

The Unreflective Life

The Sleep of Reason

THE MYTH OF MORAL PROGRESS

As this book goes to print, there should be little controversy that the American war machine has failed to bring about the political, social, and economic transformation in the Middle East that the machine's operators thought it could achieve at the dawn of the new millennium. The little remaining controversy will most likely be kept alive by pretty much the same people whose group-think denied any negative conclusions despite the mountains of negative evidence. The damage done by this expedition is grave and indicates system-wide failure throughout all institutions associated with it. I want to focus on the moral failings of the war machine. In doing so, I may depart from the critique that things have gone bad only recently. This book is not about the rapes and murders that can be explained by slackened recruitment standards or criminal recruits who enlist with "moral waivers." I am interested in the wholesale systemic moral failure from the highest to the lowest levels. I believe that the system that helped bring about the current moral failure has always been there. I am going to shift the debate in another way as well. Most moral debate focuses on the failings of people; the solutions usually revolve around fixing people. This book will be about fixing the system, not fixing the people.

When ideas about morality are widespread throughout an institution, they can have a profound influence upon its practice, if even indirectly. These ideas affect practice because they affect judgment, and they affect judgment because they first shape the very understanding about morality. Perhaps we can better evaluate the military's practices by looking at its members' moral

judgments concerning these practices. In turn, we can then assess their judgments through an examination of their understanding of morality. All of this can be facilitated through a philosophical analysis of the ideas associated with moral practice, moral judgment, and moral understanding. Such an analysis can bring dark contradictions and shady inconsistencies into the light of reason. In addition to finding problems with the institution's ideas about morality, such an analysis can also suggest ways to improve these ideas. This philosophical analysis will challenge the perceived improvement in the moral domain that the military thinks it has already achieved. The analysis will also offer other possibilities for real moral reform. If the *ideas* about morality can be improved within the military institution, then its moral *understanding*, *judgment*, and *practice* can also be improved. I will begin by looking at some military practices, move backward to review the institution's moral judgments and, still moving backward, observe in turn its moral understanding, and then finally sketch an outline for the book, which has the primary goal of seeking an improvement in its moral ideas so the institution can improve its practices.

The vast majority of warriors within the American military institution want to be honorable and decent human beings. They navigate by their moral compass, defined at a minimum by their oath to support and defend the Constitution. Such support would entail a commitment to the rule of law. Respect for the law includes not only domestic law, but also international law, which becomes the highest law of the land by virtue of the second clause of the sixth article in the Constitution. At the same time, however, there is either a lack of awareness or a lack of concern toward constitutional principles that provide certain protections for all persons, especially our enemies, about which the Supreme Court reminded the executive branch and the military in two separate cases. The Padilla case upshot is that American citizens will retain their civil liberties of due process and judicial oversight. And the Hamdan decision is a move in the right direction to protect human rights everywhere. Pervasive are attitudes of disdain toward international agencies and institutions, especially toward the law-making bodies, judiciaries, and instruments—the very law itself. It is an outright contradiction for the military institution to disdain the very principles of that which they are sworn to support and defend. Is the military saying one thing and doing another? How did things deteriorate so badly to begin with? What was the reaction of the military when confronted with these contradictions? If there were widespread acceptance of these violations, that would indicate some sort of dismissal of the moral judgments that would be commensurate with their legal obligations. And if there are wayward practices and flawed moral judgments, then underneath it all lies a murky understanding of morality. The ideas surrounding the practices, especially ideas that support and defend illegal and immoral

practices, are the central focus of this book. The military has engaged in some atrocious practices, and these practices have not adequately been examined; they have not been sufficiently *deciphered*, at either an institutional or a public level. Without adequate examination or sufficient decipherment, the moral quality of present and future practices may continue to be at times appalling.

Moral failure at the institutional level contains patterns, whether we are looking at the present or into the past. The world community recoiled when the undeniable cruelty of U.S. troops toward the enemy hit the news. Many Americans were aggrieved by the fact that American troops had committed what some were calling atrocities, but others were not apologetic regarding the mistreatment. This was war, after all, and everyone knows (or should know) that bad things happen in war. They were our enemy, so to speak. Or it was the fault of the media. Who are they to try and make America look bad? They always are reporting the bad news, never the good. No need to worry—the institution has it under control. It is just one of those anomalies that occur during war. And the bottom line: it's just a few bad apples near the bottom of the barrel, which may include a few bad leaders near the bottom. While some veterans spoke out against the mistreatment, others supported it, some even claiming that the practice was widespread and no big deal since these kinds of things happen all the time in a time of war—always have, always will. Those who were critical were asking questions. How could the American military do such a thing? They were supposed to be the good guys. To be sure, the enemy suffered; many died. What sounds like a description of Abu Ghraib is also a description of My Lai. The past may not repeat itself or even rhyme with the present, but the oblique resounding echoes compose haunting slant-rhymes. The atrocity itself was horrific, but the issue here that should also cause concern is that when they talk today about what went wrong at My Lai, few Army leaders can do much more than vilify Lieutenant Calley. For example, Colin Powell denigrates Calley as he recalls the incident by saying, “My Lai was an appalling example of much that had gone wrong in Vietnam. Because the war had dragged on for so long, not everyone commissioned was really officer material.”¹ Major Colin Powell was the operations officer, the G3 of the Americal Division beginning in October of 1968, the division Calley served in. While Powell was not the G3 at the time of the massacre, he was the G3 during the investigation by the Inspector General of MACV (Military Assistance Command Vietnam). Even though Major Powell cooperated freely with the inspector, sharing the division's operational journal entries of March 1968, which showed the details of the incident, including body count, enemy weapons captured, and so on, he says, “I would not learn until nearly two years later what this visit [by the inspector general] was all about. . . . Subsequent investigation revealed that Calley and his men killed 347 people. The 128 enemy ‘kills’ I had found in the journal

formed part of the total.”² Why did it take two years for Major Powell to learn what this incident was about? Why didn’t he understand what he was looking at? Why wasn’t he better able to connect the dots, so to speak? Almost everyone approaches the moral failure of My Lai as a problem of the will, implying that the soldiers understood what was right, and all they lacked was the will. I argue that the issue here is not about moral problems of the will. The answer has to do with moral problems of the understanding. The subsequent Peers investigation focused a great deal of attention on the fact that the unusual details of the unit journal caused little concern for all who had access to the reports. They did not understand the systemic nature of the problem.

For example, the report to MACV headquarters that Task Force Barker had killed 128 Viet Cong (VC) and captured only three weapons should have raised some suspicions among the MACV staff. Rarely was one weapon captured for every VC reported killed in action, but a ratio of forty-three enemy dead to one weapon captured was completely out of line. The operations section should have noted the disparity and called it to General William Westmoreland’s attention, and an inquiry should have been initiated. Instead, a message of congratulations was sent to the unit.³

At the systemic level of ethics for the institution, past and present merge. Troops will do whatever those in charge lead them to do, for the most part. Those in charge can lead troops to do worthy things; they can also lead them to do despicable things. Troops take cues from the leaders, and they learn very quickly the kinds of things their leaders will condone and the kinds of things they won’t. Orders are orders, commands are commands, and leaders have a grave responsibility to communicate very clearly to their troops during a time of war to ensure that the line between acceptable and unacceptable actions is as clear as possible. Dozens of the enemy, perhaps even hundreds, have died during the detention and interrogation operations in the war against terror. Hundreds, thousands, have been mistreated in order to gain intelligence. At the same time, it is a matter of public record that the post-9/11 majority of those in detention does not belong there, but were rounded up carelessly or wound up there through unreliable line-ups or by the offering of generous bounties. It is clear that leaders from the White House through the Department of Defense condoned a relaxation of legal procedures. It will take years for many to draw the linkage between this illegitimate relaxation of standards and the manifestly illegal practices that ensued at the tactical level, but much has already been revealed in the *Torture Papers*.⁴

There is a corresponding illegitimacy at the strategic level of this war against terror. The current war on terror includes all operations, domestic and international, military and otherwise, related to security matters after 9/11. There are members of Congress who clamor for accountability. The

Center for Constitutional Rights is building a case for impeachment based on the grounds of torture, domestic surveillance and an illegal war in Iraq, Dave Lindorff and Barbara Olshansky, *The Case for Impeachment* (Thomas Dunne Books, 2006). Detailed accounts of wholesale failure and illegitimacy are now widely available in books such as *Cobra II* (Pantheon, 2006) and *Fiasco* (Penguin Press, 2006), far exceeding anecdotal observation. It will take years for the public and the military institution to be able to admit the illegitimacy of the current conflict in Iraq, brought on by the political leaders yet also condoned by the top leaders of the military institution, largely because the war continues. There is neither a legal nor a moral justification for the war. Legally, there is neither a domestic nor an international basis for the war. Domestically, the two stipulations in the *provisional* Public Law 107-243 were never satisfied. This was the congressional instrument that allegedly provides the domestic legal basis for war. President George W. Bush has yet to support the assertions that would make that law valid: 1) that Iraq possessed weapons of mass destruction and 2) that Iraq was connected to the attack on American soil in the fall of 2001, as John Dean lays out in his book *Worse than Watergate* (Warner Books, 2005). And there was no international basis at all. The United Nations rejected the American rationale for war and neither at this time nor any time previously made any declaration or resolution that would sanction an invasion of Iraq. It was the same Major Powell, swept along with the *injustice of* The (false) War against Communism in Vietnam, who was also swept along with the *injustice of* The (false) War against Terror in Iraq as the Secretary of State. People are not quite sure what to do now that they know that the rationale presented by Secretary of State Powell has turned out to be false. Were the political leaders lying to the American public, or did they just make a mistake? Colin Powell to this day blames the bad intelligence. Is that all he can or should say? Is that all any of us can say? Yes, the intelligence was wrong. But the bigger issue is how the leaders misused the intelligence. Even worse, the American resort to war was unjustifiable even if the intelligence were true. Preventive war is not part of law. After the American misadventure in Iraq and the Israeli misadventure in Lebanon, chances are very slim that the law will change to favor or allow preventive war or even pre-emptive war. Perhaps the rationale for the war was bullshit, as the philosophical analysis in Harry Frankfurt's book, *On Bullshit* (Princeton University Press, 2005), may suggest if applied to this situation. Because the truth of the propositions is not as important as the effect achieved, bullshit is something other than a mistake or a lie. Did Powell really believe the conclusions he was presenting from the evidence: drawings of chemical vehicles and pictures of trucks at a facility there one day and gone another? We may never know. When someone is bullshitting, the link is broken between the truth function of the state of affairs and the

belief represented in the propositions about that state of affairs. The consequences of being caught when bullshitting are less severe than when lying. In very significant ways, the truth of the rationale did not matter, for the rationale was enough to get us there, and now once we are there it is all too easy to deflect any criticism of the rationale because of the attention drawn to the problems now at hand. More of the American than the world audience bought the rationale, for most of the rest of the world called our bluff, which is another term Frankfurt uses for bullshit.⁵

There was no legal basis for the war with Iraq; neither domestic nor international law sanctioned the war. I will argue throughout this book that it was neither legal nor moral to invade Iraq. The weapons of mass destruction rationale would not likely have been a legal justification had they turned out to exist. But after this rationale evaporated a new rationale emerged—pro-democratic intervention. Such rationale, even if it were legal could not be employed retroactively. Prohibitions against pro-democratic interventions have only been strengthened by precedent whether they be covert or overt. For example, the International Court of Justice condemned the U.S. support of the Contras in 1986. Pro-democratic interventions are still prohibited. The same can be said for rationale based on humanitarian intervention. NATO intervention in Kosovo has only worked to strengthen the prohibition against humanitarian intervention. This legal reality challenges any U.S. narrative that justifies current realities. *As a result, the military presently has widespread contempt for international law.* When there are moral problems at the strategic level in a conflict, there very often are correlative moral problems at the tactical level as well. For the most part, legitimacy either runs all the way through a conflict or illegitimacy runs through it. Is it possible to prosecute a war in a just manner if the war itself is unjustified? And conversely, is it possible for a war to be just if it is prosecuted in an unjust manner? Michael Walzer famously argues that *jus ad bellum* and *jus in bello* can be logically and practically distinct, in parts one through three in his book *Just and Unjust Wars* (Basic Books, 2006). He also caveats that argument by exploring the ways in which the justness of the war and justice in the war coalesce, in parts 4 and 5 of the book. I will argue throughout that the ethics of warfare is much more connected from the highest to the lowest levels (and back again) than traditionally thought, and more connected than Walzer thought. There are legal and moral problems at the highest levels of The War against Terror in Iraq and the same goes for The War against Communism in Vietnam. There are also legal and moral problems at the lowest levels of the two wars. There are similarities that make the two very closely related, even though the *Torture Papers* are very different from the *Pentagon Papers* and Abu Ghraib is very different from My Lai. Both My Lai and Abu Ghraib, while horrific in and of themselves, are

symptomatic of widespread systemic moral failure. The systemic failures begin with an insufficient understanding of the moral domain. These similarities have to do with the moral cultures of the military institutions, the institutional responsibilities of the leaders, and the ideas surrounding the ethics of warfare. These relations within one conflict resemble the same relations in the other. No doubt many will reject any analogy between Vietnam and today's conflict because of the many differences between the two situations. Here is one way in which they differ that should cause us to take pause: The world we helped create after leaving Vietnam to the Communists was not in any way as potentially dangerous as the world we are helping to create now. Some think we will be lucky not to have started World War III. My Lai and Abu Ghraib are visible twin peaks of the same iceberg.

I want to use the phrase *ethics of warfare* instead of *military ethics*, following the more polymathic historians Sir Michael Howard's and Roger Spiller's use of *history of warfare* instead of *military history*. The adjective *military* restricts the broader relevant domains of interest in wartime: political, diplomatic, social, cultural, environmental, economic, and human dimensions. The ethics of warfare, therefore, considers the interaction of the military with these other important domains. It has a much broader, systemic view of warfare than military ethics. We should examine the ethics of warfare at the strategic, operational, and tactical levels of war. The moral evaluation of the military includes its function, so the examination of the political dimension and the strategic employment of the military should not be avoided. The military is an instrument of foreign policy, so for its function to be moral the military depends upon the government to employ the military legitimately, by means of a legitimate process, according to the rule of law and the moral norms of international conflict. Did the U.S. government legitimately comply with the rule of law in this current "Global War on Terror?" Did the executive and legislative powers of the United States follow the constitutional and international processes to legitimate this current war? Just to review, America has constitutionally employed its armed forces overseas only a few times out of the several hundred military actions in its history (with many of these being unknown to the general public). The rule of force has predominated over the rule of law in American history. America today appears to be in a perpetual state of undeclared, unconstitutional war. There are pockets of goodness that should be highlighted, given the overall dark conditions. In the book *Fiasco* (Penguin Press, 2006) for example, Thomas Ricks goes out of his way to praise the good work of individuals such as General Dave Petraeus and Colonel H. R. McMaster. These are two in the group of awakening warriors, who by thinking for themselves have improved their situations rather than worsened them.

War is necessary for the warrior; the warrior cannot exist without war. Roger Spiller, in his excellent book *An Instinct for War*, refers to what he calls the “military ethos” as a “pseudo-philosophy, a pastiche of militarism and romanticism that appealed to the immature mind.”⁶ This pseudo-philosophy has many names: military ethos, military ethic, warrior ethos, warrior ethic, or warrior spirit. There is much ado about the warrior spirit these days. But if I were to name the components of the warrior spirit, it would be composed of equal parts adrenaline, testosterone, and bullshit—bullshit in the philosophical sense as Frankfurt describes it, propositions indifferent to any truth value. Infinite war is the strategic consequence of political leaders being suffused with the same warrior spirit as the military leaders. Preemptive or even preventive war?! Regime change operations?! When engaged in military action, the political goal should be a legitimate goal, a goal that can be endorsed ultimately by the people, for, after all, a well-ordered democratic republic should engage in war and can sustain a war only with the informed consent of the people—especially lengthy and costly wars. Were the people informed? Do the people consent? According to the Enlightenment political philosophy of those who founded the United States, America has a democratic form of government to the extent that its policies are endorsed by the informed consent of the people. And America remains a republic to the extent that its governmental powers remain divided. What of the international community? Since the people in the United States make up a very small part of the world’s population, it may become increasingly harder to ignore a world citizenry that has little sympathy for American global influence and military belligerency. The current moral and legal conception places responsibility with those in charge. However, those in charge—both political and military leaders—continue to refuse to take moral responsibility, or to even admit fault when they are wrong. Since our leaders have always and perhaps will always continue to fail us morally, and since the current conception leaves us to depend upon morally failed leaders, perhaps one potential solution is to change the conception—we need a moral revolution to bring about moral progress in warfare.

The military today is one element of power that provides the means for attaining American political goals. Our commander-in-chief asks who could possibly disagree that we are better off without Saddam Hussein. Not only should the goals, or ends, be legitimate, but the means used in attaining those ends should be legitimate as well. I will argue that the current National Security Strategy and National Military Strategy are at odds with morality and require revolutionary thinking to change in a positive direction. A state of perpetual war in which Congress abdicates the legitimizing power of war-making to the commander-in-chief is unconstitutional and is *de facto* illegal as well as immoral. There is strong legal and philosophical consensus for this

view, with the exception of John Yoo, perhaps, and his fellow apologists. So, at the strategic level, American war making is currently morally questionable. Operationally and tactically, it is equally questionable. Preemptive war is at best only marginally justified and only if the danger is *clear and present*. Preventive war (different from preemptive war) is fought for *vague and distant* danger and introduces new levels of moral error on a huge scale. The governing doctrinal principle for the military as it moves into the new millennium is that of manipulating the national will of an enemy through preemptive (or preventive) action with overwhelming “shock and awe.”⁷ The details of this method include attacking the infrastructures of a people, of the civilian populace. The mindset that the military adopts under such a method is that their job becomes simply that of servicing a set of targets for maximum effect while offering at the same time the greatest force protection possible with the maximum standoff. The idea is firmly embedded in the military’s emerging doctrine known as Effects Based Operations (EBO). This doctrine features the use of military might to shape the *behavior* and the will of the enemy, through force, to use a military operation to bring about desired effects. However, the associated indiscriminate destruction that ensues from destroying enemy centers of gravity, including the infrastructures—industrial, electrical, economic, and information infrastructures—works directly against any legitimate political end that should follow combat. These two emerging watershed developments working in tandem—*perpetual war* against terror as political ideology and the *warrior ethos* (warrior spirit) as ideology for the warrior—have connected an inadequate end with illegitimate means through the operational medium of Effects Based Operations. But in order for the military to be judged favorably in the ethical arena, which can be judged separately from the arena of victory, both ends and means have to be legitimate. If the warrior ethos is a military axiom, then preemptive war is its political corollary.

My argument holds true for the military institutions of today, but it also holds for previous decades, regardless of the moral error present at any particular time. Since I argue that the problem lies with the ideas we have about morality, these ideas will influence our actions and create moral error. If there were no moral errors right now, then that may affect the argument. My book, which delves into the processes of moral education themselves, is not dependent upon the degree of moral error present. Even so, there is an overabundance of evidence of moral error and there is more revealed in both academic presses and popular presses every day. As such I am not going to chronicle this catalog of moral error—I could not do so in a short book. To reiterate, I will use real world examples, though, because they are more interesting than the imaginary examples that philosophers usually use.

Much of moral philosophy deals with practical moral problems, and many philosophers work to solve some current problem.⁸ There are many

moral problems in the American military institution, but I want to focus on the problem of moral understanding and its connection to moral practice in the context of its public charter, wielding deadly force. The American military continues to act unethically at times, and it commits moral error whenever it engages in some immoral practice.⁹ But it also commits moral error if beliefs are immoral, if there is error in perception, understanding, or judgment. And many warriors hold moral beliefs that are suspect. In the military, for example, many people, perhaps even a majority, still try to justify the bombing of Japan, our involvement in Vietnam, and the “certain victory” of Desert Storm or the justification of its follow-on, Operation Iraqi Freedom. These beliefs, rife with moral error, and many more are backward, or at least they do not cohere. The institution sustains many incoherent ideas that conflict with one another, incoherent because they are inconsistent; they do not cohere. For example, the requirement in the Code of Conduct to escape “by all means available” lures most warriors to want to justify the killing of one’s captors. This impulse to kill one’s captors—a pre-theoretic intuition of the warrior—is expressly forbidden by the laws, principles, and customs of war. In so many ways the warrior’s moral sentiment remains counterintuitive to law and morality. That war apologists want to justify invading Iraq because of Iraq’s disregard for the rule of law—while the invasion itself is a blatant disregard for the rule of law—rates pretty highly on a scale of unself-conscious irony. American exclusionism is a central tenet of U.S. foreign policy.

The current rhetoric of military ethics—the pursuit of the warrior ethos—has become important to the military institution over the last several decades, largely due to some significant moral problems, some new and some old. The incredible power of modern warfare brought with it new ethical challenges, but the savagery of modern militaries among civilized societies revived the old moral challenge of barbarity. The nightmarish potential of nuclear war brought into sharp focus the idea that there may be moral limits to man’s destructive potential, but destructive war, indiscriminate war, persists, a type of warfare that considers all nationals to be combatants and features the intentional targeting of civilians. The horrific genocide in the last century—spanning several continents involving several peoples, including Jews, Armenians, Tutsis, to name a few—demonstrated that renaissances and enlightenments are no guarantees against romantic reversions to earlier days of brutality and barbarity. And the debacles at My Lai and Abu Ghraib showed that anyone, even an American, is capable of committing atrocities. Examples such as these give students of the ethics of warfare important paradigmatic examples for moral reflection. But these paradigmatic examples (paradigm is Greek for example) are in each case symptomatic of widespread practice. Massacre was commonplace in Vietnam, and torture and abuse in the current war is more widespread and commonplace than most people real-

ize. As the global exercise of military power continued to evolve over the course of the last century, however, one should have expected a parallel interest in the ethics of killing. But by ignoring the ethics of killing, the military misses this important dimension. They missed it because the warrior ethic does not examine the ethics of killing. The warrior ethos is really about a special kind of work ethic, one that centers on mission accomplishment and potential self-sacrifice, not on moral restraints and law-abidingness. So the pursuit of the warrior ethos is perfectly consistent with a lack of interest in the ethics of killing.

The rhetoric and appearance of interest in the ethics of warfare is waxing while the substantive interest in the ethics of killing (the central essence of the ethics of warfare) is waning. Something is amiss. Over the last decade, the American military has emerged as the world's *military* superpower. The United States continues to be the most militarily engaged power in the world, leaving its heavy footprint wherever it goes, from Europe to the Far East, from the Fertile Crescent to the Hindu Kush, with the sun never setting on America's military presence and activity. The United States has long been involved in regime change operations. Stephen Kinzer names more than a dozen over the last century in his book *Overthrow* (Times Books, 2006). Another book to examine in this regard is Michal J. Sullivan's *American Adventurism Abroad: 30 Invasions, Interventions, and Regime Changes since World War II* (Praeger Publishers, 2004).

Apparently, the moral problems that consumed the American military in earlier decades—nuclear holocaust, genocide, and massacre—are problems of the past. Instead, a new moral theme consumes the military imagination. The emerging theme in the military ethic accompanying this advent of American global military superiority is that of American moral clarity and superiority, the moral superiority of a professional military that putatively *sets the example* and does *the right thing*. Moral superiority is one of the key features of the warrior ethos.

For years after Desert Storm I wanted to believe, like many Americans, that the U.S. military had completed a moral transformation. Those of us who had been duped by our own propaganda wanted to believe that the indiscriminate killing in Vietnam had been replaced by precision munitions in Desert Storm and beyond, that the repugnant crimes of war so prevalent in the degenerate destructive fighting in Indochina had been replaced by consciously clean conventional fighting in the Gulf, and also that the psychotic psychologies of a bankrupt former generation had been swept away by a reformed professional military that fought with moral clarity and certainty. But the progress that I and many others had imagined was a myth. The story that we told ourselves in the last quarter of the twentieth century was as follows: The American military had arguably reached its historical nadir in the

Vietnam era, a military bereft of most social or moral qualities. After much introspection and soul searching, the *prodigal* American military transformed itself over the next few decades and reformed and renewed itself in every way; the least respected institution in the 1970s became the most respected institution in the 1990s. Such is the plot line of the widely read and universally admired book by James Kitfield, *Prodigal Soldiers* (Potomac Books, 1997). Okay. By many measures, the American military has met with much success of late, if those measures focus on efficiency, professionalism, or the raw, uncontested application of deadly force, considering Gulf I, Afghanistan, and Gulf II. This aura of success, even if it is only the appearance of success, often entails attitudes of progress in every dimension, including the social and ostensibly even the moral. In their process of renewal over the last several decades, all services of the military—led by the Army—have resurrected for their institutions the cult of the warrior. They cloak this largely ineffable aspect of their cultures in respectability, by referring to it as the warrior ethos, or the warrior ethic. However, today's American warrior is a construct with a collection of attributes that is inspired more by myth, legend, and superstition than by actual history or sound philosophy: never give up, death before dishonor, win at any cost, etc. This book considers every branch of military service in the United States. I will talk specifically about soldiers when referring to the Army, marines when referring to the Marine Corps, and so on. However, there is no single generic term in the English language when referring to any member of the military. Given that this book critiques the advent of the new warrior ethos in relation to members of every branch of service, I will use the term "warrior" as a generic member of any of the branches of service. The term warrior by itself is morally neutral—a warrior could be morally good or morally bad. Even so, contrary to the predominant view among warriors today, I will argue that the warrior ethos with its ubiquitous yet unexamined influence on the moral culture in the American military is one of the main impediments to moral progress.

Is the current moral understanding and practice consistent with the notion of moral progress? This book is a critique of the military's system of moral education, a critique of the methods, structures, and processes used to impart an understanding of ethics. I emphasize again that this book is not primarily a moral evaluation based on our historical past. Such an empirical project could lead to any conclusion. I could stack the deck with my data and present nothing but positive moral examples and claim progress, or I could do the opposite and claim moral recidivism. Instead, if I can present enough examples of moral error—moral error that is significant—then I can put forward the modest but important claim that we have a lot of work to do to get better and that any declaration of victory in the ethical arena would be premature. We can never make moral progress if we cannot face our shortcom-

ings. While I survey an evaluation of *actual* moral progress, I am more interested in the *possibility* of moral progress and what that possibility may entail: what we may have to change in order to improve. The possibility of moral progress in the American military over time could in principle be enhanced only if moral understanding and practice were improved upon, over time. This claim should be uncontroversial, but it carries with it some strict logical implications. Better moral understanding and better moral practice are necessary conditions for moral progress. And moral progress cannot occur unless there is improved understanding and practice. So, moral progress for the military cannot be accidental or happen unconsciously; that should not count as progress. Additionally, moral progress for the military would be independent of success or failure, victory or defeat. Separating military success from moral progress is more difficult than it may at first appear.

The national mood set by the executive branch and their supporters with their rhetoric and policies carries with it an air of moral superiority coupled with moral clarity.¹⁰ A stance of moral clarity is a position of moral superiority in disguise, but in actuality it is moral naiveté. Language that hints of superiority is especially problematic since the current war on terrorism targets the Islamic world, and the rhetoric is essentially that of a crusade against Islam. There has been for centuries a Western cultural bias of superiority over the non-Western world. The United States has inherited this discourse of superiority from the former imperial powers that dominated the oriental world, mainly from France and Britain. The colonial goal was not an obviously malevolent one. The great powers thought of themselves as being altruistic, carrying out the “white man’s burden,” civilizing “lesser” peoples. Such was Napoleon’s goal in Spain. Is our desire to benevolently democratize the Middle East just the contemporary version of carrying the “white man’s burden?” Even the imaginary literary worlds of Tolkien and Lewis—Middle Earth and Narnia—portray the enemy as being oriental (in the Middle Eastern sense), living to the south and east. Americans today are so steeped in their cultural discourse of superiority over the non-Western world that they do not even recognize the linguistic conditioning of our cultural stance. What Americans need in this regard is “an understanding not so much of Western politics and of the non-Western world in those politics as of the *strength* of Western cultural discourse.”¹¹ Now, members of the military, generally, want to believe they are moral people, and that desire is good. They also want to believe they belong to a moral institution, engaged in moral activities for a moral country: appropriate desires, every one of them. But it is enough of a task for the military to aspire simply to be moral; there is more than enough work to reach that modest goal. While working to reach the objective of being *moral* is noble, the military should not pursue *moral superiority*. The military now boasts both global and domestic moral superiority, but

claiming the *moral high ground* leaves the American military vulnerable to attack (seasoned soldiers know it is dangerous to remain on high ground). Military moral doctrine boasts global moral superiority over any enemy: "There is no moral comparison between American Soldiers and their adversaries in wars throughout our history."¹² And military moral doctrine claims to have domestic moral superiority over American society at large, due to the supposed values gap between presumed pure martial values and the alleged impure societal values, for "the country still looks to the Army as a source of moral discipline."¹³

But these attitudes of *moral superiority* are misguided: The comparative nature of superiority conflicts with the substantive nature of morality. It would sound quite odd, for example, if members of other professions—police officers, fire fighters, professors, lawyers, and politicians—were to dwell on the notion of their moral superiority. Why does the military culture require it, then, or even desire it? Part of the problem stems from lack of linguistic and conceptual precision. Consider the terms "warrior ethos" and "warrior ethic," usually used interchangeably. The primary meaning of *ethos* from the ancient Greek is "character." The word "ethics" derives from *ethos*, since the ancient Greek philosophers located the subject of ethics in the character of an individual: character ethics or virtue ethics. Modern moral philosophy demonstrated the inadequacy of this ancient conception (discussed in later chapters); there are too many moral concerns that the ancient conception cannot accommodate. The secondary meaning of *ethos* is that of the spirit of a culture. When the military speaks of the warrior ethos, it is referring mainly to some combination of these two senses of *ethos*, but it is not referring to ethics in the modern sense. And by "ethic," they are simply referring to a work ethic, again, separate from ethics. Doctrinal language similarly confuses the term "moral" when it conflates "moral" with "morale," the first referring to the ethical, and the second to the psychological. Since the two referents are then used interchangeably, we have the unfortunate consequence of thinking that moral superiority flows from psychological dominance.¹⁴ The fact that moral superiority is a feature of military moral doctrine, a highlight of the moral rhetoric of its leaders, and a cornerstone of many members' moral beliefs are all evidence enough that the system of moral understanding in the military requires some critical analysis and perhaps some revision. As in so many other areas, the military is hesitant to honestly and openly critique itself in the moral domain.

Not only has the military developed ill-formed beliefs concerning the ethics of killing, it has also misplaced its priorities regarding moral concerns. Instead of an interest in the ethics of killing, as one would expect in these more dangerous modern times, the military today is obsessed with private morality, especially sexual ethics. The energy directed toward matters of pri-

vate behavior, particularly sexual behavior, has completely eclipsed any dialogue about any substantive moral matters regarding the moral application of military force. In other words, sex crimes are more serious than war crimes in today's military. The military has openly discussed *ad nauseam* (normally after an unsuccessful cover-up) the personal indiscretions of a few people over the last several years,¹⁵ but as an institution it has spent relatively little time publicly discussing the means, ends, limits, or implications of the moral dimensions of applying deadly force. Uniquely among people within the United States, particularly in the military, there was much more concern over the immorality of an American president's private sexual life than over the immorality of his public acts of wielding military power, in actuality reversing the theme of the film *Wagging the Dog*. And remarkably yet unsurprisingly the military culture sustains an enmity toward political leaders who are dishonest about their sexual lives at orders of magnitude much greater than toward political leaders who prevaricate about war. Outside of legal and philosophical circles, the public dialogue on substantive moral military matters hardly exists. Imagine medical or law enforcement professionals who focused exclusively on issues of sexual harassment and private sexual behavior to the complete neglect of any substantive public moral issues unique to those professions, issues pertaining to the saving or losing of life and limb or to the protection or destruction of human life. The military should pay more attention to the moral questions concerning its public charter.

To evaluate moral progress requires a close examination of the ideas behind the practice of the military. Improved moral understanding and practice together set the conditions for the possibility of moral progress. The current sources of moral understanding for the military consist of deference to moral authority, indoctrination, and narratives that transmit the morally questionable warrior ethos, which can be counterproductive to moral progress. The current reality of practice is essentially the same as it always has been—an application of instrumental methods that reach for inadequate goals. While the military is comfortable with its moral thinking and practice based on authority, indoctrination, and oversimplified instrumental methods of rationalizing morally, I argue that the military should change completely and move toward a more reflective model of moral autonomy that emphasizes philosophical ethics yet still is compatible with good order and discipline. I argue that we should not conclude that modern moral theory forces us to choose between method and outcome—both are important; means *and* ends should be moral. My argument challenges the predominant moral heritage Americans have inherited—pragmatism. My argument also challenges principal approaches to our current conceptions of morality, consequentialist approaches as well as virtue ethics (or character ethics). Drawing mainly upon Kantian moral theory, I argue for an original set of moral principles to

inform ethical understanding and practice of the military enterprise, and I argue that the military should seek a new moral end while exercising sound moral methods. The current conception of the ethics of warfare should be revised, a model that has caused demonstrable and significant moral error—through unreflective appeals to authority and immoral doctrines, the application of instrumental means, and the pursuit of inadequate ends. This revision amounts to nothing less than a revolution in the ethics of warfare. The revolution is to move toward philosophically informed normative sources for our moral understanding and away from sources not philosophically informed. This argument is a normative argument as well as a meta-ethical one, which is what makes it moral philosophy. If the argument depended on a descriptive analysis, an empirical analysis of cause and effect, then it would not be a work of philosophy. While my professional philosophical audience will readily understand this point, the non-philosophical audience may not be familiar with this distinction. If someone reads this book focusing on the empirical examples then they are missing the philosophical critique at the normative and meta-ethical levels.

In significant ways, the American use of the military during Vietnam was morally rotten, from the top down. The substance of indoctrination within the culture was morally bereft. The means employed were often illegal and immoral. And collective judgments after decades of national soul searching found the ends we were seeking and the means to obtain them in Vietnam were at best morally suspect and at worst morally bankrupt. Strategically and politically, we should seriously question how we became so misled by a failed theory, the so-called domino theory. This false idea as a feature of the Cold War and its Red Scare fueled a security strategy that entangled America in Vietnam for twenty-five years out of fear that if Vietnam became communist, then the whole region would follow, including Indonesia, Japan, and even Australia. Our political leaders lied to the public (or maybe bullshitted them) and with the complicity of the U.S. Navy staged the phony Gulf of Tonkin Incident as a pretense to justify initial military involvement. The Army and the Marines regressively reverted to fighting a destructive, unconventional war, increasingly ignoring the conventions of war and international law as the conflict continued, including the illegal invasion of the neutral countries of Laos and Cambodia. The Air Force participated in illegal and immoral strategic bombing on an unprecedented scale. From a moral point of view, Vietnam was an abysmal horror show, from the Gulf of Tonkin at the beginning to the Christmas Bombings at the end, with plenty of moral censure available for military and political leaders and participants. With few exceptions today scholars condemn American involvement with Vietnam in hindsight. We misunderstood the nature of that conflict, fighting what we took to be a war against communism when in reality it was a

civil war, fueled by anticolonialism and a desire to eject foreign influence. The wars against communism of yesterday have been replaced with the wars against terrorism of today. What will the wars against terror look like in hindsight? The proximate cause of the current war against terror was an attack perpetrated by terrorists, to be sure. Most of those terrorists were Saudis. Since that time, America's response has amounted to rearranging two nations, neither of which was Saudi Arabia. We are told that the nation is at war against terror. Is terror the new avatar to replace communism? Not only does this focus show a misunderstanding of the nature of the current conflict, but it also sets the nation on a path so that it can never succeed. Perhaps, as in Vietnam, today's conflict has more to do with a civil war, fueled by anticolonialism and a desire to eject foreign influence, but now on a much more global scale. We spent fifty years fighting the Cold War without understanding the nature of that conflict. How long will we fight the next Long War without understanding the nature of it?

Why, some may ask, would a more reflective, more robust moral understanding, as well as more informed practice, give the military greater potential for moral progress? The possibility of moral progress would improve because it would reduce the potential—and the actuality—of moral error. A moral error is simply an ethical mistake, a mistake that can exist either in theory or in practice. Why, one may ask, would a more reflective understanding of ethics present us with the possibility of reduced moral error and greater moral progress? One answer would have to be that some errors are worse than others—worse in kind as well as in degree. For example, it is generally accepted in legal and moral circles that using inappropriate means brings graver moral error than failing to bring about some good end. In fact, our legal system itself is one that favors method over outcome. It is considered a much graver moral error to punish innocent people in our legal system than it is to fail to punish guilty people. The first error (a Type I error) is of a graver type than the second error (a Type II error).¹⁶ The Type I error—falsely judging something to be present that is not there (such as guilt)—is in many contexts referred to as a false positive. There are laws (or sanctions) that proscribe the commission of inappropriate means. Alternatively, there are no laws (or punitive sanctions) that punish the lack of bringing about good ends. Type I errors are worse than Type II errors. So, in principle, but perhaps contrary to the unreflective person's intuition, we commit worse errors when we use inappropriate means than when we fail to bring about desirable ends. In the American system of justice, we consider it a worse moral error if the police were to injure or kill innocent bystanders than for them to fail to apprehend suspected criminals at large. By a fairly strong analogy, we should consider it a worse moral error for the military to injure or kill innocents (perhaps hundreds or thousands of them) than to fail to apprehend suspected

terrorists, or even belligerents. The same goes with torture. The military commits graver moral errors when it violates legal and moral norms, even if these inappropriate means are employed to bring about desirable ends, such as victory or national security. Pre-theoretic intuitions may lead people to disagree with this last claim in its military context; such disagreement helps to make my case that warriors are in need of a better theoretical understanding of morality. My argument will lay out reasons to show why the potential and actual moral errors resulting from less reflective moral conceptions are worse than those errors that may result from more reflective ones.

Problems of the understanding are serious moral problems. And following the theme that some errors are worse than others, errors resulting from moral problems we don't understand are worse than errors resulting from those we do. They are worse because when large segments of an institution do not recognize deep aspects of a problem through a lack of understanding, there can be little hope for meaningful reform. For an example of failed moral reform due ultimately to a lack of understanding, consider a closer look at the My Lai massacre. Today, after more than thirty years of reflection on the infamous incident, the moral beliefs—the perception, understanding, and judgment—of that massacre are still in error. For example, My Lai, one of the most iniquitous atrocities of Vietnam, did not cause any moral alarm or attention by its own internal review, other than the moral indignation that *righteous* officers held for Lieutenant Calley. Unfortunately, the moral problems associated with the My Lai massacre were systemic problems, cultural problems, primarily because of the badly formed and deeply held moral beliefs throughout the military institution during Vietnam. Certainly every person in the chain of command who condoned the massacre was morally culpable, and furthermore those who actively aided in its cover-up were also technically legally responsible. But the responsibility goes even deeper than that. The operational policies in the division, and throughout virtually every military organization in Vietnam, helped to set the conditions for the massacre. These operational policies routinely included *search and destroy missions*, wholesale *free-fire areas*, and the indiscriminate *mere-gook rule*. The combination of these policies set the conditions for soldiers to use deadly force excessively without discrimination, routinely causing more harm than necessary. Reports and informal investigations within the division following the episode proved to be fruitless. Nothing was done internally by the military chain of command about the My Lai incident of March 1968, in which several hundred noncombatants were slaughtered, until Specialist Fourth Class Ron Ridenhour went outside the military—off the reservation, so to speak—and wrote a letter in March 1969 that opened up an investigation.¹⁷ Only external intervention, mainly in the form of investigative journalism, brought real scrutiny to the problem.

Very few recognize the culpability that the Army's leaders and the military institution itself have concerning the incident. While most want to chastise Calley for the My Lai incident, few are willing or want to face the possibility that *the Army as an institution in large part created Calley and those like him*.¹⁸ The military has yet to acknowledge this problem, a problem that came from immoral doctrines that engendered inappropriate means to pursue illegitimate goals. Indeed Calley is culpable for what he did. But the responsibility does not end with the crimes of one individual. Besides the massacre and the cover-up, there has never been an adequate assessment of the background beliefs of the institution on matters of killing and morality. Colin Powell disturbingly adds,

I recall a phrase we used in the field, MAM, for military-age male. If a helo spotted a peasant in black pajamas who looked remotely suspicious, a possible MAM, the pilot would circle and fire in front of him. If he moved, his movement was judged evidence of hostile intent, and the next burst was not in front, but at him. Brutal? Maybe so. But an able battalion commander with whom I had served at Gelnhausen, Lieutenant Colonel Walter Pritchard, was killed by enemy sniper fire while observing MAMs from a helicopter. And Pritchard was only one of many. The kill-or-be-killed nature of combat tends to dull fine perceptions of right and wrong.¹⁹

Kill-or-be-killed; if it moves, shoot it; if in doubt, wipe it out; get ugly early; shoot them all and let God sort them out—these still-lingering maxims of war and many more like them are no longer morally justifiable, not that they ever were. Alan Donagan says that “a graduate of Sandhurst or West Point who does not understand his duty to noncombatants as human beings is certainly culpable for his ignorance; an officer bred up from childhood in the Hitler *Jugend* might not be.”²⁰ Even with thirty years' hindsight, the inability of the military institution to *see* the problem, let alone *understand* its complexity, is a problem of moral perception, understanding, and judgment—a problem of moral error. The realm of force appears to have its own logic, apart from higher reason: threat leads to response; response leads to escalation; escalation leads to conflagration; conflagration leads to aftermath; and aftermath leads to new, more numerous, and more dangerous threats. The logic of force is visceral, limbic. It escapes higher brain function and leaves one to wonder if war is a problem of arrested evolution of the human brain. Perhaps at the level of individual violence it makes more sense. But it does not make sense at the level of the entire system. At the systemic level, at the level of the military institution or beyond, the logic of force manifests itself in irrational practices, practices that defy higher-order reasoning but yet fulfill and perpetuate its

own destructive course. Luckily human nature is not fixed; nor is war inevitable. But neither is peace.

A key reason for the aversion toward moral inquiry for individuals and institutions alike is the possibility of a judgment that we may be doing something wrong. What does one do when faced with the prospect of doing something immoral? Moral agency for those who work within an institution is more than simply private human agency. When individuals in an institution act, they act as individuals but they also act as agents of the institution. So, when a member of the military, or any institution for that matter, is confronted with the commission of an immoral action, they are doubly responsible—for themselves and for the institution. All members of an institution share in the responsibility for the institution's moral understanding and practice. All members possess and exercise both individual and institutional moral agency. The responsibility that a member has, in terms of institutional agency, is proportional to that member's rank and position, proportional to his or her ability to influence the institution. What does one do if he or she comes to judge an institutional practice as possessing moral error? As for individual action in such a case, there are several options. A person could rationalize the action to be moral and perform it willingly; perform the action quietly while knowing that it is wrong; perform the action under objection; refuse to perform the action altogether. There would also be an institutional responsibility, though. For the sake of the institution, the person could do something within his or her power for the institution to reverse the immoral practice. Perhaps the institution is unwilling to reform or recognize its immorality. In that case, the person could do something within his or her power outside of the institution. One option is to communicate disagreement to Congress, without fear of retribution, through the perfectly legitimate process called Appeal for Redress. Another option is to resign in protest. But this rarely happens. Many who consider resignation in protest rationalize that they can do more for the institution by staying and working from within. Perhaps it's time to walk away from manifest illegality toward a new and better institutional norm.

A distinction is perhaps helpful at this point. There is an important difference between those who perform immoral acts knowing they are wrong and those who perform immoral acts believing (falsely) that they are right (when they are wrong). Let's call the former a *knave* and the latter a *dupe*, based on their respective understanding or lack of understanding of the moral nature of their actions. Knaves understand they are doing wrong or harm, committing moral error. Dupes believe that whatever they do is right; they can't see or understand that they are committing moral error. Any person could be one or the other, or even both, under different conditions and circumstances. Take Colin Powell, for example. Insofar as Powell did not understand the wrongdoing in his unit, he was a dupe, as in the case of mis-