

MORAL INJURY AND ATONEMENT

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Men and women often come out of war injured – some physically, some mentally, and some morally. This is true for both civilians caught in a battlespace and for the warriors fighting in it. Our focus at this conference is on the wounded warriors whose wounds are *moral* – although of course they might also have physical and mental injuries. There are now several remarkable books about moral injury to warriors, drawing on in-depth interviews with veterans: among them I will single out Jonathan Shay’s *Achilles in Vietnam*, David Wood’s *What Have We Done?*, and Nancy Sherman’s *Afterwar* – all of them rich, compassionate, and powerful.² Eyal Press has documented that even drone pilots, removed from the kinetic battlespace and physically safe, can suffer moral injury.³ I’ve drawn gratefully from these sources for the theme of this essay, which is *atonement* as a response to one family of moral injuries: those in which warriors feel, rightly or wrongly, personally responsible for wrong. But my main source on what atonement consists of is far removed from traditional military and therapeutic literature: I will draw on writing of medieval rabbis.

That comes in the second half of this essay. First it is necessary to set up the problem I mean to address.

The Three Faces of Moral Injury: Pain, Loss of Functionality, Disfigurement

Thankfully, we’ve come a long way from the notorious moment in August 1943 when US General George Patton slapped a combat-stressed soldier and called him a “goddamned whimpering coward.”⁴ Patton’s cruel action (for which General Eisenhower later made him apologize) is an example of one destructive way some warriors view combat trauma, including their own: suck it up, stop whining, go back out there and play the

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² Jonathan Shay, *Achilles in Vietnam: Combat Trauma and the Undoing of Character* (Simon & Schuster, 1995); David Wood, *What Have We Done? The Moral Injury of Our Longest Wars* (Little Brown Spark, 2016); Nancy Sherman, *Afterwar: Healing the Moral Wounds of Our Soldiers* (Oxford University Press, 2015).

³ Eyal Press, “The Wounds of the Drone Warrior,” NY Times Magazine, June 13, 2018, <https://www.nytimes.com/2018/06/13/magazine/veterans-ptsd-drone-warrior-wounds.html>.

⁴ Alan Axelrod, *Patton: A Biography* (Palgrave Macmillan, 2006), 118.

game. Built into that view is a tremendous fallacy: that physical injury may be real, but mental injury is, well, “all in your head.”

It was a big advance when the military and medical communities began to recognize combat stress and PTSD as authentic medical conditions – conditions as real as bodily injury. Recognizing combat stress as a medical condition was a step toward compassion, a step toward reality, and a step toward treatment.

But medicalization has its own blind spots. I first heard the term “moral injury” at the Stockdale Center’s McCain Conference five years ago, from an Army chaplain (whose name I have unfortunately forgotten). He underlined something crucially important, a kind of “lightbulb” moment for me: when an injury is truly moral, it needs to be treated morally, not only therapeutically. Of course therapy may also be essential, and medical treatment is better than simply sucking up the pain. It is infinitely better than Patton’s crass disbelief in the mental. But moral injuries may need something more than therapy. The question is, what does moral treatment involve?

There is no one-size-fits-all answer, because moral injuries can take many forms. In what follows, I focus on just two sub-categories of moral injuries: those where the warrior has *actually done wrong*, and those where the warrior *falsely believes he or she has done wrong*, and can’t shake that feeling. But to start it will help to look at moral injury more generally.

The term “moral injury” corresponds to “physical injury.” Let’s look at the three harms entailed by physical injury. These are, first, pain and suffering, and second, the loss of functionality (for example loss of sight, or loss of limbs and mobility).⁵ The third harm is not as common, but it can be equally devastating. That is *disfigurement* – becoming physically shocking in the eyes of others. The three injuries don’t inevitably go together. Usually, a physical wound causes pain; but not everyone loses functionality after the wound is healed. And, of course, not all wounds are disfiguring. Even so, all three modes of injury matter.

We can think of moral injury along the same three dimensions. It involves subjective pain or suffering, typically in the form of guilt or shame, but also other emotions and states: fear, rage, endless hyper-arousal, or a sense of personal worthlessness. It can cause a loss of belief that there’s a moral order in the Universe. Jonathan Shay noticed that the mantras Vietnam vets often used to shrug off their pain and loss – “Don’t mean nothing” and “Fuck it!” – eventually “spread out to engulf everything valued or wanted, every person, loyalty, and commitment.”⁶ That form of pain and suffering is what philosophers call “nihilism,” and nihilism can be devastating.

⁵ Shay discusses the importance of loss of functionality in *Achilles in Vietnam*, 32-35.

⁶ *Ibid.*, 38.

Second, moral injury can include loss of moral functionality: in the language of virtue ethics, harm to character that affects warriors' agency, or moral judgment, or ability to act in ways that lead to their own flourishing back in civilian life. In Shay's words, "The moral dimension of trauma destroys virtue, undoes good character."⁷ Edward Barrett has rightly emphasized this point: moral injury is not simply feelings of guilt or shame, which everyone experiences sometime or other, because we all mess up. What defines moral injury is something deeper and more long-term: change in character that erodes virtue, understood in any of the ways virtue ethicists explain it.⁸ I have listed three:

- (1) loss of agency, the power to act;
- (2) erosion of moral judgment, what Aristotle calls "practical wisdom" (*phronēsis*); and
- (3) the ability to act in ways that promote the warrior's own flourishing.

These are distinct failures of functionality. Consider, as a paradigm of the first, the returned warrior unable to venture out of his or her home. For the second, an example is the loss of ability to trust people who are in fact trustworthy. As for the third, the paradigm is self-destructive behavior – heavy drinking and drug use ("self-medication"), or seeking out violent encounters.

Along with suffering and loss of functionality, moral injury can include disfigurement: personality changes that make the morally injured warriors repellent, or strange, or difficult to be with in the eyes of those around them – including spouses and other loved ones. A Vietnam vet said to Shay: "I carried this home with me. I lost all my friends. ... I'd be sitting there calm as could be, and this monster would come out of me with a fury that most people didn't want to around."⁹ And that can create a vicious spiral, if the veteran feels ashamed or guilty about repelling loved ones. That shame or guilt can ripen into a secondary moral injury of its own.

To make all this concrete, consider David Wood's interviews with veterans who were morally injured through encounters with children. Nik Rudolph was a Marine in the unit Wood was embedded with in Iraq. Nik killed an 11-year-old boy who was spraying automatic rifle fire in his direction. It was a justified shooting from every objective point of view – from the point of view of the law, and the rules of engagement, and basic principles of justified use of lethal violence in self-defense. But to Nik, it still mattered that he had violated something basic to his own moral code: *you don't shoot children*. Wood asks him: will the moral injury fade with time? And Nik answers no. "It will all be there."¹⁰

⁷ Ibid., 37.

⁸ Edward Barrett, [cite Georgia paper].

⁹ Shay, *Achilles in Vietnam*, 95.

¹⁰ Wood, *What Have We Done?*, 14.

Another Marine, Sendio Martz, grew so mistrustful of Afghani children who the Taliban used as spies that when he returned home, he found himself unable to be around any children except his own daughters. He couldn't go to the movies or even attend his daughter's dance recitals.¹¹ And consider Stacy Pearsall. Stacy was a combat camera in the Air Force. One day, she almost shot an Iraqi boy running toward her. The boy only wanted a soccer ball, but she instinctively pulled her 9mm on him. Thankfully, she didn't pull the trigger. But, she says,

it definitely made me look inward at myself, like, What kind of woman am I? Women are made to make life, not take it. It was a moral thing, ... and it changed how I think of myself. ... Now if I see a group of kids, I'm walking the other way. ... In the long run, that [incident] persuaded me not to [have kids of my own].¹²

Here you see all three dimensions of moral injury: subjective pain and suffering, like Nik's. Loss of functionality. And disfigurement like Sendio's becoming strange in the eyes of his own daughters.

Moral Injury Defined: Perpetration and Failure to Prevent

A decade ago, Brett Litz, Shira Maguen and their co-authors provided a definition of moral injury. Morally injurious acts are those "perpetrating, failing to prevent, bearing witness to, or learning about acts that transgress deeply held moral beliefs and expectations."¹³

I want to focus on moral injuries of the first two types specified in this definition: perpetrating and failing to prevent acts that transgress the actor's deep moral beliefs. Those are the ones for which atonement is relevant; witnessing or learning about transgressions are outside the scope of today's discussion. Notice that although I generically call these "acts," bearing witness or learning about acts need not themselves be active or intentional; they are more like episodes or experiences than actions.

Here is an example of perpetration. A US soldier deliberately shoots an enemy fighter in the stomach, not the chest, so he'll die more slowly and painfully.¹⁴ It is probably not a war crime as the law defines it, but it violates the just war principle forbidding the infliction of unnecessary suffering; and in this case the soldier knew almost instantly that it was morally wrong, and it haunted him afterward. Back in civilian life, he medicated himself with drugs and became an addict, but what he really needed was not pain relief but guilt release.

¹¹ Ibid., 65.

¹² Ibid., 168.

¹³ Brett T. Litz et al., "Moral injury and moral repair in war veterans: A preliminary model and intervention strategy," *Clinical Psychology Review* 29 (2009): 700.

¹⁴ Wood, *What Have We Done?*, 21.

Second are the failures to prevent – not culpable actions but culpable omissions. They are particularly devastating when the warrior thinks his own buddy has died because he messed up by failing to do something he should have done. This is an incredibly complicated set of emotions. It mixes moral self-loathing, grief, and survivor’s guilt in a toxic package that is hard to sort out.

And it isn’t always true that there was really a failure to act. The bare suspicion that he messed up can lead to endless second-guessing and self-flagellation about what he might have done to make it come out differently. Sometimes, as Nancy Sherman writes, the mistake comes from “an inflated sense of control.”¹⁵ Because the warrior thinks he was in control, the bad outcome must have been his fault. In some cases, the truth of the matter is: I was lucky, my friend wasn’t, and that should be the end of the story.

But as we replay the disaster movie in our heads, we can *always* think of something we might have done differently – some precaution, no matter how far-fetched, we could have taken that would have changed everything. So, the warrior thinks, maybe my survivor’s guilt isn’t irrational after all. Which is it? Irrational or real? The question can itself become perpetual torment, and the temptation to keep replaying the movie to look for the place you messed up is a devastating moral injury.

There can also be false blaming of yourself for things you did, not things you failed to do. Think again of completely justified, or at least excused, actions like Nik Rudolph’s killing of the 11-year-old boy – or, for that matter, Stacy Pearsall’s pulling a gun on a child running toward her, and almost shooting. Neither of them really did anything wrong, but to them that didn’t completely matter. For both Nik and Stacy, a line had been crossed. The prohibition against shooting a child is exactly the kind of deeply held belief that causes moral injury when it is breached. David Wood defines moral injury as “a jagged disconnect from our understanding of who we are and what we and others ought to do and ought not to do.”¹⁶ Stacy Pearsall now saw herself as a potential kid killer, and it changed her.

Moral Injury from a Sense that the Campaign Itself was a Mistake

A distinct, vitally important category of actions can make warriors guilty in their own eyes. Moral injury can come from the warrior’s sense that the war itself was a mistake, that he or she shouldn’t have been out there killing in the first place. Not that he or she is necessarily saying “this is an unjust war!” in so many words. Maybe it’s simply that the warrior knows the facts on the ground first-hand, and hears the leadership lying about them in public statements and press releases. Then it might not matter that the killings themselves were all permissible under the *jus in bello* and the ROEs. Brandon Friedman, an Army Lieutenant in Afghanistan, wrote: “I had

¹⁵ Sherman, *Afterwar*, 63.

¹⁶ Wood, *What Have We Done?*, 8.

always wanted to fight. But I never wanted any part of something like this. I was a professional soldier. I wanted to believe in my work. Instead I was watching as politicians with no military experience hijacked the army.”¹⁷ And that thought can change the moral status of the killing in the warrior’s own eyes as she looks back. If she thinks she killed for no good purpose, then she may echo U.S. Marine Chuck Newton: “You probably shouldn’t be killing your own species.”¹⁸

In his best-seller about the Northern Ireland Troubles, Patrick Radden Keefe reports that some IRA soldiers – or, if you will, terrorists – suffered severe moral injuries when they realized that they had killed but never accomplished anything that would justify killing. Looking back later in life, IRA bomber and hunger-striker Dolours Price said bitterly, “For what Sinn Féin has achieved today, I would not have missed a good breakfast. Volunteers didn’t only die. Volunteers had to kill as well, you know.”¹⁹ Keefe comments: “Price felt a sharp sense of moral injury: she believed that she had been robbed of any ethical justification of her own conduct.”²⁰ Brendan Hughes, the commanding officer of the Provisional IRA’s Belfast Brigade, was similarly plagued. He “replayed these events on a loop in his head,” and commented: “It means that people like myself ... have to carry the responsibility of all those deaths. ... As everything has turned out, not one death was worth it.”²¹

Atonement: A Rabbinic Primer

How to deal with all this? One worthy goal of professionals who work with morally injured warriors is to help them attain self-forgiveness and self-empathy. This is something Nancy Sherman writes about beautifully in *Afterwar*.

The tack I want to take is a little different. It starts from a fundamental moral proposition: *forgiveness without atonement is cheap forgiveness*. What these morally wounded warriors need in order to forgive themselves is to atone for the wrong they did, or else come to understand and internalize why they have nothing to atone for. That may not be enough to ease their psychological pain – so even after atonement they may still need therapy, and still struggle with their injuries. But I take to heart the Army chaplain’s message: moral injuries need a moral response, and that’s what atonement is.

¹⁷ Brandon Friedman, *The War I Always Wanted: The Illusion of Glory and the Reality of War* (Zenith, 2007), quoted in Wood, *What Have We Done?*, 177.

¹⁸ Wood, *What Have We Done?*, 162.

¹⁹ Patrick Radden Keefe, *Say Nothing: A True Story of Murder and Memory in Northern Ireland* (William Collins, 2019), 286.

²⁰ *Ibid.*, 287. Keefe describes moral injury as “a notion, distinct from the idea of trauma, that relates to the ways that ex-soldiers make sense of the socially transgressive things they have done during wartime.” *Ibid.*, 286-87.

²¹ *Ibid.*, 268. See the discussion of Hughes and his fellow IRA gunman Ricky O’Rawe on pp. 264-74.

What does atonement involve? Here, I want to draw on writing from the rabbinic tradition, and especially on the laws of atonement spelled out by Moses Maimonides.²²

For many readers, Maimonides is not exactly a household name, so I begin with a thumbnail biography.²³ Moses ben Maimon – Moses the son of Maimon, ‘Maimonides’ in Greek – was a 12th century rabbi who led an eventful life. He grew up in Córdoba, during the Spanish Golden Age when Muslims, Christians, and Jews lived together in relative harmony. The Golden Age ended when Almohad fundamentalists from North Africa invaded; Maimonides fled from Spain in the face of religious persecution. After twenty years wandering in North Africa and the Holy Land, he settled in Fustat (present-day Cairo) and became the leader of the Egyptian Jewish community.

Maimonides was a physician, reputedly the greatest of his time. He became personal physician to the royal court, and he ran a clinic for his own community at night. But Maimonides was also the pre-eminent Jewish legal scholar of his era, and one of the greatest philosophers of the Middle Ages of any religion. His philosophical masterpiece was *The Guide of the Perplexed*, which St. Thomas Aquinas knew and studied.²⁴ (The greatest doctor, lawyer, philosopher, and rabbi – as my wife once said, his mother must have been so proud.)

One of Maimonides’s most remarkable achievements was codifying a thousand years of Jewish law. Let me say a word about what that entails. Jewish law comes from the Torah, the five books of Moses at the core of the Hebrew Bible. But along with the hundreds of biblical commandments, the tradition holds that there is an equally important law, communicated orally from God to Moses, that was never written down but rather passed along by word of mouth from generation to generation. Two centuries after the Romans destroyed the Jewish kingdom, a group of survivor rabbis codified some of it in a fat volume called the Mishnah. Over three centuries, rabbis in the great scholarly center in Baghdad wrote a 70-volume commentary on the Mishnah, the Talmud. The Talmud takes the form of an elaborate argument among legendary sages on what the sources of law

²² Maimonides, *Mishneh Torah*, “The Laws of Repentance,” chapters 1 and 2. The *Mishneh Torah* is Maimonides’s codification of Jewish law, written between 1170 and 1180.

²³ Maimonides lived from 1135 to 1204. There is an excellent full-length biography, Joel L. Kraemer, *Maimonides: The Life and World of One of Civilization’s Greatest Minds* (Doubleday, 2008), and a brilliant introduction to Maimonides’s life and thought: Moshe Halbertal, *Maimonides: Life and Thought* (Princeton, 2015).

²⁴ On this point of influence, see Isaac Franck, “Maimonides and Aquinas on Man’s Knowledge of God: A Twentieth Century Perspective,” *Review of Metaphysics* 38(3), 1985, 598-600; reprinted in William Gerber, ed., *A Philosopher’s Harvest: The Philosophical Papers of Isaac Franck* (Georgetown University Press, 1988), 10-11.

mean, and a lot of their disputes are left unresolved. The result is a vast, untidy, mess of dueling interpretations.²⁵

Maimonides made it his task to codify this vast mass of material – to put it in orderly form, to resolve the disputes, and to provide rational explanations for every rule, no matter how puzzling. For a military reader to get some idea of what this means, imagine trying to codify all the rules and regulations of the nation’s military going back to its beginning, including all the unwritten traditions of all the branches. And imagine that she writes it in her spare time while practicing medicine all day. And, by the way, she is also answering legal and ethical questions posed from remote outposts all over the world. During her career, she will also write a philosophical masterpiece, ten medical books, and a treatise on celestial navigation. She also leads prayers, and negotiates on behalf of her country with a foreign government. All this after having spent 20 years as a refugee. That was the career of Maimonides.

As readers probably know, in the Jewish tradition ritual atonement takes place every autumn on Yom Kippur – the Day of Atonement. As with every aspect of daily life in traditional Judaism, there are rules and regulations about how to observe Yom Kippur, and Maimonides’ legal code included a chapter on the laws of atonement. Judaism is very different from a religious tradition like Catholicism, where confession and repentance are individual and happen throughout the year. To an extent that is true in Judaism, but in addition Judaism adds a special day of fasting and prayer for collective atonement. In some religious traditions, confession and prayer lead to absolution – wiping the sin away. Jews speak rather of “atonement” – not making the sin disappear, but trying to cover it over by making it right. The Hebrew word *kippur* derives from the word “cover.”

I propose that atonement, not absolution, is the right model for moral injury. The mental health professionals who work with morally injured soldiers agree that in many cases the moral injuries are never going to go away. In Shay’s words, return to “normal” is not possible.²⁶ That means absolution, understood as return to innocence, is not a realistic goal. Atonement just might be.

I want to pause for two personal asides. First, a caveat: I am not a scholar of Jewish law or Maimonides’ philosophy, and I do not usually speak or write about religious topics. I will also say, for the record, that when I was growing up, I found Yom Kippur remarkably boring and unpleasant. Imagine a ten-year-old, sitting through a five-hour religious service, in a foreign language, mostly dwelling on how we’ve made a mess

²⁵ For useful introductions to the labyrinthine structure of Jewish law, see Chaim N. Saiman, *Halakhah: The Rabbinic Idea of Law* (Princeton University Press, 2018) and Michael Fishbane, “Law, Story, and Interpretation: Reading Rabbinic Texts,” in Michael Walzer et al., eds., *The Jewish Political Tradition*, vol. 1: Authority (Yale University Press, 2000), xxxix–lv.

²⁶ Shay, *Achilles in Vietnam*, 184.

of the last year. In what follows, I am not speaking out of sentimental attachment. But I mention this childhood aversion for another reason: a child (or at least a child like me) lacks the understanding of why collective atonement for the community's wrongdoings might matter. The child, not yet at the age of full personal responsibility, has little understanding of shared responsibility, and perhaps even less understanding of what it means to the individual wrongdoer. I return to the significance of collective atonement below.

Maimonides on Atonement

Yom Kippur comes at the end of a ten-day official period of atonement beginning on New Year's Day. Ten days to try to make the past year's wrongs right. How do you do it? That was Maimonides' question, and his answers come as close to the mark as any I have seen.

For Maimonides, atonement involves four stages: confession, repentance, reparation, and apology. Consider these one by one.

Confession

Confession, Maimonides emphasizes, means *confession in words*. Here is what Maimonides says:

How is the verbal confession made? The sinner says thus: "I beseech You, O Lord! I have sinned; I have been obstinate; I have committed profanity against You, particularly in doing thus and such. Now behold! I have repented and am ashamed of my actions; I will not relapse into this thing again." This is the elementary form of confession; but whoever elaborates and extends their confession is especially praiseworthy.²⁷

For a theist, that is a little weird. An omniscient God knows everything you do and think, every recess of your heart, so you may conclude that there is no need to put it in words. Not so, according to Maimonides: "in confessing to God, it is obligatory to name the sin."²⁸

Here is how I make secular sense of this. You may feel you have done something wrong, but until you spell it out in words you don't know its exact dimensions, and you don't know whether it is a genuine transgression. We all know that when we put memories into words, the memories become sharper, and memory material that we may have forgotten or repressed comes up. Putting memory into words is much more than a mere formality.

²⁷ Maimonides, *Mishneh Torah*, chapter 1, available at https://www.sefaria.org/Mishneh_Torah%2C_Repentance.2?lang=bi. Here and subsequently, I slightly modernize the language of the translation.

²⁸ *Ibid.*, chapter 2.

This is crucially important in the cases I mentioned where morally injured individuals actually did nothing wrong, but nevertheless feel strongly that they did. Putting the episode into words allows them to examine it and judge it. Today we might call that process “cognitive therapy.”

Not all the rabbis agree that the fuller the confession, the better. If you make your confession *too* detailed and explicit, you run the danger of reliving your sin and getting off on it. Probably they were thinking of sexual sins, where lingering on every detail is tantamount to turning your confession into a pornographic short story. Rabbi Akiba quotes the Book of Proverbs: confessing in every last detail is like a dog returning to his vomit.²⁹ Perhaps Akiba and Maimonides are both right: the fuller the confession the better, so long as the penitent takes care not to get off on it.

All this rings true. There is another piece of Maimonides’ theory of confession that bears notice even though I am far from sure I believe it. He writes that to achieve *perfect* atonement, the oral confession should not be only an inward prayer to God, unless the sin was only against God and not your fellow human being. If you wronged a human being, the confession ought to be public. Otherwise atonement is imperfect.³⁰

Public confession to the whole world strikes me as too much to ask, especially for someone who is laboring under a burden of shame and whose friends and family already think he has come back from war changed for the worse but don’t want to hear the gory details – an all-too-common occurrence.

It might be enough to do what some therapists do who work with morally injured warriors: get them to talk about what they did in a group with their fellow soldiers or Marines – who, in any case, might be the only people they trust enough to tell the story they need to tell. To my mind, confessing to that very special public is sufficiently in the spirit of Maimonides’s requirement to confess verbally and publicly.

Repentance

Next, notice that Maimonides’s formula for confession also includes *repentance*, as the second stage of atonement: “I have repented and am ashamed of my actions; I will not relapse into this thing again.” Sincere resolve never to do it again is crucial to genuine atonement. The *Mishnah* warns that “If one says: I shall sin and repent, sin and repent, no opportunity will be given to him to repent. [If one says]: I shall sin and the Day of Atonement will procure atonement for me, the Day of Atonement procures for him no atonement.”³¹

²⁹ Proverbs 26:11, quoted in Babylonian Talmud, Yoma 86b.

³⁰ Maimonides, *Mishneh Torah*, Repentance, chapters 1 and 2.

³¹ *The Mishnah: A New Translation*, translated by Jacob Neusner (Yale University Press, 1988), Yoma 8:9, 279.

Maimonides explains repentance two ways, one mental and one practical. “The sinner shall cease sinning, and remove sin from his thoughts, and wholeheartedly conclude not to revert back to it.”³² That’s the mental side. In practice, repentance means not repeating the sin, even when presented with a perfect opportunity and temptation. That is the practical side. Maimonides’ example is also drawn from the realm of sexual wrongdoing:

one who knew a woman sinfully, and after a process of time he met her again privately, and he still loving her as theretofore, and he being in a state of potency, and the meeting is in the same land where the sin was first committed, if he parted without sinning, he has attained complete repentance.³³

Reparation

So much for confession and repentance. The other two components of atonement are reparation and apology. Like the first two, they go together. Maimonides writes:

[S]ins between man and man, for instance, one injures his neighbor, or curses his neighbor or plunders him, or offends him in like matters, is never absolved unless he makes restitution of what he owes and begs the forgiveness of his neighbor.³⁴

Now admittedly, Maimonides was writing with a small, local, connected community in mind. You can’t realistically expect a veteran with a modest pension, a pile of bills, and medical issues to locate a victim 8000 miles away, whose name he doesn’t know, and compensate that victim. So, we need to find some second-best substitute – a surrogate of some kind, like good works, volunteering with an aid group (especially a group aiding the population where the veteran has fought), or putting the reparation on your bucket list. One part of the Yom Kippur liturgy says that *zedakah*, charity or similar good works, avoids the harsh judgment.

In some cases, the US government has offered condolence payments (known also as solatia or ex gratia payments) to civilian victims of military activity. That is a straightforward way that “we the people,” as a collective entity, can help lift the moral burden of reparation from the individual warrior – a powerful but seldom-discussed justification for a generous ex gratia policy.³⁵

³² Maimonides, *Mishneh Torah*, Repentance, chapter 2. Despite the similar-sounding titles, this book should not be confused with the Mishnah.

³³ Ibid.

³⁴ Ibid., chapter 2.

³⁵ For recent discussion of this US policy, see Annie Shiel, “DOD’s New Ex Gratia Policy: What’s Right, What’s Wrong, and What’s Next,” *Just Security*, July 20, 2020,

In other cases, even this is impossible. Take the obvious case: the victim is dead. Here is what Maimonides has to say: bring a quorum of ten witnesses to the grave, and publicly confess the sin – then pay the solatia money to the survivors, or if there are none, to the authorities.³⁶ That, too, is a kind of second-best solution.

Realistically, though, in the context of today’s military, reparation as Maimonides prescribes it is likely impossible, and some kind of symbolic reparation and apology will have to be the substitute. Part of the therapeutic regime Shira Maguen and her colleagues use involves writing a letter to the person they’ve killed.³⁷ That is by no means what Maimonides calls “complete” atonement. Is it good enough? Possibly not – but nobody said atonement is easy, and we should be mindful of the philosophical dictum “ought implies can”: something impossible to do cannot be a strict moral obligation.

Apology

Along with reparations comes apology. Merely compensating the victim, without apologizing and asking for forgiveness, is not atonement.³⁸ There is one fascinating piece of Maimonides’s discussion of apology. He tells us that if a person asks someone for forgiveness – bringing witnesses along, no less! – and the other person won’t forgive after repeated attempts — then the sin transfers over to the person who refuses to forgive.³⁹ This is a shrewd incentive-shifting rule aiming to ensure that grievances don’t fester in the community and generate lasting feuds. But for our purposes the relevance is different. The rule implies that sometimes atonement is possible even if you the wrongdoer is unable to fulfill the condition of getting forgiveness from the wronged person.

Let me summarize the lessons of Maimonides’ brief but deep discussion of atonement:

First: true atonement requires putting your story into words, and confessing it – to your God if you believe in God, to your self if you don’t, and preferably out loud to the circle of those you trust, for example your military peers who lived through the same hell that you did.

Second, atonement requires repentance: the genuine resolve to change yourself and not repeat the wrong.

Third: To the extent possible, atonement requires reparation.

<https://www.justsecurity.org/71332/dods-new-ex-gratia-policy-whats-right-whats-wrong-and-whats-next/>.

³⁶ Maimonides, *Mishneh Torah*, Repentance, chapter 2.

³⁷ Shira Maguen, oral presentation, McCain Conference, March 29, 2019.

³⁸ Maimonides, *Mishneh Torah*, Repentance, chapter 2.

³⁹ *Ibid.*

Fourth: atonement requires apology, asking for forgiveness. Reparation without apology is just writing a check, and why should a victim forgive you if all you're doing is grudgingly writing a check?

Here is one way to understand the whole theory. Confession and repentance pertain to the person who seeks atonement. They are *personal*, or at least they are between the person and her God. Reparation and apology are *humanly relational*: they aim to repair the broken relationship between wrongdoer and victim. Maimonides insists on both: to atone for a wrong, you must get right with yourself (and your God, if you are a believer), but also get right with your victim. I would add: this must be done at least symbolically, if it cannot be done practically.

Collective Atonement

It will not have escaped you that Maimonides is writing from a very particular cultural tradition, the Jewish tradition of a public ceremony of collective atonement. He offers a detailed blueprint for what that ritual morally and practically requires from its participants. It is a solemn ritual, as solemn as it gets. At the crucial moment of the Yom Kippur service, the entire congregation rises, and publicly confesses, in unison, to a long list of sins and transgressions (including sins they have not committed). Traditionally, as congregants name each sin they symbolically strike their breast.

When I was growing up, this part of the service infuriated me. Why should a nine-year old stand up and confess to adultery and a host of other sins that he hadn't committed? It seemed irrational and offensive. Today, I better understand the point of this public ritual of self-abasement. It actually has two points. One is that by getting everyone to confess out loud in unison to every sin, the congregation gives cover to the people who actually committed the sin. Nobody knows who the actual sinners are, because everyone is confessing – so it relieves their stigma while allowing those who are guilty to fulfill in part the commandment to confess it aloud in public.⁴⁰ Giving cover so morally injured warriors can confess is crucial.

But there is a much deeper reason for the collective confession. Shared confession symbolizes shared responsibility. The entire community takes responsibility for the misdeeds of all its members.

This idea should resonate very deeply within the armed services. From the first day of basic training, a primary goal is to turn a bunch of callow individualists into a unit, a team, an “us,” whose members can trust each other with their lives. The professionals who work with morally injured warriors agree that no injuries run deeper than experiencing the death or harm of a teammate. One of Jonathan Shay's harshest critiques of the Vietnam-era military was that it offered no opportunities for stricken

⁴⁰ Only in part, however, because the public confession names the sin without going into its particularities, which we have seen is one of Maimonides' requirements for adequate confession.

units to grieve together, collectively, for their dead. In the immediate moment “there was no safe time to mourn.”⁴¹ In the aftermath, units didn’t demobilize together – individual soldiers rotated out one by one. This, Shay believes, was a mistaken policy. Collective grieving and mourning were desperately important, but the policy made it impossible. In Shay’s words: the key to healing is to *communalize the trauma*.⁴²

The same should be said about collective atonement. Wartime transgressions may be committed by warriors at the tip of the spear, but everyone knows that the shaft of the spear consists of hundreds or even thousands of other men and women, all along the supply line. And in a democracy, it includes We the People, and it ought to be We the People who take responsibility for sending our young men and women into combat. Their moral injuries are theirs alone, but atonement could and should be collective.

That takes me to my final thoughts. One type of moral injury that both Shay and Wood focus on comes from the warrior’s sense of betrayal by others – notably, by his or her own political or military leaders.⁴³ They sent us to fight without adequate equipment, and my teammate died. They put us in an impossible situation where we couldn’t help but kill civilians. They told us we were in Iraq because Saddam Hussein had WMDs, but there were no WMDs. Or this: when I was raped by a fellow service member and finally reported it, nobody did anything about it.⁴⁴

Why do I mention the moral injuries that come from betrayal? A betrayed warrior has no need to atone for being betrayed (although the betrayal may have led him or her to do something that does require atonement). But the leaders have plenty to atone for – even if they experience no moral injury. Or rather: *especially* if they experience no moral injury. That highlights the fundamental point that I learned from the Army chaplain at the McCain Conference five years ago: moral problems aren’t the same as medical problems. In our wholly justified desire to heal pain, we should remember that moral problems call for moral solutions.

⁴¹ Shay, *Achilles in Vietnam*, 59.

⁴² *Ibid.*, 191.

⁴³ Wood, *What Have We Done?*, 176.

⁴⁴ *Ibid.*, 180-82.