



Inconvenient Truths

Moral Challenges to Combat Leadership

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20th Annual Joseph Reich, Sr. Memorial Lecture
U.S. Air Force Academy (Colorado Springs)
November 7, 2007

**“Inconvenient Truths”
-Moral Challenges to Combat Leadership in the New Millennium-**

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General Born, General & Mrs. Wakin, Mr. Joseph Reich, Jr and members of the Reich family, honored guests, and most of all, to the members of the Cadet Wing of the USAFA in attendance here tonight: good evening, and thank you for inviting me to be with you.

I represent an organization at the Naval Academy, the Stockdale Center for Ethical Leadership. Don't be put off that our Center is named after “some Navy guy.” In fact, Vice Admiral Stockdale was – as many of you will also one day be – an accomplished aviator and combat leader. He was, as you no doubt also know, a decorated war hero, including the award of the Congressional Medal of Honor.

In his many writings, and in a book with an intriguing title, *Philosophical Reflections of a Fighter Pilot*, Admiral Stockdale taught, in essence, that the true combat

leader and warrior is a teacher, a steward, a jurist, a moralist, and. . . a philosopher.

A “Combat Leader” is . . .

- A Teacher
- A Steward
- A Jurist
- A Moralist
- A Philosopher



We might pause to reflect upon what Stockdale meant by each of these terms. But regardless of the meaning associated with each, I suspect that this unusual list of traits appears nowhere else in the leadership material you have both studied and learned by example during your time at the Air Force Academy. It is – shall we say – a rather “unique” theory of leadership. Yet, in the remarks I want to make, and in the cases I want us to consider together tonight, I hope to convince you that this view of combat leadership, more than any other, captures the challenges you will face in your career.

I.

The sub-title of my talk is “Moral Challenges to Combat Leadership,” and in the next few minutes, I want to outline some of the main challenges you will face as you complete your work here at the Air Force Academy and pursue your careers in our nation’s Armed Forces. These are challenges you will face regardless of your ensuing rank or length of service. They are challenges that perplex all of us, and will characterize war and armed conflict as we know it during the remainder of your lives. That is why I chose to title them, “inconvenient truths.”

It must seem pretty obvious, however, that I’ve borrowed and adapted the title of these remarks from the title of the recent, award-winning documentary film on global warming, produced by and starring the former U.S. Vice President, Albert Gore.



Those of you who have actually seen the movie (and not just the hype about it) probably noted, however, that at least half of the movie is not about global warming at all. Instead,

a good deal of the time is spent by the star reflecting on another inconvenient truth: that he failed to win the presidential election in 2000. There is a lot of anguish in the film over the aftermath of that election, which surely did turn out inconveniently. . . for Mr. Gore. It is evident in that movie, even though it is supposed to be about environmental crisis and climate change, that this other inconvenient truth understandably haunts the former Vice President to this day.

Global warming itself is actually a pretty good example of the kind of “inconvenient truth,” that I would have you think about tonight. It is almost certainly a “truth” of some sort, with which you will be increasingly forced to contend in your own lives. However, the extent to which it, like the lost election of 2000, is “inconvenient” may be a matter of perspective.



I say that global warming is a “truth” of some sort, because, by now, almost everyone acknowledges that the planet is getting warmer, and that this fact is having a

profound effect on the environment. That is what Al Gore's film is supposed to be about. The point of that film is to try to convince you that this phenomenon called "global warming" is occurring, and will have disastrous consequences for the human race.

Yet here is where the debate (and not just the planet itself) starts to heat up. The debates are not about the phenomenon of warming temperatures, but about their manifold causes, about whether human action can be effective in slowing, halting, or even reversing this trend, and over what its effects will most likely be, and for whom. For many people and animals, rising temperatures and their attendant environmental effects will indeed be, or become, a seriously inconvenient truth. If you are a polar bear, or an owner of beachfront property, say, in Florida, global warming is unquestionably inconvenient: your habitat and food supply will shrink (if you're a bear), and rising ocean levels and increasing frequency and ferocity of storms will likely raise your insurance rates and possibly ruin your home, if you were unwise enough to build it on oceanfront sand (if you're a property owner).

By contrast, if you are an emperor penguin, or a Canadian, things are a little less clear. Granted, we're still talking about the "truth" of global warming, but it might not be so unambiguously "inconvenient" a truth as it is for the people and animals just

considered. Let's start with the emperor penguin.



Face it, if you're standing on top of the little twinkle in dad's eye for eight months out of the year in the worst, coldest snowstorms on the planet, your life can ONLY get better, not worse! In fact, if you recall some of the plot of that earlier movie, the elaborate Antarctic winter survival ritual those poor penguins go through is probably adaptive, learned behavior, developed during a period when the weather went from mild to severe, hundreds of thousands of years ago. As things got colder, your life as a penguin got harder. Now, thank god, that long period is over!

(We can imagine the next in the suddenly popular series of penguin movies, this one featuring the voice of comedian Mel Brooks : "Geeze, dat was cold! What a lousy, long Vinter! Hey Marge, push that floating piece of Florida beach cottage over this way, will yah? I think I'll raft out into the melting ice flows and take a nice sunbath! It's good to be the Emperor!!")

Canadians are only slightly worse off than emperor penguins. . .for the moment. Lest you think I'm poking fun inappropriately: I'm a Canadian by ancestry. My dad was born in the States, decided to remain a U.S. citizen, and served for thirty years as a pilot and electrical engineer in the U.S. Army Air Corps and Air Force during WW II and the Cold War. But we'd go up to Ontario periodically to visit his family. When you see the weather up there, you can see why he decided to stay here! But all that may change. I had some beautiful waterfront property myself up near the Georgian Bay. The problem was, you could only reach it and live comfortably on it about two months out of the year. As the planet warms up, that land will become more habitable, and more valuable, and locals and owners will likely say: "Wow! If this is global warming, bring it on!" Of course, you shouldn't hold your breath: another inconvenient truth that Mr. Gore doesn't make clear is that the worst of the effects he describes lie fifty to one hundred years in the future.

II.

So the "truth" of global warming is inconvenient or not, depending upon whether you are a polar bear or penguin, a beachfront cottage owner, or a Canadian. What about an Air Force Cadet? Is this an "inconvenient," or merely an *indifferent* truth for you?

In fact, I'm sorry to say, that global warming is one of many newly-emerging factors or phenomena which are going to prove largely inconvenient to you, even if you don't care about polar bears or cottage owners. Here we can transition from the environment to combat leadership, because, according to our Department of Defense

“future studies” group,¹ these environmental shifts are likely to produce a great deal of conflict and combat.

First and most obviously: as an American citizen, you are more likely yourself to suffer than to benefit from climate change. The best prognosis is that these changes will render arid portions of the country even drier, and that, in turn, the resulting rise in ocean levels will wreak havoc in our coastal areas, from New Orleans to Miami, from Beaufort NC to Washington, to New York City and Boston, and out west, especially in L.A. and San Francisco. This will produce economic hardship, massive loss of life, migrations and demographic shifts, political instability, higher prices, and scarcer vital resources (land and water).

This is actually, at bottom, a grave military concern, as these things happen here, and in China, Southeast Asia, and Africa. Let’s remain at home for a minute, and continue to look north toward Canada. As water and arable land become scarcer down here, they will get more plentiful and accessible up there. We can expect that more and more people who live here will either want to move further north to take advantage of the improved climate, or they will want to barter for water and food originating there to sustain their lives here. Either way, this is not good if you are a Canadian. And there is not much you can really do about it.

Canada has evolved a very interesting military philosophy. They recognize that they, like everyone, are vulnerable to terrorist attacks, but view that as a police and security matter, not primarily a military issue. If you discount the isolated threat of

¹ Here I am indebted to my colleague, Prof. Shannon E. French, who secured for our midshipmen an update from one of the principal working group analysts, CAPT Karl Hasslinger, USN (retired); reporting to Andrew Marshall, in the Office of the Secretary of Defense. The effects of global warming constituted one of the central points CAPT Hasslinger made about the future of conflict and warfare in the 21st century.

occasional rogue states, like North Korea, they argue that no one in the world, with one glaring exception, is likely to make war on them. That glaring exception would be us! (No, this isn't the script for another episode of "South Park," this is genuine long-range strategic thinking up north.) As one Canadian colonel² explained to me last spring, they realize there would be little they could hope to do in the unlikely event the U.S. decided to make war on them. As a result, to his frustration, Canadian citizens are unwilling to invest their tax dollars to raise, equip, train, and deploy a modern, efficient military force. The main justification that Canadians are willing to accept from their military advisors for providing any support for military expenditures is international law enforcement, under the banner of the United Nations. Thus they have joined us to help in Afghanistan, but declined for many reasons, including our failure to win a Security Council endorsement, to fight with British and American troops in Iraq.

Some Canadians, however, think that Canada's military policy is lazy, cheap, and short-sighted, and leaves them in an awkward position. Their military advisors have warned the Canadian government, for example, that in the "Al Gore-Global Warming" scenario, Canada would have no real defense against the demographic pressures of Americans moving north, or otherwise initiating a "grab" for water or other scarce resources. Thus, as the northern ice-cap melts, and the fabled "Northwest Passage," becomes increasingly navigable for longer periods each year, Prime Minister Steven Harper was obliged to travel north just a few weeks ago and wave the Canadian Maple Leaf, declaring that "the Northwest Passage is, always was, and will ever be a part of Canada." He was warning off not just the Americans, but also Russians and Norwegians,

² Col. Ives Desjardins, head of the Canadian Defense Force's Office of Ethics in Ottawa, in a personal conversation on this topic with the author during the 2007 McCain Conference on Ethics at the U.S. Naval Academy (May 8-10, 2007).

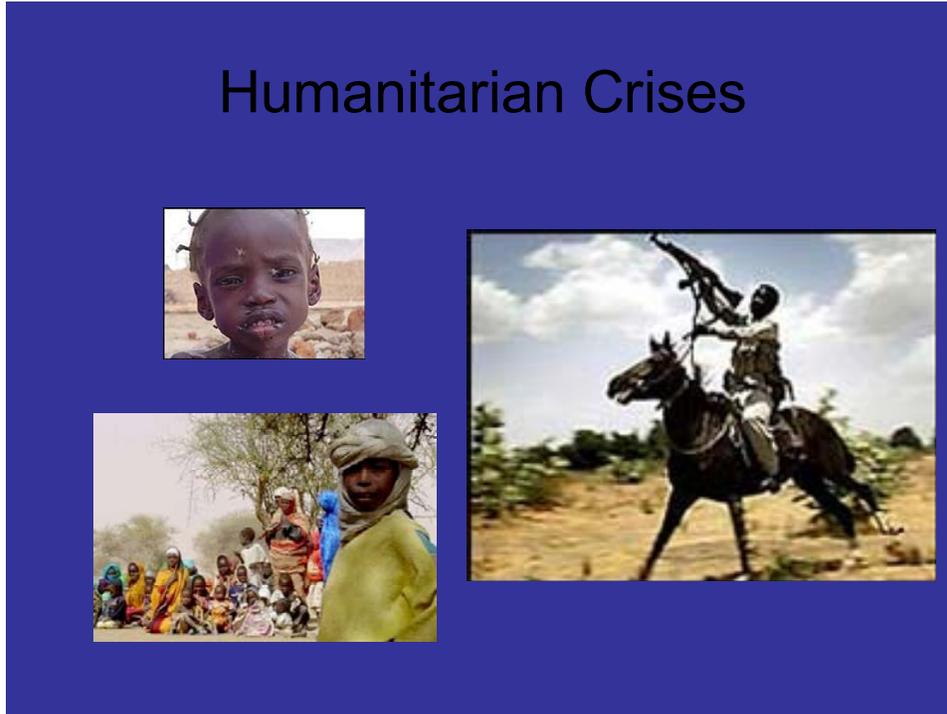
who hold a different view of the Passage itself, as well as of the rich natural resources available on and beneath the ocean floor under the polar ice cap.

If you think this is a little far-fetched, the Deputy Commandant of Canada's Royal Military College once complained to me that the city of Los Angeles has entertained serious proposals to send tugboats north to tow immense chunks of ice from deteriorating glaciers south to supplement the ever-increasing water needs of Los Angeles county, notwithstanding the objections of government officials in British Columbia, that the ice is theirs, and that the transit would be environmentally devastating – and in any case, unauthorized through Canadian sovereign waters. Such engineering feats are no more far-fetched than those that led to the immense water projects in southern California and Arizona during the 1930s, with the attendant intrigue and violence so artfully captured in the 1975 film classic, "Chinatown." The devastating fires of the past few weeks in southern California only heighten the sense of drama and environmental urgency, and suggest how increasingly likely some of these "science fiction" scenarios are coming to be.

III.

Because we have been good friends and reasonably good neighbors since the War of 1812, I suspect that there is a good chance we can amicably avoid a serious crisis with our Canadian neighbors. But I think you will see that similar changes, with similar effects in other parts of the world are not likely to go as smoothly. Increasing human misery and suffering in parts of the world that already boggle the mind on that account will get even worse, and will beget huge migrations, demographic shifts, pressure on

scarce resources, and will result in conflict and humanitarian crises of urgent proportions.



Many of these will fall to us (as well as to the Canadians, Aussies, and perhaps the Brits and French, or Germans and Japanese) to sort out.

“But why us?” you and many others might ask, with some annoyance. Well, it falls in large part to us – and this will mean, “to you” – precisely because of the enormous fact to which my Canadian Defense Force friends allude: our enormous military capacity. The U.S. military alone has the tactical resources, and the operational experience and skill, to respond to humanitarian *disasters* with aid and relief (such as the Asian Tsunami in late December, 2005). The U.S. military alone has the tactical resources, and the operational experience and skill, to respond to humanitarian *outrages* with the kind of show of force necessary to re-establish the rule of law (as, for example, in Bosnia and Kosovo). Embedded in this first reason is an interesting and possibly unsustainable auxiliary reason: American citizens, unlike Canadians, Europeans, or even

Aussies, have been thus far willing, since WW II, to devote a significant portion of their national budget to sustaining this enormous military apparatus. We might wonder, if our own economic situation begins to deteriorate seriously in the wake of both domestic problems and two expensive wars in Afghanistan and Iraq, how long our citizens can and will sustain that burden.

In summary, then: one answer to the question “Why us?” is: *capacity*. We will continue to be asked, and we will be tacitly expected, to shoulder the lion’s share of the military burdens of international law enforcement and humanitarian relief, simply because we, almost alone, have the wherewithal to do so. A second, darker and more disturbing reason can be given. We won’t have much of a choice.

Imagine, in the midst of the environmental and humanitarian catastrophes that our new Malthusian prophets of global warming predict, that we in this country are perceived by others in far-flung parts of the world to be largely escaping the most dire human consequences of those disasters. Imagine that they perceive that our collective wealth and affluence, and our profligacy and conspicuous consumption continue, even as they suffer untoward deprivation. Imagine that the most resentful of these observers and critics manage to portray us as abusing our power and our capacity for global force projection merely to protect and insulate ourselves from the worst effects of a global disaster that they largely blame us for having caused in the first place, precisely through our wasteful habits, over consumption, and environmental profligacy. This is not that hard to imagine, when one realizes that the more thoughtful, intellectual, and articulate advocates of anti-American terrorism (such as al-Qaeda’s second in-command, Ayman al-Zawahiri) have already succeeded in painting such a portrait of the “decadent

American” throughout the Third World. In that case, we can expect even more crimes of senseless and randomly-directed hate against our own borders and citizens, here and abroad, with the consequent need for renewed vigilance, and, on occasion, judicious use of military force to prevent harm, or to apprehend and punish wrong-doers.

IV.

What this means for you, here tonight, as you look beyond tomorrow’s calculus quiz, EE lab project, or English paper, and consider the near future, is that the kinds of conflicts we will ask you to fight on our behalf will resemble less and less the wars that my father and his friends fought, side by side with Canadians and Australians and Brits, to defeat Japanese imperialism and halt German aggression and genocide. They will instead look more and more like the wars we have fought, or failed to fight, or botched, or stood helplessly by and watched, in Somalia, Rwanda, Bosnia and Kosovo, and Afghanistan (even more than Iraq). You yourselves will come increasingly to resemble something like an international police force, an international constabulary, trying to uphold rudimentary law and order, and to keep a lid on violence and humanitarian abuse. The conflicts in which you will engage will seem more and more like what domestic police forces faced during riots in cities like Detroit and Chicago and Watts/L.A., and less and less like the conflicts faced by soldiers, sailors, and airmen from our nation’s recent past. We will move from conventional armed conflicts against a similarly equipped and arrayed enemy, and even beyond nuclear superpower rivalry, and descend into something that will inevitably seem more ambiguous, remote, ugly, depressing, and

less obviously relevant to our immediate national self defense or national interest, than did those wars of our fathers' [and grandfathers'] past.

Yet it will become increasingly important that we understand and respond effectively to these new kinds of crises and conflicts, every bit as important if not more so than how our fathers responded to those conventional and nuclear threats of past decades. For in the end, our own security and well-being will rest just as decisively on the outcomes of these new, decidedly unpleasant struggles as they did on the outcomes of those. That will always be challenging, and often quite, quite inconvenient for you, the warriors of the future, whom we will increasingly ask to provide this protection, both for your fellow citizens, and for other vulnerable peoples and nations to whom we might offer assistance.

This ambiguity, and the consequent new demands it places on the average soldier, sailor, or airman, are well captured in the U.S. Army's newly revised *Field Manual on Counterinsurgency* (FM 3-24), co-authored by General David H. Petraeus, our current Commander of allied forces in Iraq, along with the current Commanding General of the Joint Forces Command (Norfolk, VA), Lieutenant General James N. Mattis. There, especially in Chapter VII dealing with leadership and ethics during COIN operations, the authors of this fresh advice warn of the increasing frequency with which our combat leaders will function, in essence, more like police and relief workers than ever before. On one given day, our warriors can expect to be engaged in a hot-war combat with insurgents and angry, frustrated citizens, and attempting to quell that conflict using the least amount of force possible, while taking exceptional care to avoid third-party or noncombatant casualties (even though the opponents in the conflict are deliberately

targeting such individuals). The very next day, these same combat leaders and warriors will find themselves doing “community relations” and relief work in those same areas, to try and strengthen commitment to peaceful conflict resolution and the rule of law in lieu of violence and terrorism, and so undercut the innate appeal of the insurgency. That oscillation between warrior and policeman is admirably captured in the COIN manual, along with the unique challenges it represents.

It is often remarked at, with wonder and admiration, that Gen. Patraeus boasts a doctorate in history from Princeton. Somewhat less often noticed is that his doctoral dissertation was on the Algerian civil war, and focused on the failures of the French army in precisely these respects (and particularly their disastrous resort to the use of torture). Scenario after scenario in that manual attempts to teach the skeptical combat warrior of the sensitive nature of these new responsibilities, and of the grave consequences to our nation’s, and to the international community’s, military mission through the failure of so much as one individual’s commitment to the rules of engagement laid out therein.

Frankly, I think the impact of that manual is to show how much more intricate and difficult – how exceedingly “inconvenient” – will be the demands made on the warrior of the future, than in the past. He or she will need to be educated and highly discriminating in intellect. He or she will need to develop astonishing battle-space awareness and presence of mind, and, in a split second, be able to size things up and take just those actions (or, just as importantly, to decide to *refrain* from acting) that will defuse, rather than infuse, the spirit of blind hatred and violence. Our military leaders and warriors will need to be, as Admiral Stockdale anticipated: teachers, stewards, jurists, ethicists, and philosophers.

IV.

This is not easy to do, and can often exact an enormous price in the increased risks it places upon our warriors. Consider the case of Petty Officer Marcus Luttrell and his SEAL teammates, inserted into the Pashtun region of Afghanistan, in the Hindu Kush mountains of Afghanistan's Kunar province, in pursuit of a key Taliban militia leader, on the night of June 27, 2005.



Codenamed “Operation Redwing,” their mission was to reconnoiter and get “eyes on” Ahmad Shah, a close associate of Osama bin Laden, whose attacks had been taking a heavy toll on Marines operating in eastern Afghanistan. You may have heard Petty Officer Luttrell’s comments, or read his harrowing account of this ordeal in his recent book, *Lone Survivor* (2007). Washington Post reporter, Laura Blumenfeld, describes it as

a “tale of moral choices and of prejudices transcended...[and] a reminder of how challenging it is to be a smart soldier, and how hard it is to be a good man.”³ Let me remind you of the key details.

On June 28, after setting up their observation post on a mountainside overlooking a village near the Pakistani border in which this key Taliban leader was believed to be encamped with a small army, the four-man team was approached at mid-day by two Afghan men and a 14-year old boy, and about 100 goats. The encounter was not especially friendly, but the three denied they had anything to do with the Taliban. The SEALs debated over whether to kill the men to protect their cover, try to hold them prisoner, or simply turn them loose and “get the hell out of there.” One of the Petty officers thought this was a no-brainer, and asked to be allowed to kill the three, including the boy. LT Michael “Murph” Murphy, the ranking officer, reminded his three enlisted companions of the relevant provisions of the Geneva Conventions, and added: “If we kill these guys we have to be straight about it. Report what we did. We can’t sneak around this. Just so you all understand, their bodies will be found, the Taliban will use it to the max. They’ll get it in the papers, and the U.S. liberal media will attack us without mercy. We will almost certainly be charged with murder.” Luttrell himself recalls: “Something kept whispering in the back of my mind, it would be wrong to execute these unarmed men in cold blood. And the idea of doing that and then covering our tracks and slinking away like criminals, denying everything, would make it more wrong.”⁴ Ultimately, after arguing among themselves, the four SEALs decided to let the Afghans go, and attempt to re-position.

³ *The Washington Post*, June 11, 2007; p. A12.

⁴ Marcus Luttrell, *Lone Survivor* (New York: Little, Brown & Co., 2007), as excerpted in *The Navy Times* (June 18, 2007).

A little after 1300 local time, however, a force estimated between 80-100 Taliban fighters materialized, coming across the same ridge over which the goatherds themselves had fled. The SEAL team fought for several hours, killing an estimated 35 of the enemy, but eventually they were overwhelmed. LT Murphy was shot and killed as he called for backup. Two of the three petty officers were also killed in the relentless gunfire. Luttrell, badly wounded, escaped by jumping down steep cliffs, falling hundreds of feet at a time. He was found and rescued by other Pashtun tribesmen, who, for several days, extended him extraordinary hospitality and protection. He was ultimately rescued by Army Rangers, only to learn that LT Murphy's original call had resulted in an even-greater tragedy. An MH-47 Chinook, with seven Army Rangers and 7 Navy SEALs aboard, had volunteered to rescue their comrades after receiving Murphy's call, but a Taliban RPG (rocket-propelled grenade) hit the chopper as it was landing, destroying the helo and killing the two pilots and all 14 Special Forces volunteers on board.⁵

Luttrell received the Navy Cross, and recently, on Monday, October 21, 2007 (just two weeks ago), LT Michael "Murph" Murphy was posthumously awarded the Medal of Honor, the first service member to be so honored in the Afghan War. Some of you may have seen LT Murphy's parents honored the week before last at the Penn State-Ohio State football game; Murphy was a Penn State grad. Luttrell is understandably upset and angry, largely at himself. He joined LT Murphy to cast the deciding vote against murder on that fateful day, and now believes it would have been better to have killed the three Afghans, rather than suffer the deaths of his three comrades-in-arms, plus

⁵ For this account, I have relied on a case-study of this event written by CAPT Rick Rubel, USN (retired): "Life or Death," (forthcoming in Rubel and Lucas, *Case Studies in Military Ethics*, 3rd Edition [New York: Pearson, in press]), as well as accounts published in *The Washington Post* (Tuesday Oct 23, 2007, p. A4; and Monday, June 11, pp. A1-A12), and also in *The Navy Times* (June 11, 2007) including both interviews with the author and excerpts from Luttrell's book.

the sixteen other rescuers. LT Murphy, their CO, however, had reminded them that to do so would not only be a criminal act, but also inconsistent with their overall mission, and would constitute a potentially serious threat to the success of that mission.

The debate about this has touched off a firestorm within the SEAL community, especially. A senior Naval Special Warfare Officer in command at the 06-level has said that, if he hears of any member of his unit advocating killing civilians, he “will come after them personally.”⁶ One problem is that the details of what happened that day are unclear: we have only one survivor, whose own account has varied dramatically since the accident. Petty Officer Luttrell’s published account places the blame for the decision solely with himself, and credits his own “lame-brained, southern-fried, bleeding heart liberal instincts” with having led directly to the death of his comrades. LT Murphy’s parents tell a different story, based on their contact with Luttrell immediately after his rescue. While many sympathize with Luttrell’s current stance, others are deeply concerned to the point of outrage over such talk. What seems clear, if anything is clear, is that the contingencies for getting “walked on”⁷ – a high probability in this case – were not well worked through in advance, and that the general guidance provided to Special Forces about such contingencies is dangerously vague.

Whatever the case, for the four-man SEAL Team 10, this was not an easy decision. What seems certain is that LT Murphy was correct to warn his comrades that this decision was NOT simply a “no-brainer.” To summarily execute civilian noncombatants would constitute an act of what is termed “radical force protection,” in

⁶ These accounts are understandably heresay, reported variously by our USNA SEAL liaison officer, several retired SEALs in personal conversation, and corroborated in the main (but not for attribution) by the senior command Master Chief. Neither I nor they can attribute these remarks specifically.

⁷ SEAL terminology for inadvertent discovery or accidental disclosure during a covert operation, such as plainly occurred in this case.

which the safety of the combatant is assured by exporting all risk of harm and death to noncombatants. Many, including one of the contributors to Ch VII of Army FM 3-24, Col. Don Snider (U.S Army, retired),⁸ believe this doctrine to be among the greatest threats to what they call “the professional military ethic.”

“Radical” force protection is what leads us to use excessive force, or apply it from safe but indiscriminate distances. The last applies equally well to Air Force bombers deploying their payload at 30,000 feet, or to Navy GM-destroyers deploying Cruise missiles far from shore. The emotional and moral distance – what Canadian journalist and scholar, Michael Ignatieff, refers to as “moral numbness” – comes largely from absence of up-front, boots-on-ground, face-to-face contact that sharpens the issue for combat warriors like Petty Officer Luttrell.

Here is how Gen. Patraeus and his colleagues put the matter, in a section from FM 3-24 on COIN:

PROPORTIONALITY AND DISCRIMINATION

7-31. Because of the importance of gaining popular support and establishing legitimacy for the HN government, practicing proportionality and discrimination during COIN is an operational necessity as well as a legal and moral one. Proportionality and discrimination require combatants not only to minimize the harm to noncombatants, but also to make positive commitments to—

- Preserve noncombatant lives by limiting the damage they do.
- *Assume additional risk to minimize potential harm.* (my emphasis)

7-32. Proportionality requires that the advantage gained by a military operation not be exceeded by the collateral harm. Combatants must take all feasible precautions in the choice of means and methods of attack to avoid and minimize loss of civilian life, injury to civilians, and damage to civilian objects.

7-33. In conventional operations, proportionality is usually calculated in simple utilitarian terms: civilian lives and property lost versus enemy destroyed and military advantage gained. But in COIN operations, advantage is best calculated not in terms of how many insurgents are killed or detained, but rather which enemies are killed or detained. If certain key insurgent leaders are essential to the insurgents’ ability to conduct operations, then military leaders need to consider their relative importance when determining how best to pursue them. In COIN environments, the number of civilian lives lost and property destroyed needs to be measured against how much harm the targeted insurgent could do if allowed to escape. If the target in question is relatively inconsequential, then proportionality requires combatants to forego severe action, or

⁸ At the time of this writing, Col. Snider was teaching at the U.S. Military Academy, West Point; his remarks on his contributions to, and the content and implications of the COIN draft, were offered during his presentation at the annual McCain Conference on Ethics at the U.S. Naval Academy (May 8-10, 2007).

seek noncombative means of engagement.

And, on operations that tread the boundary between war-fighting and police-like work, Gen. Patraeus goes on to recommend:

7-30. The most salient difference between warfighting and policing is the moral permissibility of noncombatant and bystander casualties. In warfighting, noncombatant casualties are permitted as long as combatants observe the restrictions of proportionality and discrimination. **In policing, bystanders may not be harmed intentionally under any circumstances. Failure to observe this rule undermines the peace**—often tenuous in these circumstances—that military action has achieved. In maintaining the peace, police are permitted to use only the least force possible to achieve the immediate goal. (my emphasis again)

Notice the nuanced interpretation of these principles, the detailed guidance offered in these contemporary circumstances, and the attendant difficulties this presents for combat warriors like LT Murphy and Petty Officer Luttrell.

V.

Now I would like you to contrast this contemporary dilemma with images drawn from our past wars. Many of you will recall the morally ambiguous, dark scene in the Spielberg movie, “Saving Private Ryan,” in which, after the horrific combat on the beaches of Normandy, several exhausted and traumatized American soldiers taunt, abuse, and then summarily execute several Czechoslovakian POWs captured in the German gun turrets. These are unarmed, surrendering enemy combatants. To treat them in this fashion constitutes a war crime. Yet Tom Hanks, while obviously troubled, does not rebuke, let alone arrest these soldiers. One has the sense that, after what they had been through, that they might be forgiven, or at least excused from punishment beyond reprimand, even if their behavior is legally inexcusable. Luttrell’s own case in Afghanistan might remind you of another scene from that movie, when the special forces members debate, then decide to free, their German Army captive. He, of course, ends up

returning to kill Tom Hanks, leaving the decided opinion in the minds of the movie-goers that letting him live was a mistake.

Let me offer a few observations in response. First, while based on a true story, not all those movie vignettes are themselves real. Bear that in mind. We need to stop having Hollywood fight our wars for us—especially when, as with film director Brian de Palma, one minute they're fighting our wars according to their imaginations, and the next moment criticizing how they imagine our military actually fights them. Second, on the German POW: he was an enemy combatant. The goatherds in Afghanistan were civilians. Why does this make a difference? As with our own POWs, the captors have a duty not to kill or abuse them if they are rendered harmless. The captive POWs, however, have a duty to try to escape, and if they do (as with our own POWs) they are free to return to combat later, as that German soldier did. I realize that the movie scene was deliberately and profoundly ironic, but it would be important not to draw the wrong conclusions from it, even were it historically accurate (and we have absolutely no evidence that it was).

All that said, the point I would want you to notice is that, while killing Czech or German enemy combatant POWs was, then and now, illegal and (formally speaking) morally reprehensible, all of those judgments would remain at the individual level, affecting our moral evaluation of the behaviors of those individual combatants only. Whatever punishment or judgment we decide to inflict or exempt in such cases would have NO BEARING WHATSOEVER on the overall justification of the allied war effort. It would take misconduct on the level of massive retaliatory terrorist bombing, for example, such as the fire-bombing of Dresden, to begin to call into question the overall allied

campaign. We are strictly dealing with the legal and moral behavior of individuals, for which they alone are responsible. These are strictly matter of the moral “law of armed conflict,” of the combatant’s code of conduct during war, or so-called *jus in bello* issues, and do not appear, one way or the other, to affect Allied justifications for their prosecution of the war itself (so-called *jus ad bellum*). We might discuss, during the after-lecture “Question and Answer” session, why this is so, and how it works, but I trust you will find this conclusion intuitively obvious. This is what conventional, large scale wars were like, and one reason why many just war theorists draw a sharp distinction between *jus ad bellum* and *jus in bello*, and make combatants responsible only for the latter.

Another example was recently featured in Ken Burn’s documentary on WW II. It comes from an account, by a U.S. Marine enlisted man, of the battles of Peleliu and Okinawa during WWII. In his account, E.D. Sledge (nicknamed, “Sledgehammer”), recounts the gruesome aftermath of equally appalling and destructive battles on those two islands:

“During this lull the men stripped the packs and pockets of the enemy dead for souvenirs. This was a gruesome business, but Marines executed it in a most methodical manner. Helmet headbands were checked for flags, packs and pockets were emptied, and gold teeth extracted. Sabers, pistols and *hari-kari* knives were highly prized and carefully cared for until they could be sent to the folks back home or sold to some pilot or sailor for a fat price. . . . The men gloated over, compared, and often swapped their prizes. It was a brutal, ghastly ritual the likes of which have occurred since ancient times on battlefields where the antagonists have possessed a profound mutual hatred. It was uncivilized, as is all war, and was carried out with that particular [mutual contempt that] characterized the struggle between the Marines and the Japanese. It wasn’t simply souvenir hunting or looting the enemy dead; it was more like Indian warriors taking scalps.

“While I was removing a bayonet and scabbard from a dead Japanese, I noticed a Marine near me. He wasn’t in our mortar section but had happened by and wanted to get in on the spoils. He came up to me dragging what I assumed to be a corpse.

But the Japanese wasn't dead. He had been wounded severely in the back and couldn't move his arms; otherwise he would have resisted to his last breath.

The Japanese's mouth glowed with huge gold-crowned teeth, and his captor wanted them. He put the point of his *kabar* on the base of a tooth and hit the handle with the palm of his hand. Because the Japanese was kicking his feet and thrashing about, the knife point glanced off the tooth and sank deeply into the victim's mouth. The Marine cursed him and with a slash cut his cheeks open to each ear. He put his foot on the sufferer's lower jaw and tried again. Blood poured from the soldier's mouth. He made a gurgling noise and thrashed wildly. I shouted, "Put the man out of his misery." All I got for an answer was a cussing out. Another Marine ran up, put a bullet in the enemy soldier's brain, and ended his agony. The scavenger grumbled and continued extracting his prizes undisturbed."

"Such was the incredible cruelty that decent men could commit when reduced to a brutish existence in their fight for survival amid the violent death, terror, tension, fatigue, and filth that was the infantryman's war....The fierce struggle for survival in the abyss of [Peleliu and Okinawa] eroded the veneer of civilization and made savages of us all. We existed in an environment totally incomprehensible to men behind the lines – service troops and civilians."⁹

That is pretty terrible stuff. Clearly, what that one Marine was doing to a living, and now helpless and defenseless Japanese enemy combatant was formally inexcusable. No one, certainly not Sledge, was condoning such behavior. Rather, the author was simply admitting that, after weeks of non-stop fighting of unimaginable brutality and loss of life (40,000 Americans killed, 110,000 Japanese, and one-third of the entire civilian population of Okinawa in the space of a few weeks, for example), that this is the kind of bestiality to which human beings were reduced. We who were not there, and have not experienced it, are understandably reluctant to pass judgment, or find fault. We'd rather, as do WW II veterans themselves, just drop the subject.

Here again, let me implore you to reflect on the significance of these examples drawn from conventional war. Even if a sergeant or commanding officer had intervened

⁹ E.B.Sledge, *With the Old Breed at Peleliu and Okinawa*, (Oxford University Press, 1990), pp. 120-21.

in that scene, and decided to court-marshal that offending Marine, what difference would his behavior have made to the overall Allied justification of the war against Japan? I submit, *absolutely nothing whatever*. Think what you will of that Marine's conduct, his conduct did not at any time jeopardize the moral justification of the Allied war effort in the Pacific. It would take something large-scale and horrific, such as the U.S. nuclear attacks on Hiroshima and Nagasaki, or the fire-bombing of Tokyo, before such matters would be brought into play, even if then.

VI.

This fact, I submit, is what makes contemporary and future warfare inconvenient for you, the warriors. You might see yourselves as being held to a higher moral standard. I think that is not the case. The principles are the same in both kinds of wars: don't intentionally kill noncombatants or enemy prisoners, honor the principles of proportionality and discrimination. What is different is the *attention focused on the consequences of disobedience* to those principles. In prior conventional wars, the consequences of violation of these principles are limited to individual dishonor, perhaps legal action, moral judgment or condemnation, or just a tired and exhausted, "let it pass!" At the present time, by contrast, the consequences of engaging in such proscribed behavior are magnified immensely. Because of the oscillation between combat warrior roles and police-peacekeeping roles, violations of *jus in bello* now clearly impact *jus ad bellum*: that is, Marines who engage in criminal activities in Hamdania or Mahmudiya, or who over-react (even if understandably) in Haditha, can themselves single-handedly

bring down the entire allied war effort, as well as bringing shame and dishonor upon themselves.

This is not just a “CNN-effect” of enhanced visibility (although increased journalistic access to specific deeds during wartime may now foster even stricter compliance with the demands of *jus in bello* than in earlier eras). No, what we are examining here is, I maintain, a genuinely new, different, and more demanding feature of combat itself. Some have referred to this as “Fourth-Generation” warfare. Its essence is this: never before in history has so much power been placed in the hands of the individual soldier, sailor, or airmen. And never before have the consequences of the misuse, abuse, or just plain mistakes in employing that force been so grave and so far-reaching. If the lines dividing public policy (*jus ad bellum*) from individual professional conduct in wartime (*jus in bello*) ever were so distinct, they have now become hopelessly blurred, and the two modes of moral discourse about war forever hereafter inextricably linked.

Jus in bello has always been about the warrior’s honor, the code by which he or she conducts actions in defense of the nation, the honorable moral principles and ideals that the military profession has embodied, and by which it has long sought guide and constrain the conduct of its individual combat warriors. But this so-called “warrior’s honor” or “code of the warrior” now also constitutes *a direct and immediately reflection of the justification of the nation’s cause, and a reflection on the nation’s own legitimacy and honor*. In our response to terrorism, and in our efforts to provide aid to the victims of humanitarian abuse, we ourselves, our profession, and our nation stand together, or fall

together, on the actions of each individual warrior. There are no excuses, no exemptions, and no places in which to hide mistakes, or cover up misconduct.

That is terribly inconvenient: this new situation constitutes a difficult moral burden for the individual warrior to understand, let alone for him or her to be willing to bear. But it is vital that our combat warriors and leaders of the future grasp this essential new dimension of contemporary war. The warfare of the present and future is not, nor will it ever again be, “our father’s war.” As Admiral Stockdale anticipated, the war of the present and future will require warriors who are also philosophers and ethicists in order to understand these difficult new constraints themselves, and it will require warriors who are also teachers, stewards, and jurists to inculcate these principles in those under their command, and to lead by example.

And so it is that, as I reflect on the terrible events of late June, 2005 in Afghanistan, I believe – as his Vietnam-veteran father, and mother believe – that LT Michael Murphy did just that. He exemplified what an earlier generation’s war hero, Vice Admiral Stockdale, also exemplified and taught: Murphy proved himself to be an ethical leader. He did the right thing, the courageous thing. In the split seconds of that fateful morning, he saw, he remembered what the larger mission was, and took upon himself and his unit the enhanced risks that went with the appropriate prosecution of that mission. He and his comrades paid a terrible, terrible price. But he did not, in so doing, forget “the warrior’s honor,” and died, as Petty Officer Luttrell reports, as he had lived, “a professional, to the end.”

It is for that reason that I believe his nation was correct to single him out, and to honor him, even in death, with its highest honor, the warrior’s honor, the Congressional

Medal of Honor. And I believe in time, when he has had a chance to heal, Petty Officer Luttrell will likewise come to realize that he did not make a mistake, and that he mourns the tragic loss of his friend not merely out of loyalty and camaraderie, but out of love and admiration for the principles for which his friend and comrade lived and died in the service of his country.

The Warrior's Honor

