

Military ethics and its application to the Australian Defence Force



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Ethics in the ADF is more than general principles around 'just war' theory. It is strategically vital that we build the capacity of our people to manage the ethical dimension so that they are never put in a position where they do things which bring shame upon themselves or their nation. We never want to lose the war because we lost our moral authority.

Key words: military ethics; Australian Defence Force; strategic corporal; asymmetric wars; ethical skin; 'just war' theory; leadership; hypocrisy; custom and practice; constructive subversion; My Lai.

In this paper, I will discuss military ethics as it applies to the Australian Defence Force (ADF). For almost 30 years, I have worked with the ADF on pre-deployment preparation. The need to include ethics in pre-deployment preparation reflects lessons learned from the French experience in Algeria (1954-62), reinforced by the American experience in Vietnam (1955-75). These lessons now inform the *United States Army/Marine Corps Counterinsurgency Field Manual FM 3-24* (Nagl 2007), Chapter 7 of which on ethics has a headline from Algeria: "Lose moral authority, lose the war".

So, in discussing military ethics, we are not just discussing values and principles aligned with the broader Australian community. Ethics plays a very significant role in the ADF's strategic and tactical environment, especially when deployed overseas. Once you encounter forces offshore, you are in interoperative situations with people of sometimes very different cultures, and thickening up the 'ethical skin' of our troops becomes an essential consideration.

Ethics in the Military Context

Strategic corporals

There was a time when generals would determine strategic outcomes. No matter what a particular corporal might do, no matter how individually heroic or cowardly their conduct, it was very unlikely to change the strategic environment. The fate of nations lay in the hands of generals.

It is completely different today. Should a corporal on deployment load up an image of them burning a Koran, it can generate strategic effects that lead ultimately to the offices of presidents, prime ministers and chiefs of defence forces. Recognizing that, creates a new environment. The 'strategic corporal' can be any soldier who has no high rank or depth of experience. They have not necessarily been given a significant job to perform

and yet decisions they make can have strategic impacts.

Asymmetric wars

There is another dimension of the strategic environment which is worth noting. Our recent history has involved engaging in asymmetric warfare. If we think of Australian forces contending with the ilk of the Taliban or ISIS², Australian forces will be better trained, armed and supported than their opponents. Because of the quality of our *matériel*, training and alliances, in any direct contest of arms, Australian forces and their allies will ultimately prevail.

Our opponents, though, are clever and deal with these issues daily. They know their strength does not lie in a direct contest of arms. Instead, they look to exploit our greatest potential weakness which, in the case of liberal democracies, is in terms of our moral authority, both as perceived within the force itself but especially at home.

Take the circumstances that arose in Vietnam. There, a military superpower, the United States, with all of the weapons it could possibly want at its disposal and its vast wealth, was nonetheless defeated by a loss of will at home. The perception began to solidify within the general public that this was an unjust war being waged by unjust means.

From events like the massacre of unarmed civilians at My Lai in March 1968, people on both sides were able to conclude that, if you could destroy the moral authority of a liberal democracy, then you would see a crumbling of resolve at home. Eventually, political pressures would lead to those forces being withdrawn.

So, in Afghanistan, when we see the Taliban or the ISIS engaging in atrocities, when we see green-on-blue attacks within our own lines perpetrated by people who appear to be our allies, we should not think that these are mindless acts of violence. Instead, they represent a

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²Islamic State in Iraq and Syria

deliberate strategic decision to attack a liberal democracy at its weakest point, with a view to provoking a disproportionate response including 'collateral damage', particularly the death of innocent women and children. If you capture those images and broadcast them into the homes of the citizens of the liberal democracies, then you achieve your tactical end without necessarily having to fire a shot.

Our military planners understand this and the lessons of Vietnam. To this day, every time America deploys armed forces abroad, people ask whether this will be another 'Vietnam', because it has become emblematic of the phenomenon.

We also reckon with it inside the ADF which has a different temper and approach to the Americans in the way we fight wars. The Americans rely on overwhelming force, often in ways which are indiscriminate, whereas the ADF tends to be more delicate, although still effective in what it does. We understand that dynamic and we have developed our own rules of engagement.

Thickening the ethical skin

The Ethics Centre's approach to preparing people for deployment was designed to 'thicken the ethical skin' of everyone who would deploy. Motorcyclists wear leathers because, if they come off on an abrasive surface, the leather takes the punishment rather than their own skin. Similarly, divers wear wetsuits to protect themselves from cold waters.

The same thing can be done when you are in an ethically-challenging environment. You attempt to thicken your ethical skin so that, when you are in an ethically-abrasive environment, you do not lose your skin. Rather than finding yourself prone to provocation, you maintain a consistent view, thus protecting yourself from that which your enemy seeks to impose upon you.

In summary, military ethics is not just about being comfortable with the things you do. It is not even just about having a moral foundation for the profession of arms. The practical reason is twofold: the rise of the strategic corporal, who now can generate strategic effects; and, in conditions of asymmetric warfare, your militarily weaker enemy will seek to take advantage of your potential vulnerability in terms of your moral authority. "Lose moral authority, lose the war" (Nagl 2007).

Ethics at Work in Armed Forces

The way Western armed forces operate is distinctly different to civilian precepts of how they function. Civilians conceive of control, orders, discipline and obedience. Of course, there is discipline within military formations and there is a hierarchy and there is respect for rank, but those things are not the most effective components of command. Rather, it is to translate command intent into common intent.

There are two distinct wedges which operate in relation to command and control. The control wedge is the plans and structures for control – the regulations,

rules of engagement and operating systems. The command wedge includes all elements to do with the culture of a formation, the character of its people – the creative expression of will in the pursuit of an objective.

Von Clausewitz's famous dictum applies – that no plan survives first contact with the enemy. So, you can do all the planning and have all your systems in place, but the more intense the engagement and the longer it lasts, the control wedge gets thinner and thinner. Then, you have to rely more on the command wedge which gets thicker and thicker – so much so that you can get to the point where command, control and the chain of command have broken down. Yet, you still have forces in the field which you still need, despite their plans having been sidelined and you are not there to exercise control. You need those people to be able to operate *vide* the common intent.

Thus, in warfare, systems, policies and structures, by themselves, are not going to do all the heavy lifting. Instead, far more important is the way in which one is leading and is led, and the culture of the formations that are deployed.

New ADF definition of leadership

Accordingly, about 1998, the ADF changed its leadership doctrine. Now, leadership is expressed as the exercise of influence (not control) over others in order to gain their willing consent (not their obedience) in the ethical pursuit of missions.

It is not just about having an alignment within the ADF with the general values and principles of Australians. As a nation, we are neither angelic nor demonic. Like most people around the world, we are basically decent people and our ADF reflects the basic decency which informs the nation as a whole.

The word 'ethical' is embedded in the definition because ADF personnel are well equipped to manage risk and drive performance. For them, if you do not manage risk properly, you have people who are killed or wounded. So, in managing risk, there is a relentless focus on what actually works.

Ethics also is in the definition: for the strategic corporal who is where the plans are breaking down and is now having to get a section to operate; for the asymmetry of power; and because a challenge in military ethics is the need to avoid becoming conditioned in ways that make people blind to the strategic and tactical environments in which they operate.

Blindness to the strategic and tactical environment

Good people can find themselves doing bad things without even realizing it; without even seeing it. When people who engaged in questionable conduct recognize in hindsight that there was something inappropriate about what they did, they often say that, at the time, they just did not see it.

Some people may assume that the perpetrator is rationalizing his/her own poor conduct – trying to find some excuse for what they did. Not so. They actually are

telling the truth. What is so interesting about ethics in defence is how hard it can be to help people to see even significant strategic risks.

I learned this lesson while visiting Taronga Zoo, Sydney. One section of the tiger exhibit had a strip of perspex in a glass wall. When you stood in front of the perspex it showed you the world as seen by the typical prey of a tiger, like a sambar deer, which only sees in black-and-white (not colour). As perspex also filters out colour, when the tiger moved behind the perspex, it almost disappeared from human view. All you perceived was a flicker of movement, because the colour had been filtered out.

Imagine now that, through your training and experience, you have been conditioned so that all you see in the jungle is the green. If there is a tiger in the jungle, it largely will be invisible to you. If the tiger were a strategic risk, it would be waiting for you unseen. We tend to talk about 'the elephant in the room' – something everyone can see but will not name. The real risk is the tiger, the thing no one sees even though it is capable of having devastating effects.

Ethics is a practical skill which enables you to see the tiger. It is a terrible tragedy that good people find themselves doing bad things and do not even see themselves doing them. When asked to explain, they will say: "Well, I just didn't see it because everybody was doing it, because that's just the way we did things around here."

'Just war' theory

Within military ethics, beyond the laws of armed conflict and notions of proportionality, the underlying defining good that the profession of arms is meant to secure is peace. This goes back to 'just war' theory. At its highest level, it is not merely that you are defending and that you are entitled to defend yourself, but you also have to believe that, by engaging in war, the quality of the peace that you will secure at the end of the conflict will be superior to that which would have prevailed otherwise. In other words, you cannot justifiably fight a war if you think that the state of affairs at the end will be worse in terms of peacefulness than otherwise would have prevailed. Hence, the traditional understanding of the profession of arms is trying to secure peace as its overarching good.

Enemies of Ethics

Hypocrisy

There are two great enemies of ethics: hypocrisy; and custom and practice. Hypocrisy is the idea that an organisation says one thing and does something else. When people experience hypocrisy, it creates cynicism. It is like an acid that eats away at the bonds of an organisation. Typically, where you find environments where good people end up doing bad things, you find that they have been exposed to leadership which has either enabled or tolerated hypocrisy; where leaders

have said one thing and done something else.

It is not necessarily a leader's personal conduct. The hypocrisy can be signalled by the systems, the policies and the structures of the organisation. This is why, when military people are designing assistance policies and structures, they think not just about their efficacy, but also of the messages they will convey – whether they will undermine the legitimacy of the leadership.

An example is the way the churches responded to the sexual abuse of children. The churches had spent 2000 years saying that love is more important than the law, people are more important than property, and that you should face up to the truth. Yet, when they were accused of wrongdoing, they put the law before love, their property before their people, and they sought to protect their backs rather than face the truth. So, the initial wrongs, as terrible as they were, were compounded by an organisation that seemed to refute its own teachings. Many people who were committed to those churches' beliefs said: "If you do not believe your teachings, how can we?" As a consequence, the damage was so much more than it would otherwise have been.

Unthinking custom and practice

So, do bishops, bank chiefs, prime ministers, or commanding officers decide each morning how much hypocrisy can they engage in today and so create lots of cynicism in their organisation? Of course, they don't. They are subject to a far subtler, but significant, second enemy of ethics. While the first enemy is hypocrisy, the cause of the hypocrisy so often is not deliberate intention, but unthinking conformity with custom and practice.

As I said, when you ask good people who have done a wrong thing why they did it, they respond that they did not see it because everybody did it, that is just the way things were done. It is extraordinary how, throughout history, you can see people drifting into a situation where they do not see the strategic threats they face and where they operate in a way which has terrible effects because of the kinds of phenomena I am describing.

An Example: My Lai, Vietnam, 1968

An infamous example is the My Lai massacre. In 1968, a company of mainly middle-class Americans was deployed to Vietnam. In the first three months, they had 38 casualties (four killed, 34 wounded) to an enemy they never saw. There was no direct clash – just booby traps and sniper fire. When they walked through a village, they could not distinguish friend from foe. They became angry and frustrated. This abrasive effect started to work on their ethical skin.

Meanwhile, Colonel Aaron Henderson was tasked with clearing up an area shown on American maps as 'Pinkville'. It included My Lai hamlet, a hotbed of Viet Cong activity. Henderson thought part of the problem had been a lack of American aggression. Learning of Captain Ernest Medina's disaffected rifle company,

Henderson decided that they might be the kind of aggressive troops he needed.

On 16 March 1968, over a four-hour period, Charlie Company, 1st Battalion, 20th Infantry Regiment, commanded by Captain Earnest Medina, killed between 400-500 people, including old men, women and children. They did not just kill them – they cut out tongues, cut off hands and scalped people.

Riflemen 4th-Class Bernardo Simpson later described what he did. When asked whether he had been trained to do it, he said no. He said a lot of people were doing it and he just followed suit.

Not every American soldier present ‘followed suit’. Michael Bernhardt was a tunnel rat – a brave soldier willing to go underground in hand-to-hand fighting. He later explained in an ITV documentary (Sim 1989; Bilton and Sim 1992), for the men, Vietnam was their whole world; what people thought of them in America and elsewhere did not matter. He describes three mutations in the values and principles of this unit. He said courage was seen as stupidity; cowardice was seen as cunning and weariness; and cruelty and brutality was sometimes seen as heroic. With those mutations in place he said: “I’m sure they didn’t see it”.

An inquiry tried to find out if Captain Medina had ordered the massacre, which was overseen by Lieutenant William Calley. Some soldiers said they were ordered to kill everything. Others said no such order was given. While Captain Medina and Colonel Henderson put the operation together, they both swore that they had not ordered this kind of killing.

From a military ethics perspective, while Ernest Medina may not have given those orders, that is not the issue. The ethical issue is that he either did not notice, or he did not care, about the mutations in values and principles. In that sense, he failed in his command, because he failed to attend to the ethics of the troops he commanded. His failure led to the deaths of those Vietnamese; and to people like Bernardo Simpson, who took part in the massacre, subsequently taking his own life. So, the damage done extended back into the troops of Charlie Company and it damaged his nation so much so that we still wonder whether every engagement will be another Vietnam, all because they failed to manage the ethics.

The Antidote: Leadership by Constructive Subversion

There is an antidote for those two enemies of military ethics: hypocrisy; and custom and practice. It is a particular kind of leadership: ‘constructive subversion’. It involves subverting the tendency not to see things because you are engaged in unthinking custom and practice. It is constructive subversion because a commander’s duty is not to impose their own view on their formation. It is to help the ADF to become more like the organisation it says it wants to be.

In other words, it is to subvert those things which give rise to the perception of hypocrisy; to help build the

ethical skin around the organisation. That kind of leadership requires moral courage. The moral courage to do what is right; to preserve the distinction between the warrior and the barbarian. Anyone can be a barbarian – they can do a massacre. What makes you a warrior is ethical restraint.

The ADF has used this concept to build its model of leadership and to give it practical effect wherein command intent becomes common intent. The aim is that every soldier understands the need to exercise moral courage and to maintain his/her ethical skin. Then, in the abrasive world of warfighting, you do not see a mutation in the core values that ought to inform daily decisions. They each know that:

- each person is capable of having strategic effects;
- we all are prone to being conditioned not to see the tiger in the room; and
- this requires extraordinary moral courage.

Conclusion

The Ethics Centre has been investing in the ADF’s ethical capacity because we do not want an environment where the ethics are so thin that they scrape away at the first abrasion. We do not want ADF personnel to be subject to the terrible effects of being the good person who did the bad thing and, having done so, suffers the moral injury which ultimately gives rise to post-traumatic stress. You do not want people looking back on their decisions and saying: “How did I become that person?” You do not want them to become a Bernardo Simpson, dead because of what he did. He was not a bad man.

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