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14. ABSTRACT

In order to conduct effective operations which link tactical victories with achieving strategic goals, a JTF commander should maintain ethical considerations at the forefront of all leadership, planning, and execution efforts to ensure ultimate success. Some experts characterize the enemy's strategy as a global insurgency. Others debate whether waging war against a technique - terrorism - constitutes sound strategy. Proper characterization of the conflict notwithstanding, America is fighting a determined enemy bent on using both asymmetric techniques and terrorism to counter overwhelming U.S. advantage in conventional warfare. Moreover, the 9/11 attacks highlighted our enemy's willingness to blatantly disregard laws of armed conflict and ethics in general, thus posing unique challenges to today's combat leaders. This paper discusses the meaning of military ethics and implications of the current warfighting environment for the topic. Then it illustrates situations where ethical issues must be considered, based on a real-world scenario in an area in which a JTF has operated. Finally, it recommends ways a future JTF commander can conduct more effective, "ethically sound" operations. The more knowledgeable a JTF commander becomes of ethical conundrums presented by our current operational environment, the better equipped he will be to provide the leadership subordinate commanders require in times of ethical uncertainty.

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NAVAL WAR COLLEGE
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<u>Maintaining the Ethical Advantage in Counterinsurgency Operations</u>

by

Glenn R. Guenther

Major, United States Marine Corps

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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14 February 2005

Advisor: Professor Tom Grassey

Abstract

In order to conduct effective operations which link tactical victories with achieving strategic goals, a JTF commander should maintain ethical considerations at the forefront of all leadership, planning, and execution efforts to ensure ultimate success. Some experts characterize the enemy's strategy as a global insurgency. Others debate whether waging war against a technique - terrorism - constitutes sound strategy. Proper characterization of the conflict notwithstanding, America is fighting a determined enemy bent on using both asymmetric techniques and terrorism to counter overwhelming U.S. advantage in conventional warfare. Moreover, the 9/11 attacks highlighted our enemy's willingness to blatantly disregard laws of armed conflict and ethics in general, thus posing unique challenges to today's combat leaders. This paper discusses the meaning of military ethics and implications of the current warfighting environment for the topic. Then it illustrates situations where ethical issues must be considered, based on a real-world scenario in an area in which a JTF has operated. Finally, it recommends ways a future JTF commander can conduct more effective, "ethically sound" operations. The more knowledgeable a JTF commander becomes of ethical conundrums presented by our current operational environment, the better equipped he will be to provide the leadership subordinate commanders require in times of ethical uncertainty.

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Introduction

> The ethical challenge, I believe, is as daunting and demanding as the strategic challenge . . . the ethical challenge that confronts us post-September 11 is that if, as we struggle to respond to that terrorist threat, we loosen our grip on our values and principles, those ethical ideals and standards, then we become like [the terrorists]. And if we become like them, they win in a profound sense. That would be a much greater victory for them than destroying some of our buildings and killing even thousands of our people.[1]
>
> Dr. Albert C. Pierce, *Strategy, Ethics and the "War on Terrorism"*

America is facing a challenge to its very survival. The horrific events of September 11, 2001 resulted in the United States embarking in a global war against terrorism. The strategic goal of defeating terrorism, however, does not necessarily translate easily or directly into operational objectives. Today's commander leading a Joint Task Force (JTF) faces extreme challenges ranging from scarcity of resources, to achieving cohesion among disparate U.S. and international units, to identifying true, attainable missions in environments where feeding populations, providing disaster relief and instituting peace between warring tribes serve as potential ends.

In order to conduct effective operations which link tactical victories with achieving strategic goals, a JTF commander should maintain ethical considerations at the forefront of all leadership, planning, and execution efforts to ensure ultimate success. Some experts characterize the enemy's strategy as a global insurgency. Others debate whether waging war against a technique - terrorism - constitutes sound strategy. Proper characterization of the conflict notwithstanding, America is fighting a determined enemy bent on using both asymmetric techniques and terrorism to counter overwhelming U.S. advantage in conventional warfare. Moreover, the 9/11 attacks highlighted our enemy's willingness to blatantly disregard laws of armed conflict and ethics in general, thus posing unique challenges to today's combat leaders.

This paper discusses the meaning of military ethics and implications of the current

warfighting environment for the topic. Then it illustrates situations where ethical issues must be considered, based on a real-world scenario in an area in which a JTF has operated. Finally, it recommends ways a future JTF commander can conduct more effective, "ethically sound" operations. The more knowledgeable a JTF commander becomes of ethical conundrums presented by our current operational environment, the better equipped he will be to provide the leadership subordinate commanders require in times of ethical uncertainty.

Military Ethics

> The crucial point is that there are *rules* of war . . . The moral equality of the battlefield distinguishes combat from domestic crime. If we are to judge what goes on in the course of a battle, then, "we must treat both combatants," as Henry Sedgewick has written, "on the assumption that each believes himself in the right." And we must ask "how the duties of a belligerent, fighting in the name of justice, and under the restraints of morality, are to be determined." Or, more directly, without reference to the justice of their cause, how can soldiers fight justly?[2]
>
> Michael Walzer, *Just and Unjust Wars*

Academics, military experts and professionals often discuss military ethics in terms of "Just War" theory. This theory is divided into two parts. The first part, *Jus ad bellum*, deals with the morality of deciding to go to war. It sets forth basic requirements which must be met before a war can be called morally justified.[3] This paper addresses neither the practicalities of this portion of the theory nor the justification the United States provides for waging operations as part of the war on terror.

The second part of the theory is called *Jus in bello*. It addresses the manner in which a military force prosecutes a war. Two main issues are considered when weighing whether or not the conduct of a war meets the *Jus in bello* concept. First, the principle of proportionality states combatants are required to use force in positive relation to the accomplishment of the military objective and the value of the engaged target.[4] Firing a 120mm tank round to kill a single enemy combatant on foot, armed only with a Kalashnikov rifle represents an extreme example of a violation of this tenet. The second half of *Jus in bello* explains the concept of

discrimination, or the avoidance of killing non-combatants. While on the surface, this latter part of the theory may appear relatively straightforward, individuals may disagree on the meaning of "combatant." Definitions in a counterinsurgency-type battlespace become even more difficult.[5] A common illustration of the difficulty imposed by this concept is whether or not the factory worker who makes materials for the enemy fighting force qualifies as a legitimate military target. His or her participation in the supply chain, ordnance related or not, may cause the loss of protected non-combatant status.

Due to the difficulties inherent in deciding whether or not a specific situation meets the tenets of *Jus in* bello, commanders may consider another perspective offered by Professor Tom Grassey, Stockdale Chair for Leadership and Ethics at the Naval War College. He provides a definition of ethics suitable for application at the operational level of war in stating, "Ethics is the study of what is the right thing to do, here and now, given the limitations of time and knowledge, all things considered."[6] Commanders and members of a JTF can comprehend this definition regardless of their knowledge of "Just War Theory," and, more importantly, apply it to specific situations in which they may find themselves.

Warfighting Environmental Trends Increasing Focus on Ethics

Two, perhaps three wars were going on simultaneously. One was a conventional war between Iraq's regular forces and the invaders; it scarcely took fire, so reluctant were the Iraqi regulars to fight. The second war was between the Americans and the irregular defenders of the regime; some ideological Baathists, other foreign Muslim fundamentalists attracted to the fight by the chance to die for their personal vision of Islam. The third war was between frightened young American soldiers and the specter of a population of suicide bombers in which any car driver or civilian truck driver seemed to threaten the Marines with death.[7]

John Keegan, *The March Up: Taking Baghdad with the 1st Marine Division*

Three aspects of today's warfighting environment increase the focus on ethics, or doing the right thing. First, intensive scrutiny of incidents such as the Abu Ghraib prisoner abuse scandal or the Marine shooting a wounded Iraqi inside a Fallujah mosque, highlight potential impacts of media on operations.[8] Digital communications, embedded media personnel, 24-

hour news services and an unquenchable consumer thirst for controversial stories provides every Marine, soldier, sailor, airman or guardsman in the battlespace the potential to cause strategic ripples through commission of tactical errors in judgment. Reporters and other news personnel quickly seize any significant mistake, especially one that involves a potential ethical misstep, and broadcast it over the radio, television, newsprint and internet practically instantaneously. To be sure, some media representatives have agreed to withhold stories to allow time for preemptive damage control by commanders. Although speedy, widespread dissemination does not impact the rightness or wrongness of the action itself, it exponentially increases the enemy's ability to capitalize on the information, and at the same time decreases a commander's ability to mitigate those effects.

Second, although U.S. combatant commanders continuously plan for a regional conflict against a near peer competitor, the likelihood of facing smaller scale contingencies more reflective of an environment involving Military Operations Other Than War (MOOTW) is increasing. Environments of this sort tend to be more "ethically intense" in terms of numbers of potential dilemmas and increased attention each infraction incites. Carl von Clausewitz's view of war as an extension of politics emphasizes increased political implications, or limitations, on warfare as it slides along the continuum to levels below his ideological "total war."[9] Marine General Anthony Zinni described MOOTW operations in stating, "On the one hand, you have to shoot and kill somebody; on the other hand, you have to feed somebody. On the other hand, you have to build an economy, restructure the infrastructure, and build the political system. And there's some poor lieutenant colonel, colonel, brigadier general down there . . . with all that saddled on him."[10]

Finally, the enemy's intent, or how *al Qaeda* specifically plans to attack the U.S. center

of gravity, largely defines the environment in which future joint task forces will fight. If one accepts the theory that America's enemies are waging a global insurgency, then an exploration of traditional insurgent methods reveals the tactics, techniques and procedures they will use to achieve their goals. In general, insurgents attempt to win the support of a local population or inhabitants within a country so they can gain safe haven, establish their own form of government, and husband resources to further their cause. A term that has classically been associated with this type of warfare is "hearts and minds." Terrorists attempt to gain these through killing, intimidation and violence, while the United States attempts to establish and maintain the rule of law, provide basic security, minimize conditions which breed terrorists and prove that supporting insurgencies decreases quality of life for all those involved.

As Islamic extremists perpetrated the most recent and deadly terrorist acts against the United States, one could characterize at least a portion of the war on terror as a race for the "hearts and minds" among the world's Muslim population: either the United States will win it, or the radical terrorists will. This is not to imply that America can convince Muslim populations to fully embrace its values or replace their religious standards with western culture. As a rough indicator of progress, a recent Defense Science Board report shows the United States is not faring well in this area, and may be losing support to the benefit of the terrorists.[11] Operations which experience fewer ethical lapses will ostensibly result in less relative support to the enemy in terms of resources and allegiances.

Real-World Operations in the Philippines

> The major new factor in the Philippines--and the region--is the introduction of a far more radical form of Islam backed by international adherents. While *Abu Sayyaf* itself may now be both a criminal enterprise and an ideologically motivated insurgent group, the message of Islamic extremism in populations seeing little prospect for material improvement could be especially seductive. Traditional Moro independence groups, militants, and armed insurgents may become radicalized. Regional commentators (including those in Indonesia) continue to echo the fear that "radicals might eventually attract the economically dispossessed."[12]
> Dr. Graham H. Turbiville Jr., *Bearers of the Sword: Radical Islam, Philippines Insurgency, and Regional Stability*

After 9/11, the Philippine government expressed increasing concern over the potential for the three main terrorist, separatist and insurgent organizations, the *Abu Sayyaf* Group (ASG), the *Moro National Liberation Front* (MNLF) and the *Moro Islamic Liberation Front* (MILF) to collaborate.[13] This collusion could render Philippine armed forces incapable of defeating these groups' combined efforts. As history indicates, the groups use terrorist tactics to cause the government to cede a portion of its southern territory, if not a general uprising by the Philippine population, most of who live in third world squalor. In fact, upon request from the Philippine government, the United States provided materiel and also deployed Special Forces units to the islands for training in counter-terror techniques.[14] Based on the current political environment in the Philippines, rising trends of terrorism there and ongoing counterinsurgency operations, one could conceive a future scenario where the United States is asked to provide a military force, such as the one outlined below.

By the Fall of 2006, enemy forces have coordinated and matured beyond the government's ability to maintain order in the country. Due to limited popular uprisings, a wave of significant terrorist attacks and general unrest, President Macapagal-Arroyo declared an emergency state and invoked martial law. At the same time, she requested the United States send forces to identify and defeat terrorist networks, re-institute order and help stabilize the country. Since forces in Iraq were drawn down to 30,000, consisting mostly of

the Pentagon's new System Administrator force,[15] President Bush decided the danger of Islamic extremism gaining a further hold in a strategically important area like the Philippines was worth risking U.S. military lives. Thus, Combined Joint Task Force Philippine Islands (CJTFPI) was formed under command of a two star flag officer. The countries of Australia, United Kingdom, South Korea and Pakistan contributed international forces to the JTF. The decision to invite Pakistani participation was based on the nearly 100% Muslim composition of their armed forces in the hopes that they could provide some legitimacy to an otherwise foreign assistance force operating in heavily Muslim-populated areas of the Philippine Islands.

Potential Dilemmas Facing Joint Task Force Philippine Islands

> Moreover, every war is rich in unique episodes. Each is an uncharted sea, full of reefs. The commander may suspect the reef's existence without ever having seen them; now he has to steer past them in the dark. If a contrary wind springs up, if some major mischance appears, he will need the greatest skill and personal exertion, and the utmost presence of mind, though from a distance everything seems to be proceeding automatically . . . so only the experienced officer will make the right decision in major and minor matters – at every pulsebeat of war . . . So he rarely makes a serious mistake, such as can, in war, shatter confidence and become extremely dangerous if it occurs often.[16]
>
> Carl von Clausewitz, *On War*

The commander of JTFPI faces myriad tasks in forming the task force, conducting mission analysis, vectoring forces to the joint operations area and determining if assigned forces are sufficient for the task, to name a few. Ethics, as a separate subject area, may be the farthest thing from his mind throughout this busy period. However, his forces will soon be placed into a very complicated, confusing, intense environment where the lines between right and wrong are more difficult to decipher due to lack of sleep, mental exhaustion and conflicting priorities. Eight potential dilemmas are briefly discussed below for future commanders' consideration. Although some of these have links to the tactical level of war, a JTF commander should nevertheless be aware of their existence, as they constitute a portion of Clausewitzian "reefs."

Prisoner Treatment and Interrogation Techniques

Despite rules of engagement, the law of armed conflict, Geneva Conventions, decisions by the U. S. Attorney General and guidance from the Secretary of Defense, prisoner treatment remains an area bereft of clear delineations on what exactly constitutes torture and inhumane acts. To be sure, an extreme case such as the Spring 2004 Abu Ghraib abuses illustrates a practically indisputable example of unethical treatment of those entrusted to U.S. military care, regardless of their status as enemy combatants or not. A case like the one involving an army lieutenant colonel who discharged a weapon in close proximity to a prisoner's head to ostensibly forestall an imminent attack on his troops[17] represents a less clear, hotly debated case a JTF commander is more likely to experience in future conflicts. Moreover, increasing reliance on multinational operations introduces cross-cultural views on prisoner treatment. The South Korean or Pakistani forces quite possibly have views on prisoner treatment and interrogation widely divergent from standards acceptable in most western cultures.

Response to Treachery

Based on the insurgents and terrorist history leading up to JTFPI's intervention, the enemy is very likely to use treachery in their tactics. Examples from past insurgencies in Algeria, Peru, Russia and Northern Ireland include public disembowelment, throat slitting, sewing dead peoples' mouths closed to prevent escaping of the spirit, shooting unarmed civilians, using innocent humans as shields, castration, dismemberment and extreme forms of torture. Radicals pursue these methods for a variety of reasons, but most of all to achieve a shock effect, incite fear and elicit government reprisals. If the government, or its representative coalition forces, overreacts in its response, causing the Philippine population

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to experience extreme inconveniences or worse sufferings, their initial outrage over treacherous attack may dissipate. Instead, they may express frustration and anger against the government's reaction. If allowed to continue unabated, this cycle of violence leads to a perception that President Arroyo's government can do absolutely no right in the eyes of the people, thus inhibiting its efforts to gain and maintain the latter's loyalties and will.

Media Blowback

Information warfare and psychological operations will constitute a significant portion of CJTFPI's operational plans. Crafting the proper message, timing dissemination correctly and targeting the right audience are all considered in planning. In today's media environment, CJTFPI should consider the potential second and third order effects of information operations vis-à-vis its overall credibility. An example from the Fall 2004 *Al Fajr* operation to break the insurgency in Fallujah, Iraq is instructive on this topic. A Marine Public Affairs Officer read, in front of a rolling news camera, a carefully crafted message about "crossing the line of departure" in a significant operation. The message was intended to deceive the enemy into revealing its reaction to the main attack that, in reality, was not planned to start until three weeks later. That other U.S. media sources, specifically CNN, reported the commencement of the Fallujah attack perhaps represented the unintended consequence of eroding credibility of military news releases and other "official" information.[18] The Pentagon eventually apologized for the incident, but it raises the question of how many more blowback incidents might be tolerated by the American public, and ensuing effects on information credibility.

Mitigation of Residuals

Killing diehard terrorists and insurgents constitutes a significant portion of JTFPI's means in accomplishing its mission. How that killing is accomplished in terms of the residual

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effects on the local population needs to be considered prior to beginning an operation. Based on the enemy order of battle, the ASG, MNLF and MILF possess conventional force capabilities best defeated using combined arms operations approaching the level of high intensity conflict. Looking at first order effects, one would expect forces to use all means at their disposal, within the discrimination and proportionality considerations, to destroy enemy equipment and kill personnel who insist on resisting.

Overwhelming JTFPI conventional advantage and more lethal, accurate precision guided munitions will most likely cause Philippine terrorists to embed themselves among civilian populations. This complicates the issue of how to most effectively engage the enemy with minimal remain-behind effects. Depleted uranium tank rounds, air delivered cluster munitions and artillery improved conventional munitions bomblets, while extremely effective at killing and neutralizing the enemy, adversely impact those individuals living and working in areas where combat occurred, through corrosion and unexploded ordnance. Colonel Charles Dunlap addressed this issue in a recent article, stating, "In truth, technological advances bear great responsibility for the exponential growth in the sheer destructiveness of war . . . much of that destructiveness falls not just upon belligerent armies and their weaponry, but increasingly upon non-combatants and their property."[19] As JTFPI forces conduct operations across the entire spectrum of conflict, its commanders face a corresponding challenge in finding an acceptable balance between enough force to kill the enemy and acceptable after-effects on the indigenous population.

Force Protection

All component commanders within JTFPI will focus on protecting their forces exposed to the effects of enemy fire. From boats and ships patrolling the Philippine littorals, to aircraft

flying reconnaissance missions, to Marines and soldiers manning traffic and entry control points on the islands, risk acceptability represents the crux of this matter. For example, determining the distance a unit allows an unidentified craft, vehicle, or other potentially hostile object to approach before making the decision to disable or destroy it is often difficult, considering that innocent civilians may be harmed. Cultural and language differences further complicate the matter, as signals readily understood among western-oriented populations may have a different or opposite meaning.

Erring on the side of discrimination places forces at greater risk and may, in fact, translate into higher friendly casualties at the hands of suicide bombers, vehicle-borne improvised explosive devices and explosive-laden skiffs. Conversely, permitting forces to engage without ensuring positive identification results in higher non-combatant casualties and potential erosion of support from those non-committed Filipinos that President Arroyo is trying so desperately to keep on her side. Especially unhelpful in gaining and maintaining the will of the local population are those cases where an armed military force shoots into a crowd of mostly civilians because of a perceived or real threat, as occurred several times throughout the U.S. war with Iraq.[20]

Target Selection and Engagement

Forces in Operation JTFPI make decisions regarding whether or not to engage the enemy and by what means based on intelligence. This intelligence may originate from national level satellite assets depicting enemy force disposition on one end of the scale, to a fire team leader reporting he saw certain types and numbers of individuals enter a particular location on the other. Between the time of target identification and target engagement, a critical assessment takes place, either implicitly or explicitly. At the operational or tactical level, or both

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simultaneously, JTFPI personnel evaluate target legitimacy to confirm it actually consists of enemy combatants and determine the proximity of non-combatants to the target.

Analysis produces probabilities of both target legitimacy and non-combatant injury. Uncertainty inherent in fighting insurgents who blend in with the Philippine population compounds the associated difficulties in making an accurate assessment. Notwithstanding the near difficulty of achieving 100% certainty in target identification and location even under the most favorable conditions, the key issue is establishing the minimum level of certainty that must be met before a target is engaged with kinetic fires. In setting the level too high, units potentially bypass opportunities to eliminate some enemy capability. Conversely, a more permissive level could result in casualties to the general Philippine population and increased collateral damage. To be sure, natural human error comes into play and mistakes happen. The situation must be closely monitored to ensure intelligence and target engagement avoid leading to situations which inflame that portion of the population that JTFPI is attempting to maintain on President Arroyo's side.

Infrastructure Targeting and Destruction

Modern infrastructure assets vary widely, depending on the area of the Philippines CJTFPI employs forces. Electric generation facilities, water production and treatment plants, fuel sources, food production and supplies, transportation networks and communications equipment serve both the enemy ability to continue operations and the Philippine population in general. Component commanders will be faced with cost-benefit decisions on whether to adversely impact some of these areas. The level of inconvenience to and health condition deterioration for the local Philippine population must be weighed against the benefits of adversely impacting operations conducted by the ASG, MNLF and MILF forces.

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Infrastructure destruction may have long-term detrimental effects on friendly forces' ability to gain indigenous intelligence and deny the enemy safe haven in towns and villages.

Actions during Operation Iraqi Freedom (OIF) are instructive on this topic when American commanders faced decisions regarding aerial bombing to disrupt the already dilapidated power grid in parts of the country to defeat enemy command and control capability. Despite the decision by General Tommy Franks, USA, to exclude from target sets power plants, transformer stations, and electrical pylons and lines, Iraqis maintained the perception that coalition air strikes caused power reductions.[21] Subsequently, ground forces in Phase IV of OIF faced enraged Iraqi citizens whose number one concern was restoring electricity. While the extent that power loss directly strengthened the growing insurgent base is difficult to assess, lack of electricity was a sizable source of conflict between U.S. Marines and soldiers and local populations in their assigned areas.

Coalition Conduct

Fighting along with military forces of the United Kingdom, Australia, North Korea and Pakistan, provides legitimacy and additional capabilities to JTFPI's operations. However, combining three very different cultures - western/Caucasian, Korean and Muslim - also may present some significant ethical challenges. The operations and behavior of each coalition partner's forces is a direct reflection on the ethical legitimacy of the JTF as a whole. What is legal and readily accepted behavior in Pakistani or Korean ways of warfare may routinely violate the principles of discrimination and proportionality. Moreover, the value they place on human life, their views on death, and the level of discomfort they associate with undue human suffering may differ from traditional western views. Dealing with those situations after they arise is often-times too late, when only public affairs damage control is possible.

One of CJTFPI's most significant challenges may be crafting ways to prevent ethical lapses among his coalition partners before they occur.

Techniques for Achieving Unity of Effort

> The military is a profession of hard choices. Choices in our profession have a way of coming along suddenly and unexpectedly. Choices in our profession may involve painful decisions, and it can be especially painful to make the right decisions. Choices and decisions in our profession also involve, on occasion, expensive mistakes. Making ethics count in hard choices like these is crucial.[22]
> Lieutenant General Bradley C. Hosmer, *The Leader's Imperative: Ethics, Integrity, and Responsibility*

When forming JTFPI from American and international forces operating together for the first time for an undetermined duration, the commander must take steps to establish ethos, or acceptable principles for operating in a moral manner. Unlike the operational functions of fires, intelligence, force protection, command and control, logistics and maneuver, military ethics does not stand on its own as a separate area for consideration. Rather, it is a crucial set of standards a commander must ensure subordinates consider implicitly through daily operational and tactical decisions. The goal is for every member of the JTF to accept them, take them on as his or her own, and manifest them through their daily tasks across the spectrum of conflict. Training and leadership are both critical areas in bolstering the moral compass of subordinate commanders and their units.

Training

Training packages should be developed and distributed as soon as the JTF is stood up. The material can be developed from a combination of law of war scenarios, cultural information and considerations from the area of operations, religious ideals and lessons learned from past conflicts, perhaps using some of the examples mentioned above. The goal of this training is not dissimilar from the other planning and rehearsals which will take place prior to the JTF crossing the line of departure – honing methods of operating to the point where correct action is taken void of prompting and specific orders. Moreover, training and

rehearsals contribute to achieving unity of effort, one of the principles of MOOTW, across the JTF.

Several advantages exist in implementing this solution. First, it places all units on equal footing, from a perspective of "the right thing to do." The collective mindset of thousands of individuals gathering to accomplish the specific JTF mission can be influenced positively through execution of relatively simple training techniques. When accomplished, an improved ethical baseline of all units involved is achieved, and represents a measuring tool to which they can refer when faced with moral dilemmas during operations.

Ethics training is not unlike that accomplished in similar areas. Law of war training, for example, closely related to ethics, often encompasses vignettes. Small groups, with leaders embedded, analyze real or contrived scenarios in which individuals are placed in a situation involving ethical dilemmas. Then, some or all of the group is asked the proverbial question, "what next, lieutenant (or corporal, or airman, etc)?" The individual is asked to explain what actions he or she would take in a particular situation and, more importantly, why the action was the one selected. The ensuing discussion will most likely be charged with opposing views, rationale and alternate courses of action, contributing to raising the bar, ethically speaking, for all members of the groups.

Finally, when converted into a usable international format, it levels the playing field for multinational forces. Translating the vignettes with accompanying morally acceptable courses of action, from a CJTF viewpoint, causes unit leaders and individuals to begin understanding and adopting his way of approaching a situation. This will ostensibly reduce the cross-cultural ethical conundrums arising throughout the operation.

Leadership

Joint Task Force commanders convey decisions and intent on myriad topics through both formal and informal methods. Imbuing a command with his ethical preferences, viewpoints and expectations takes place through the same methods and techniques available for him to convey all other important information. To positively influence members of the JTF several levels of command below, a commander should consider personally communicating with everyone. While personally appearing before JTF personnel to convey his message is the most effective means for accomplishing this, the sheer size of a JTF may prevent this from occurring. However, modern communications advances make this task easier than it may appear. A commander can accomplish this through personal letter, video or Direct Video Display (DVD) broadcast or taped audio address. With the right equipment, fifteen or twenty minutes time could translate into a well-crafted, meaningful message. For example, Lieutenant General James Mattis, Commanding General of the First Marine Division during OIF, wrote a personal note that he ordered distributed to more than 20,000 Marines, sailors and soldiers in the unit. In the note, he stated, in part,

> When I give you the word, together we will cross the Line of Departure, close with those forces that choose to fight, and destroy them. Our fight is not with the Iraqi people, nor is it with members of the Iraqi army who choose to surrender. While we move swiftly and aggressively against those who resist, we will treat all others with decency, demonstrating chivalry and soldierly compassion for people who have endured a lifetime under Saddam's oppression . . . Chemical attack, treachery, and the use of the innocent as human shields can be expected, as can other unethical tactics. Take it all in stride. Be the hunter, not the hunted: never allow your unit to be caught with its guard down. Use good judgment and act in the best interests of our Nation . . . carry out your mission and *keep your honor clean.* (emphasis his)[23]

The correspondence expressed his ethical expectations, couched in terms warriors can understand, in a very succinct single-page document. Moreover, it showed that compelling service members to act ethically can be communicated in positive terms while eloquently combining ethical underpinnings with promptings to unmercifully destroy resisting forces when necessary.

Commanders can utilize more official means of written correspondence to convey expectations as they do with other aspects of the operation. Operations orders, warning orders, fragmentation orders and letters of instruction all present possible vehicles for making this occur in a few ways. First, including personal views on conducting operations in the "right" ways in the "Commander's Intent" portion of both warning orders and operations orders, represents an effective method. The "Coordinating Instructions" subparagraph of paragraph 3 presents another opportunity to provide guidance. Lastly, annexes and appendices are useful to provide more detailed information on the ethical conduct of warfare with respect to fires, intelligence, information warfare and kinetic vs. non-kinetic methods, to name a few.

Injecting ethical considerations of different ways of conducting operations when meeting with or speaking to subordinate component commanders is another method to achieve unity of effort. When the JTF commander continually brings up an issue, it raises the level of importance in everyone's mind. Subordinates often formulate in their own minds the factors that are most important to a commander based on the issues that the commander consistently emphasizes, as well as those he rarely mentions.

Throughout all the techniques discussed above, consistency in the message and repetition comprise the two paramount characteristics on which a commander should base his ethical plan of attack. By using one or more of these methods, a commander highlights the importance he places on acting in an upright manner in all places and at all times.

Conclusions

Military ethics, at its very essence, is leadership. The joint force commander's primary concern in any battlespace is mission accomplishment, followed closely by welfare and

morale of those in his charge. Near the top of his list of concerns has to be commission of fatal errors, or those controllable, but largely unforeseeable events that have the potential to irredeemably alter the environment in which his forces operate. It is this realm of finite, yet unpredictable, missteps that a continual focus on ethics seeks to minimize.

In considering the topic of military ethics, it's important to reference the purpose of employing armed forces in the first place. When a U.S. President employs America's armed forces, the ends are supposed to be well established to ensure understanding by all involved. The means to achieve those political ends, however, are much more open for interpretation and subject to the personal preferences of the commander placed in charge to accomplish the mission. As Clausewitz said, "The political object is the goal, war is the means of reaching it, and means can never be considered in isolation from the goal."[24] Maintaining ethical considerations at the forefront of those means provides stability and an endstate more likely to remain stable in the long run.

The ends in future U.S. engagements will almost certainly be much more complicated in going beyond the World War II era of unconditional surrender. Effects on local populations vis-à-vis combating continuing insurgent efforts, helping fledgling governments win and maintain popular support and preventing excessive death, injury and suffering, go beyond issues of imposing our will on the enemy. To be sure, throughout operations conducted as part of America's current war, U.S. and multinational forces are performing admirably in avoiding the large-scale ethical lapses documented during the Vietnam conflict, America's last large-scale counterinsurgency war. As forces continue to engage the enemy while simultaneously working to reduce the conditions which breed terrorism, military ethics is certain to constitute a topic of paramount importance. Forces must focus on conducting

effective joint, multinational operations while striving to exhibit, "all that is highest in

military efficiency and soldierly virtue."[25] Our survival as a nation may well depend upon it.

Notes

1. Dr. Albert C. Pierce, <u>Strategy, Ethics and the "War on Terrorism"</u> (Berkeley, CA: Berkeley Public Policy Press, 2003), 72.

2. Michael Walzer, <u>Just and Unjust Wars</u> (New York, NY: Basic Books, 1977), 128.

3. N. Fotion and G. Elfstrom, <u>Military Ethics: Guidelines for Peace and War</u> (Boston, MA: Routledge and Kegan Paul, 1986), 107-115.

4. A. J. Coates, <u>The Ethics of War</u> (Manchester, U. K.: Manchester University Press, 1997), 209.

5. Ibid., 234.

6. Professor Tom Grassey of the Naval War College, interview by author, 10 December 2004, Newport, RI.

7. Bing West and General Ray L. Smith, <u>The March Up: Taking Baghdad with the 1st Marine Division</u> (New York, NY: Bantam Books, 2003), xi.

8. Christian Lowe, "Shoot to kill? On streets of Iraq, rules aren't always so clear-cut," *Marine Corps Times*, 6 December 2004, 8-9.

9. Carl von Clausewitz, <u>On War</u> (Princeton, NJ: Princeton University Press, 1984), 87.

10. Anthony Zinni, "Address by General Anthony Zinni, U.S. Marines Corps (Retired) delivered at the Naval Institute Press Forum 2003," 4 September 2003, 4.

11. Vince Crawley, "Panel: U.S. losing fight for Arab, Muslim support," *Marine Corps Times*, 31 January 2005, 23.

12. Graham H. Turbiville Jr., "Bearers of the Sword: Radical Islam, Philippines Insurgency, and Regional Stability," *Military Review*, (March-April 2002), <http://www.smallwars.quantico.usmc.mil/search/LessonsLearned/philippines/bearers.asp> [3 Feb 2005], 8.

13. Ibid.

14. Ibid.

15. Thomas P. M. Barnett, <u>The Pentagon's New Map: War and Peace in the Twenty-First Century</u> (New York, NY: Putnam Publishing Group, 2004), 320.

16. von Clausewitz, 120-121.

17. Rowan Scarborough, "Army files charges in combat tactic," *The Washington Times*, 29 October 2003, < http://washingtontimes.com/national/20031028-113335-6042r.htm> [4 Feb 2005], 1.

18. Joseph Galloway. "Truth be told, lies are part of Pentagon strategy," *Knight Ridder Newspapers*, 8 December 2004, <http://www.dfw.com/mld/dfw/news/special_packages/galloway/10367781.htm?template=contentModules/printstory.jsp> [4 Feb 2005], 1.

19. Charles J. Dunlap Jr., "Technology and the 21st Century Battlefield: Recomplicating Moral Life for the Statesman and Soldier," (Carlisle, PA: Strategic Studies Institute 1999), 1.

20. Charles J. Hanley, "U.S. troops fire on Iraqi protestors again," *St. Joseph News Press*, 30 April 2003, < http://www.stjoenews-press.com/main.asp?SectionID=162&SubSectionID=449&ArticleID=40381&TM=83357.5> [4 Feb 05], 1.

21. Tommy Franks, <u>American Soldier</u>, (New York, NY: Harper-Collins: 2004), 480.

22. Bradley C. Hosmer, "Decisions of Leaders and Commanders – Ethics Counts," In Carl J. Ficarotta, ed. <u>The Leader's Imperative: Ethics, Integrity, and Responsibility</u> (West Lafayette, IN: Purdue University Press, 2001), 84.

23. J. N. Mattis. "1st Marine Division (REIN), Commanding General's Message to All Hands." Unpublished handout, (March 2003), 1.

24. von Clausewitz, 87.

25. United States Marine Corps, Article 38, *Marine Corps Manual*, 1921, as published in Kenneth W. Estes, <u>The Marine Officer's Guide, Fifth Edition</u> (Annapolis, MD: Naval Institute Press, 1985), 501.

Bibliography

Abrams, Elliot, ed. <u>Close Calls: Intervention, Terrorism, Missile Defense and "Just War" Theory Today</u>. Washington, DC: Ethics and Public Policy Center, 1998.

Atkinson, Rick. <u>In the Company of Soldiers: A Chronicle of Combat</u>. New York, NY: Henry Holt and Company, 2004.

Axinn, Sidney. <u>A Moral Military</u>. Philadelphia, PA: Temple University Press, 1989.

Barnett, Thomas P. M. <u>The Pentagon's New Map: War and Peace in the Twenty-First Century</u>. New York, NY: Putnam Publishing Group, 2004.

Brooks, David R. "Values Based Organizations: How Does the Army Stack Up?" Unpublished Research Paper. U.S. Army War College, Carlisle, PA: 1999.

Builder, Carl H. <u>Masks of War: American Military Styles in Strategy and Analysis</u>. Baltimore: RAND, 1989.

Christopher, Paul. <u>The Ethics of War and Peace: An Introduction to Legal and Moral Issues</u>. Englewood Cliffs, NJ: Prentice Hall, 2004.

Clancy, Tom and Anthony Zinni. <u>Battle Ready</u>. New York, NY: G. P. Putnam and Sons, 2004.

Coates, A. J. <u>The Ethics of War</u>. Manchester, U. K.: Manchester University Press, 1997.

Cornish, Paul. "Clausewitz and the Ethics of Armed Force: Five Propositions." *Journal of Military Ethics* 2, no. 3 (2003): 213-226.

Crawley, Vince. "Panel: U.S. losing fight for Arab, Muslim support." *Marine Corps Times*, 31 January 2005.

D'Emma, Gregory J. "Christian Contributions to Army Values." Unpublished Research Paper. U.S. Army War College, Carlisle, PA: 2000.

Dalby, Perry V. "The Quest for Moral Fiber at the Senior Leader Level." Unpublished Research Paper. U.S. Army War College, Carlisle, PA: 1996.

Dempsey, Martin E. "Duty: Understanding the Most Sublime Military Value." Unpublished Research Paper. U.S. Army Command and General Staff College, Fort Leavenworth, KS: 1988.

Dunlap Jr., Charles J. "Technology and the 21st Century Battlefield: Recomplicating Moral Life for the Statesman and Soldier." Carlisle, PA: Strategic Studies Institute, 1999.

_____. "Technology: Recomplicating Moral Life for the Nation's Defenders." *Parameters*, (Autumn 1999): 24-53.

Faber, Gerald, Edward Gantt, Joseph G. Kaufman, Larry Roberson, John Russell, Louise Wise. "A Joint Ethical Code for Members of the United States Armed Forces." Unpublished Research Paper. Industrial College of the Armed Forces, National Defense University, Washington, DC: 1997.

Ficarotta, J. Carl, ed. The Leader's Imperative: Ethics, Integrity, and Responsibility. West Lafayette, IN: Purdue University Press, 2001.

Fletcher, George P. Romantics at War. Princeton, NJ: Princeton University Press, 2002.

Fotion, N. and G. Elfstrom. Military Ethics: Guidelines for Peace and War. Boston, MA: Routledge and Kegan Paul, 1986.

Fotion, N. Military Ethics: Looking Toward the Future. Stanford, CA: Hoover Institute Press, 1990.

Franks, Tommy. American Soldier. New York, NY: Harper-Collins, 2004.

Gabriel, Richard A. To Serve with Honor: A Treatise on Military Ethics and the Way of the Soldier. New York, NY: Praeger, 1982.

Gagliano, Donald A. "The Soldier-Cyborg Transformation: A Framework for Analysis of Social and Ethical Issues of Future Warfare." Unpublished Research Paper. U.S. Army War College, Carlisle, PA: 1998.

Galloway, Joseph. "Truth Be Told, Lies Are Part of Pentagon Strategy." *Knight Ridder Newspapers*, 8 December 2004. <http://www.dfw.com/mld/dfw/news/special_packages/galloway/10367781.htm?template=contentModules/printstory.jsp> [4 Feb 2005].

Grassey, Tom, Professor of Ethics and Leadership at the Naval War College, Interview by author, 10 December 2004, Newport, RI.

Grossman, Dave. On Killing: The Psychological Cost of Learning to Kill in War and Society. Boston, MA: Back Bay Books, 1996.

Hanley, Charles J. "U.S. troops fire on Iraqi protestors again." St. Joseph News Press, 30 April 2003. < http://www.stjoenews-press.com/main.asp?SectionID=162&SubSectionID=449&ArticleID=40381&TM=83357.5> [4 Feb 05].

Herb, Michael C. "The Need for a Joint Ethical Framework." Unpublished Research Paper. U.S. Army School of Advanced Military Studies, Fort Leavenworth, KS: 1999.

Hosmer, Bradley C. "Decisions of Leaders and Commanders – Ethics Counts." in Carl J. Ficarotta, ed. <u>The Leader's Imperative: Ethics, Integrity, and Responsibility</u>. West Lafayette, IN: Purdue University Press, 2001.

Huntington. Samuel. "Officership as a Profession." in Malham M. Wakin, ed. <u>War, Morality and the Military Profession</u>. Boulder, CO: Westview Press, 1986.

Knickerbocker, Brad. "The Fuzzy Ethics of Nonlethal Weapons." *The Christian Science Monitor*, 14 February 2003. < http://www.csmonitor.com/2003/0214/p02s01-usmi.html> [4 Feb 2005].

Kuenning, H. F. "Small Wars and Morally Sound Strategy." in <u>Ethics and National Defense: The Timeless Issues</u>, 187-222. ed. James C. Gaston and Janis Bren Hietala. Washington, D.C.: National Defense University Press, 1993.

Lowe, Christian. "Shoot to kill? On streets of Iraq, rules aren't always so clear-cut." *Marine Corps Times*, 6 December 2004.

Matthews, Lloyd J and Dale E. Brown, ed. <u>The Parameters of Military Ethics</u>. McLean, VA: Pergamon-Brassey's International Defense Publishers, 1989.

Mattis, J. N. "1st Marine Division (REIN), Commanding General's Message to All Hands." Unpublished handout: March 2003.

National Defense University. <u>Moral Obligation and the Military</u>. Washington, D.C.: National Defense University Press, 1988.

Overby, Benjamin Franklin. <u>An Ethic for the Military: Establishing and Grounding a Professional Military Ethic for the Military Forces of the United States</u>. Ph.D. diss., University of North Carolina, Chapel Hill, 1996.

Pierce, Albert C. <u>Strategy, Ethics, and the "War on Terrorism"</u>. Berkeley, CA: Berkeley Public Policy Press, 2003.

Scarborough, Rowan. "Army Files Charges in Combat Tactic." *The Washington Times*, 29 October 2003. < http://washingtontimes.com/national/20031028-113335-6042r.htm> [4 Feb 2005].

Tenner, Edward. <u>Why Things Bite Back: Technology and the Revenge of Unintended Consequences</u>. New York, NY: Vintage, 1997.

Turbiville, Jr., Graham H. "Bearers of the Sword Radical Islam, Philippines Insurgency, and Regional Stability." *Military Review*, March-April 2002. <http://www.smallwars.quantico.usmc.mil/search/LessonsLearned/philippines/bearers.asp> [3 Feb 2005].

United States Marine Corps. Article 38, *Marine Corps Manual*, 1921, as published in Kenneth W. Estes. <u>The Marine Officer's Guide, Fifth Edition</u>. Annapolis, MD: Naval Institute Press, 1985.

von Clausewitz, Carl. <u>On War</u>. Princeton, NJ: Princeton University Press, 1984.

Wakin, Malham M., ed. <u>War, Morality and the Military Profession</u>. Boulder, CO: Westview Press, 1986.

Walzer, Michael. <u>Just and Unjust Wars</u>. New York, NY: Basic Books, 1977.

West, Bing and General Ray L. Smith. <u>The March Up: Taking Baghdad with the 1st Marine Division</u>. New York, N.Y., Bantam Books, 2003.

Woodward, Bob. <u>Plan of Attack</u>. New York, NY: Simon and Shuster, 2002.

Wright, Evan. <u>Generation Kill: Devil Dogs, Iceman, Captain America, and the New Face of American War</u>. New York, NY: Putnam Publishing, 2004.

Zinni, Anthony. "Address by General Anthony Zinni, U.S. Marines Corps (Retired) delivered at the Naval Institute Press Forum 2003." 4 September 2003.