

Ethics for Juniors

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As a Marine captain with nearly 14 years of service, the author's experience has been that real and profound ethics training is not done at the junior enlisted levels. Marines receive some limited training on the laws of war, but the training is superficial and without expert analysis. The classes seem to be perceived by participants as an institutional requirement rather than as a challenge to think critically or as an opportunity for intelligent debate. The Marine Corps must provide junior enlisted Marines with in-depth law of war training in order to address grey areas and to avoid potential atrocities in combat.

Background

Today's American military service fights an enemy with no country, no flag, and no recognizable uniform. This faceless enemy has no regard for human life and makes no distinction between combatants and innocents. He is a cold and calculating murderer, who shrouds himself in a cloak of religious fanaticism in order to exculpate himself from his actions. He blends in with the populace like a translucent ghost or a shadow on a wall. Today's enemy is a terrorist, who according to Anthony E. Hartle, not only disregard[s] the principle of discrimination

that prohibits attacking non-combatants directly, [but] also choose[s] non-combatant targets as a means to [his] ends.”¹

In today’s Global War on Terrorism (GWOT), the potential for war crimes continues to exist because the enemy employs tactics similar to those of the Viet Cong. The Global War on Terror (GWOT) has already spawned its own war crimes (Abu Ghraib, Haditha) which have brought not only disgrace upon the American military service, but also on American foreign policy and American ideals.

Michael Walzer has said that war is the only social institution in which men are endowed, even by the most democratic countries, with the legal entitlement to kill.² The American people have placed special trust and confidence in their troops to protect the American way of life, and to do so by any means possible. The mission is to find and destroy the terrorists. The problem lies in finding a faceless enemy who camouflages himself with the same populace whom he terrorizes. History has proven that when troops are subjected to fighting an enemy who has no face, the potential for mistaken identity is alarmingly high. The My Lai massacre is an example in which innocent civilians paid the price for the guerilla tactics employed by the Viet Cong.

¹ Anthony E. Hartle, “Atrocities in War: Dirty Hands and Noncombatants,” *Social Research*, 69 no. 4 (Winter 2002): 963-979.

² Ruth Linn, “Conscience at War: On the Relationship Between Moral Psychology and Moral Resistance,” *Peace and Conflict: Journal of Peace Psychology*, 7 no. 4 (2001) : 337-356.

Current Battlefield Ethics Training

In the operating forces, junior enlisted Marines are issued the *Marine Battle Skills Training Handbook*, more commonly referred to as the "BST manual." Although the BST manual is about 200 pages, only one page is dedicated to the law of war. On this page, Marines are given the nine principles of the law of war.

1. Fight only enemy combatants.
2. Do not harm enemies who surrender; disarm them and turn them over to your superior.
3. Do not kill or torture prisoners.
4. Collect and care for the wounded, whether friend or foe.
5. Do not attack medical personnel, facilities, or equipment.
6. Destroy no more than the mission requires.
7. Treat all civilians humanely.
8. Do not steal; respect private property and possessions.
9. Do your best to prevent violations of the Law of War; report all violations to your superior, a military

lawyer, a chaplain, or a provost marshal.³

One page dedicated to the law of war sadly is not enough. Although the nine principles seem simple and clear, plenty of ambiguity exists between the lines, the so-called "grey areas." These grey areas are precisely what Marine leaders need to pay close attention to because these areas possess the greatest potential for violations. Hartle suggests that the laws of war manifest two underlying principles: one, that human suffering should be minimized; and two, individual persons merit respect.⁴ Ironically, Hartle's suggestion is expert analysis and not mentioned in the BST manual; hence, for a junior enlisted Marine to deduce this type of conclusion without guidance is unlikely.

Proposed Ethics Training

Given the potential for war crimes to materialize in the current conflict, commanders must ensure that junior enlisted Marines are sufficiently trained and educated in a well defined curriculum that stresses ethical combat, conduct, and standards. More important, this training should not be exclusive to the higher officer ranks; rather it should be taught at the junior enlisted level, beginning with the corporals (E-4), because the

³ Marine Corps Institute. "Marine Battle Skills Training (MBST) Handbook: Book 1 PVT-CAPT. MCCDC, Quantico, VA (1995).

⁴ Hartle, "Atrocities in War: Dirty Hands and Noncombatants," 3.

non-commissioned officer (NCO) by definition is the link between the officers and the men. The NCO passes the orders on directly to the junior enlisted Marines from his superiors. In fact, if the NCO is exposed to a military ethics curriculum, he could serve as a filter between good and bad orders, potentially further reducing the risk of war crimes.

In order to understand this argument more fully, one must examine the tragic events that transpired at the village of My Lai 4 in South Vietnam. In 1968, Army Lieutenant William L. Calley Jr., acting under the orders from his superiors, ordered the execution of hundreds of Vietnamese innocents. According to historical records Calley's men murdered, raped, burned, and mutilated 400 to 500 innocent victims. "They were known to be in a mood for revenge in the weeks leading up to the massacre following extensive losses to booby traps, mines, and snipers. A growing frustration also resulted from the inability to identify who was Vietcong and who was a Vietnamese civilian."⁵ Not all of Calley's men participated in the slaughter, and some actually refused to carry out his orders, but most went ahead with the killings.

In this one instance, Lieutenant Calley arguably had "lost it" due to the stresses encountered during combat. Perhaps, if

⁵ Seymour. M. Hersh, " My Lai 4: A Report on the Massacre and its Aftermath," (New York: Random House, 1970).

his NCOs had received some in-depth ethics training from resident experts that incorporated realistic scenarios, they could have tactfully suggested to their Lieutenant before the execution of the order that what he had ordered was morally and ethically wrong. They might further have refused to carry out the order. Instead, because of simple ignorance and lack of real ethics training, the soldiers went ahead with the order and committed one of the worst atrocities ever perpetrated by American servicemen. Hartle suggests that "leadership and training make all the difference when we consider the problem of atrocities in warfare. The fear and violence of warfare incite brutal, inhumane actions. They will occur without strong leadership and focused training. We can, however, take steps to prepare individual soldiers for the experience of combat and to reinforce both regulations and moral commitment to minimize such incidents."⁶ In other words professional ethics training is the key to avoiding atrocities similar to My Lai in the future.

In his landmark study about the effects of authority on individuals, Stanley Milgram suggested that while people are likely to feel responsibility to the authority directing them, they may feel little or no responsibility for the content of the actions ordered by the authority.⁷ This suggestion implies that

⁶ Hartle, "Atrocities in War: Dirty Hands and Noncombatants," 2.

⁷ Stanley Milgram, "Obedience to Authority," (New York: Harper & Row, 1974).

when given a controversial order, a Marine who knows no better will comply with less resistance on the grounds that he is carrying out his orders like a good Marine should. On the other hand, if he had some sort of ethics education, he could call upon that ethics training for guidance in order to determine the legality of any given order.

Marines know that "I was just following orders" is not a convincing defense and that ignorance does not absolve one from wrongdoing. According to William C. Cockerham and Lawrence E. Cohen the question in Lieutenant Calley's court martial case "was not so much whether or not the order [from a superior] was actually given, but whether a reasonable man should have followed such orders had they been issued."⁸ The court found that due to his age, rank, experience, and training, Lieutenant Calley should have known that the order he was given (and then passed on to his troops) was illegal. As a result, a military court found him guilty of the premeditated murder of 22 Vietnamese civilians.

If the Corps fails to provide junior enlisted Marines with some type of comprehensive ethics education that goes deeper than just nine basic principles, and encourages critical

⁸ William C. Cockerham & Lawrence E. Cohen, "Obedience to Orders: Issues of Morality and Legality in Combat among U.S. Army Paratroopers," *Social Forces* 58 no. 4 (June 1980): 1272-1288.

thinking on their part, then the institution must be prepared to accept accountability for the actions of its Marines in combat.

Counterarguments

Some military purists may find discomfort in the suggestion that enlisted personnel question orders because it challenges one of the Marine Corps' tenets, that is, military discipline. Indeed, some would argue that by teaching the young leaders about ethics one threatens discipline. The Marine Corps defines discipline as "the prompt and willing responsiveness to orders and unhesitating compliance with regulations." Nevertheless, ethical education and critical thinking should begin at the NCO level. By the time Marines have been promoted to the level of NCO, chances are that they are in the late phase of their first enlistment if not at the beginning of their second enlistment. Consequently, by this time many have probably decided to make the Marine Corps a career.

In fact, Cockerham and Cohen suggest that "those most committed to the military bureaucracy-- highest ranking, getting more satisfaction from it, etc.-- are the most likely to agree with compliance to legal orders (even if immoral) but *not* to agree with compliance to definite illegal orders, such as

participation in war crimes.”⁹ Hence, one who has decided to make the military a career, is a “satisfied customer” and more likely to carry out legal orders but to question the grey area. Most important, an experienced Marine will consider the consequences of his/her actions and the impact on his/her career.

The question of discipline is an easy fix. Junior enlisted Marines should be socialized and trained in matters of good order and discipline. It should be ingrained into their very souls. For the first few years of their careers, young enlistees should be drilled and trained in such a manner as to ensure that they willingly obey and respond to orders and unhesitatingly comply with regulations. Once they are promoted to the level of NCO, however, and decide to make a career of the military, the question of ethics training must be answered. The NCOs will provide balance and advise the officer who ultimately has the final say.

Conclusion

War crimes will always be present unfortunately, and what exactly constitutes a war crime will always be debated. With the changing battlefield landscape from regular force on force to irregular small unit battles, the potential for civilian

⁹ Cockerham & Cohen, “Obedience to Orders: Issues of Morality and Legality in Combat among U.S. Army Paratroopers,” 1285.

casualties will remain high. The current conflict has forced commanders to push the decision-making process further and further down the chain of command. Key decisions are no longer exclusive to higher headquarters. This transition has given rise to the strategic corporal and now more than ever, the Corps must ensure that all Marines take every precautionary measure to protect the reputation and image of the Corps and the country. Administering an ethics training program that encourages the junior leadership to think critically will ensure that young Marines conduct themselves as professional combatants who always adhere to and uphold the laws of war.

1855 Words

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