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The Ethical Dilemma in Following the Rules of Engagement

by

SGM Michael A. Grinston

SGM Steve Murphy

Faculty Advisor

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The Ethical Dilemma of Following the Rules of Engagement

Following or not following the Rules of Engagement can create a very big ethical dilemma in Soldiers, leaders, and the unit. The United States is at war, and we thoroughly prepare our Soldiers for combat. We train them on what we hope is everything they need to know in combat. We emphasize the importance of Army values, and teach them customs and courtesies of the host country. We make them disciplined Soldiers able to execute any mission. However, it is very difficult to prepare Soldiers for some of the ethical problems that they can face in combat, especially with the Rules of Engagement (ROE).

Some leaders would say that there is no ethical dilemma when following the ROE. Soldiers must follow the Rules of Engagement and there are no exceptions. Leaders may find it difficult to explain to a young or an old Soldier that he or she must follow the ROE, although the enemy does not. Particularly an enemy that is willing to do anything possible to kill you and the Soldiers around you, and that following the ROE, when the enemy does not, can kill more of your fellow Soldiers.

The Army teaches Soldiers the seven Army values¹ all throughout their military careers. Every school in the Noncommissioned Officer Education System (NCOES) provides values and ethics training. The Army has the most disciplined Soldiers in the world. Then why is following the ROE so difficult for Soldiers when the Army explains the proper values and ethics?

One reason is that most of the time our eighteen to twenty-one year old Soldiers have not faced an enemy that had no values or rules. Soldiers at this age may not have faced any enemy at all. Especially one willing to kill fifty innocent civilians to prove a point, an enemy prepared to use the crowd as a shield hoping that the Soldier does not engage allowing him to escape. A Soldier facing an enemy like this may question why he has to positively identify the enemy

¹ The Seven Army Values are Loyalty, Duty, Respect, Self-less Service, Honor, Integrity, and Personal courage.

before engaging. The Soldier has about a tenth of second to deal with his ethical dilemma or it may cost him his life and the lives of those around him. The ethics training and the Army values will guide the Soldier to do the right thing.

Leaders argue that a disciplined and well-trained Soldier will always make the correct choice in that split second. Look at the following scenario to decide what the Soldier should do. While on a combat patrol in Iraq a Soldier sees two individuals with AK-47s and as soon as they see the American Soldiers, they run away. There has been a report that anti-Iraqi forces are planning an attack in the area that the patrol is in. The point man that identified the individuals did not engage them because the ROE stated that American Soldiers should not engage Iraqis running away from an American patrol, even if the Iraqis have weapons. The enemy ambushed the patrol with small arms fire and rocket propelled grenades moments later. The point man noticed two injured Soldiers behind him. He was not sure the extent of their injuries, and the attacker just ran into a crowd of civilians. Does the Soldier engage or not? The ROE might read that he should not engage the enemy in that situation, but he knows if this person gets away, it may cost more lives. The enemy that he let get away could be the same one putting out Improvised Explosive Devices (IEDs) tomorrow, maybe even killing more Soldiers or innocent civilians. All the vignettes in the Army today cannot replicate this situation in a Soldiers mind; you can just hope that he does what is correct.

Leaders also have an ethical dilemma in this situation. What should leaders do to the Soldier that engages the enemy in a crowd? Say that he wounded two civilians and the enemy got away. The Soldiers that you thought were just injured died. The Soldier that shot at the enemy in the crowd is the best Soldier in your unit, but clearly, violations of the ROE are punishable under the Uniform Code of Military Justice (UCMJ).

The Soldiers of the company and battalion like the Soldier very much and any punishment done to this Soldier could ruin the morale of the unit. The two killed Soldiers had a wife and two children each. The situation devastated the company, but their spirits are still high.

Chastisement of the Soldier that attempted to kill the assailant could bring the entire company to question the reason why they are at war. Reprimanding the Soldier could also cause the members of the unit to hesitate on the next engagement, because leaders are punishing Soldiers that do not strictly follow the ROE. However, allowing violations of the ROE are unethical and could cause a state of anarchy while on patrol. Leaders must take appropriate action in order to keep up the morale of the unit and maintain good order and discipline.

Leaders train their Soldiers to react without hesitation. They train their Soldiers to close with the enemy and kill them. Soldiers are not able to turn this button off and on in situations like the one presented. There lies the problem, Soldiers reacting to situations with a killer instinct and then stopping at a moments notice and doing the ethical thing, a near impossible task.

How do Leaders rectify this problem? Leaders must lead by example in order to prevent this ethical dilemma from happening. According to FM 22-100 "Leaders reinforce and discipline behavior to guide subordinates' development. To help subordinates live according to Army values, leaders enforce rules, policies, and regulations." Leaders that are out on patrol with their Soldiers can deal better with this situation. Soldiers will see that their leaders are with them in the good times and the bad. If the leader has to punish the Soldier, other members of the unit may be able to respect that leader because he was on the streets with them fighting. A leader that stays in the rear and then attempts to punish the Soldier may be seen as one that is trying to look out for his or her own well being. FM 22-100 also states that, "Ethical conduct must reflect beliefs and convictions, not just fear of punishment."

Leaders must take action, but the level of action that they take is also important. Instead of court martial, leaders have the option of letters of reprimand, corrective training, and counseling. Counseling for wounding civilians may seem insignificant, but it still sends a message that leaders will not tolerate unethical behavior. This can also preserve the morale and the instincts of the unit.

Soldiers face the ethical dilemma of following or not following the ROE daily. The Army Values and ethical training will assist Soldiers in making the correct choice. Soldiers must follow and understand the ROE during war. Leaders must take the necessary action when violations of the ROE occur. The leader's actions are essential to maintaining morale and discipline within their units. Leaders must lead by example and from the front in order to help deal with this ethical dilemma.