adversaries. In the current environment of moral ambivalence in which military leaders are hesitant to speak to the morality of actions, US service members are unprepared for the emotional and spiritual damage of engagement in the violence of war.

When warriors react in ways that they feel are morally improper, they suffer what researchers are calling a moral injury. These moral injuries, particularly the intense feelings of guilt, are now shown to predispose warriors to a higher likelihood of developing PTSD. Additionally, the complexities of irregular warfare against an often unseen enemy, coupled with necessarily restrictive ROEs, potentially compound the moral dilemma for American warriors.

However, if warriors were equipped with an ethical framework that brings together an understanding of just war theory and commonly held moral beliefs, they would possess the tools to process these complex battlefield decisions. In real time, warriors could quickly determine the moral challenges presented in any given scenario and act in the manner that best accorded with those beliefs.

Similarly, warriors would also possess a framework of understanding to process their involvement in previous combat engagements. This reflection could highlight the warriors' need for timely intervention and prevent the negative experience from embedding itself in their conscience. An ethical framework could minimize guilt for warriors both by helping them avoid moral violations and more quickly dealing with any troubling events. Minimizing guilt could lessen one of the key factors causing PTSD, thus lowering the likelihood of those warriors developing PTSD.

For all these reasons, the DOD must take seriously the very real threat that moral injury presents to its combat forces and adopt a position of determined study, making every effort to minimize the likelihood of PTSD. These efforts include an acknowledgment of the moral dilemmas in war, a clearer articulation of the reasons to enter into particular conflicts, and the development of an ethical framework to assist American warriors in their battlefield decisions.

Much work must be done toward gaining a better understanding of the real relationship between moral injuries and PTSD and developing subsequent research study to better understand how an ethical framework can assist warriors in their battlefield decision making, thereby minimizing the likelihood of incurring PTSD. However, because of the dramatic cost in terms of damaged lives and extreme costs of long-term care for combat veterans suffering from PTSD, any work in these areas will be well worth the effort.

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Abbreviations

DOD	Department of Defense
DSM	<i>Diagnostics and Statistical Manual of Mental Disorders</i>
LOAC	law of armed conflict
MRS	Marine Resiliency Survey
PTSD	post-traumatic stress disorder
ROE	rules of engagement
RPA	remotely piloted aircraft
VA	Department of Veterans Affairs

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