



CompanyCommand

Building Combat-Ready Teams



To: Company Commanders
From: A Past Company Commander

A Moral Justification for Killing in War

By LTC Pete Kilner

The Army performs many of the same functions as civilian organizations, yet there is one absolutely unique and defining characteristic of our profession—we are organized, equipped and trained to kill people. As company-level leaders, we recruit patriotic young Americans to kill; equip them to kill; train them to kill; develop and issue orders for them to kill; issue fire commands for them to kill; and commend them for killing enemies of our country.

We perform our duties well, and the American people sleep safely at night. As a profession, however, we generally do not provide our soldiers with an explanation for *why* it is morally right for them to kill in combat. Con-

sequently, many of the soldiers entrusted to our care suffer needless guilt after killing in war.

The purpose of this article is to offer you a tool—an explanation for the morality of killing in war—that you can adapt for use in your units. This is a presentation I have given to Army combat units and Marines, as well as at West Point and ROTC programs. This explanation may not be *the* answer, but it is *an* answer to this difficult and often-overlooked issue. Perhaps the most important outcome of having this conversation with your unit is a command climate in which your soldiers feel comfortable talking about killing and about the thoughts and feelings that killing provokes.

My Story

I have found it helpful to open the conversation by sharing my personal journey of thinking about the morality of killing. Every soldier thinks about this subject sometime, but relatively few talk openly about it. If we want to open a healthy professional dialogue on a topic that is still somewhat taboo, we ought to set the example. Your story may be more grounded in personal experience and less academic (after all, I have never killed anyone), and that is probably more effective.

My personal interest in the morality of killing in war was sparked one night years ago when I was a precommand captain in the 82nd Airborne. Rigged for a combat jump, I was waiting to load into a plane that would unload me and thousands of other paratroopers 400 feet above the ground. (The jump was later cancelled.) Amid the nervous chatter, one young trooper's sincere question to a chaplain caught my attention.

"Chaplain," he asked. "We're gonna kill a lot of people tonight. Is that all right?"

"Of course it's the right thing to do," responded the chaplain with confidence. "We're soldiers. The President told us to do it. That makes it right."

I remember feeling profoundly disappointed in that re-

sponse. I knew there had to be a better answer than that.

Two years later, I had the opportunity to revisit the question when the Army sent me to graduate school to study philosophy. To my surprise and dismay, I could not find the answer. No one—not the chaplaincy, the SJA, the Army, DoD, academia, not even my religion—provided a satisfactory moral justification for looking down my sights and placing two rounds into the head of an insurgent. Having enlisted as an infantryman out of high school and subsequently becoming an infantry officer, I had always assumed that what I was training myself and others to do was a morally justified action. I realized that I needed either to find the answer or to find another line of work.

What I discovered in my subsequent research was that those who justify killing in war and those who condemn it approach the topic from very different perspectives. The "just-war" tradition justifies the moral permissibility of war at the international, state-to-state level. Although the tradition includes principles for individual soldiers' conduct in war, it does not provide a moral justification for the combatant-on-combatant killing that characterizes war. In contrast, the "war-pacifist" tradition focuses its lens down at the level of the individual soldier. It argues that killing another human being in the context of war is morally unjusti-

fied, and therefore wars among states are morally unjustified. I found both approaches to be inadequate. While the top-down justification did not go far enough in explaining why killing in war can be a morally right choice for the individual soldier, the pacifists' condemnation of wartime killing was based on fundamental misunderstandings about war and soldiers. In my thesis, I combined a war-pacifist framework for justifiable killing with my own understanding of the nature of war to produce a moral justification for killing in war.

It's helpful to think of killing in war as akin to a doctor amputating the infected limb of a wounded warrior—it's sad and painful, and it takes training and courage to do right, but is the morally right choice among lousy alternatives and therefore ought to be done.

While writing my thesis, I happened to read Dave Grossman's *On Killing*, which contains numerous anecdotes of soldiers reflecting on killing. Grossman, who has a background in psychology, makes sense of soldiers' post-killing psychological problems by examining what happened to them in the experience. As an ethicist, however, I read the anecdotes with a different lens—focusing on what the soldiers had done, not on what had happened to them. I realized then that there might be a link between soldiers being able to justify to themselves the morality of killing in war and their post-combat psychological welfare.

Others' Stories

Not everyone who kills in war is troubled by the experience, but many are. Because I have written about this topic, I receive many e-mails from veterans who have killed in war and from their families (more so from the latter). Their pain is palpable; read these excerpts from a few e-mails.

From a soldier: "The last guy I killed was in a vehicle that came up to my checkpoint during a raid. He tried to evade, I opened up as per ROE at the time, and shortly thereafter a couple of soldiers with me began to shoot at the vehicle. I zeroed 28 rounds of a 30-round magazine into the passenger and driver. The driver was hit but not killed immediately, and he managed to back his car back into his driveway 300 meters away. What I'll never forget about that engagement was listening to the family react when they saw the inside of the car and their loved one without a chest. I saw a counselor for about six months when I got back. I quit when I could start sleeping through the night without having to drink a six-pack beforehand."

From a soldier's mom: "My son is wrestling with what he did during his deployment. He was raised Catholic and was taught morality and values. Now our son is really grappling with the fact that he took a human life, and I don't know exactly how to explain it, excuse it or justify it. I want him to feel okay with what he did and about himself. I am avoiding the word forgiven, because I don't feel there is anything to forgive. We are supportive of his decision to join the military and are very proud of his accomplishments and ability to do his job effectively. I don't know how to impress upon him that killing in war is justified, and not the same as murder, and

Why Talk With our Soldiers About the Morality of Killing?

1. Helping our soldiers understand the moral justification of killing is a leadership issue. Many soldiers who have killed in war are wracked by guilt when they should not be. When our soldiers kill justly, they ought to be able to live at peace with themselves. We, their leaders, are responsible for them killing; we ought to do our part to help them live fully afterwards.

2. Our soldiers arrive in the Army without any personal experience of killing another human being. As their leaders, we need to help them prepare for and make sense of the first-in-a-lifetime experience of killing a fellow human being. This contrasts with other, more frequent moral decisions. For example, by the time I turned 18 and joined the Army, I knew that stealing was immoral. Why? Well, when I was an 11-year-old boy, I shoplifted some candy. Almost immediately afterwards, I felt guilty and ashamed of myself. A year later, someone stole my bicycle, and I experienced anger and a sense of violation. So, by the time I became a soldier, I had a well-developed sense of morality about stealing. On the other hand, I had no experience with the morality of killing.

3. When it comes to killing another human being, our soldiers cannot trust their feelings. We human beings

appear to be hardwired to feel guilty after being involved in the death of another person. For example, if you are driving a car under the speed limit and paying attention to the road, yet a pedestrian negligently darts in front of your car and is struck and killed, you will feel terribly guilty, despite the fact that you know you did nothing wrong. Apparently, playing a role in another's death elicits guilt even without any wrongdoing. Sharing this observation alone is comforting to soldiers, who often wonder why they feel a sense of guilt even though they know cognitively that it was right to kill the enemy combatant.

4. Understanding the morality of killing in war empowers our soldiers to talk confidently with family, neighbors, acquaintances, etc., about the things the Army does. Within our military communities, we take for granted that wartime killing is morally acceptable. Other communities, however, do not necessarily share that assumption. All of our soldiers will one day retire or ETS. They will likely be challenged by the ignorant, indolent and downright hateful towards the military. If we have not prepared our soldiers to respond to questions about wartime killing, we have left them defenseless.

that he did what he was trained to do, and did a good job. Any words of wisdom would be appreciated.”

From a soldier's wife: “My husband was in active combat in Somalia, Honduras and Iraq. I think Somalia was the hardest for him. Yesterday I came into our room and saw him staring at the wall. He was pale, perspiring profusely and clenching his fists. I have never seen him like this. I asked if he was OK. This startled him and sort of ‘woke’ him. He said he was fine and didn’t want to talk about it. Later he told me he has been starting to have dreams again and has had a few episodes of feeling charged/panicked, but he is able to regain composure and be fine. We talked at length for the first time about his

dreams and his feelings about the people he killed while in combat. He carries so much guilt. He said at the time there was a moving target and he reacted. Now he remembers those same instances and sees their faces. He is haunted by them. He didn’t want to talk to me or anyone else about it because he didn’t want to be judged for what he had done instead of for who he is. Is there anything you can recommend that I can do or he can do to help deal with his guilt? I love him dearly; he is amazing. I want him to be free. He has carried this for so long. He has been out of the service for eight years now, and it is still with him every day.”

Stories like these are a call to arms to improve the way we train our soldiers. We teach our soldiers to kill effectively, so we should also teach them how to live with clear consciences after they have killed morally.

A Moral Justification

This rights-based justification for killing does not rely on any particular religious belief, but it is consistent with Judeo-Christian assumptions about human rights as well as with principles of American civil law. I refer to it informally as the “bubble theory.”

Our starting point in justifying wartime killing is the conviction that every person possesses the “right not to be killed.” The ultimate source of our human rights is arguable. Some would say God, others cite human reason, and still others refer to implicit social contracts or even man-made laws. But I hope we can agree that all persons do possess rights—whatever their source—and that the most fundamental and basic right is the right not to be killed, followed closely by the right not to be enslaved. Our system of government is founded on the

By virtue of our humanity, every person possesses the right not to be killed.

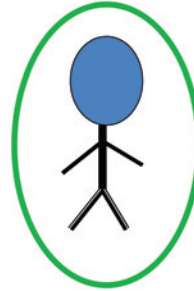


Figure 1

belief that all people are endowed with the rights to life and liberty.

Rights are intangible, so it helps to use a concrete “visual” when we think about them. Imagine, if you will, the “right not to be killed” as a bubble that surrounds each person (Figure 1). Each of us possesses the right that no one else “violate our bubble” and harm us. By virtue of being human, every person possesses a bubble. This is consistent with our moral intuitions. When we are walking down the street, for example, it would be morally wrong to physically assault a person walking past us. Why? In terms of this explanation, we would be violating that person’s bubble. He possessed the fundamental human right not to be physically harmed.

Yet we also know that someone can forfeit that right—can “burst his own bubble.” A right is a right as long as it does not violate the more fundamental right of another. Thus, we recognize that if a person intentionally violates (or threatens to violate) the bubble of another, he forfeits his own bubble (Figure 2).

If a person intentionally threatens to violate the right of someone who possesses their right, he forfeits his own right.

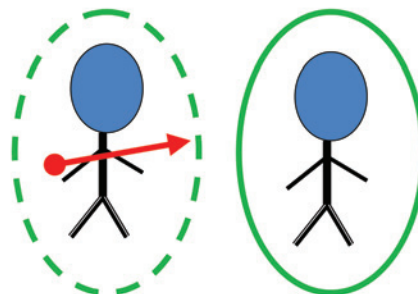


Figure 2

If someone kills the aggressor who has forfeited his rights by threatening an innocent person, that person does nothing wrong. The defender violates no one's rights, and he does not forfeit his own.

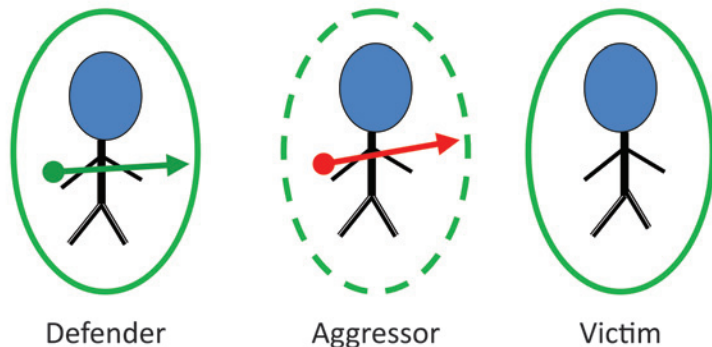
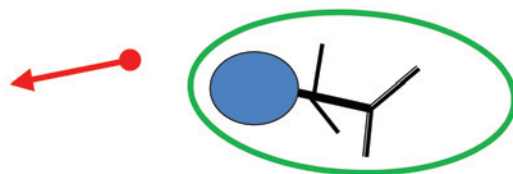


Figure 3

When an attacker is no longer a threat, he regains his right not to be killed.



Threat = Intent + capability

Figure 4

For example, if we are walking down the street and someone confronts us with a gun, we are morally permitted to use violence against the person to protect ourselves. Why? Because by consciously choosing to violate the bubble of another, the man had forfeited his own bubble of rights. The concept of forfeiting rights also applies to situations of coming to the defense of another. For example, if we witness a man pull a woman into an alley and continue assaulting her, we are morally permitted to use violence against that man to protect the victim, just as the victim herself is morally right to fight back against her attacker. Why? Because the attacker, by virtue of violating the bubble of someone else, had forfeited his own bubble, so our use of violence against him violated no right (Figure 3).

It's important to note that a just defender does not forfeit

his rights when he attacks an unjust aggressor, as in the previous scenario. The following scenario helps to clarify the rights of a defender. An armed bank robber has taken a hostage at gunpoint. By threatening the life of the hostage, the robber has forfeited his right not to be killed. A police officer then arrives at the scene and aims her firearm at the robber. Has the officer done anything wrong? No. Not only has the robber already forfeited his right not to be killed, but also the police officer has an obligation to protect innocent people, including the hostage. Would we say that the police officer, by virtue of "threatening" the robber, forfeits her own right not to be killed? Would the robber be justified in shooting the officer in "self-defense"? Of course not, on both counts. The officer cannot violate the rights of someone who has already forfeited them. The moral inequality between the robber and police officer makes it morally acceptable for the officer to kill the robber, but not vice versa.

When fighting in a just war, a soldier is a defender. Soldiers continue to possess their bubbles as long as they direct violence only at those who have already forfeited their right not to be killed. Enemy combatants are the ones who have "lost their bubbles" by threatening the rights of those who possess them—noncombatants and/or our soldiers. Even if they are not personally threatening anyone at the time we engage them, combatants for an unjust cause are still morally permissible targets because they are operating as part of a larger organism—the unjust threat.

There is a good reason why military uniforms include both the individual's name and the organization/state in whose name he acts; soldiers act as both individuals and as elements of a collective.

Consistent with the rules of war, an aggressor's forfeiture of rights is not permanent. The default setting for a human being is to possess the right not to be killed, so when a person is no longer a threat, he regains his right, his bubble (Figure 4). What constitutes a "threat"? A threat is someone who possesses both the intent and the capability to violate someone's right not to be killed. As soon as a person no longer has the intent or the capability to violate the bubble of another, he regains his own bubble and should not be killed. This is why it is morally wrong to kill a detainee or an incapacitated insurgent.

Take Aways for Our Soldiers

- Professionals of arms are entrusted to defend the innocent by using force.
- Every act of killing is a very serious, permanent action that requires moral justification.
- We kill only those who, by their own rights-threatening actions, have temporarily forfeited their own right not to be killed.
- Killing someone, even justifiably, is upsetting at some level. That's normal and healthy. If the killing is morally unjustified, the psychological impact will likely be much greater.

Limitations

That, in a nutshell, is the bubble theory of the morality of killing in war. I'll be the first to acknowledge its shortcomings as a purely logical approach to an intensely emotional experience. Even soldiers who internalize this theory may still experience sadness, guilt or shame after they kill in war. I doubt we would want it any other way; killing another human being is not something to be taken lightly or celebrated. Maybe the best we can hope for is that good soldiers' bad feelings will be tempered by the knowledge that they did nothing morally wrong.

It's also a fair criticism to say that the killing that takes place in war is often much more complicated than the situations described here. As one combat vet said to me, "It is almost never this simple. Very rarely is it a case of a white-hatted good guy shooting down the black-hatted villain who's been terrorizing the town. There are almost always shades of gray." I agree, but we have to start somewhere; the bubble theory provides a set of very basic principles that you can utilize to initiate a deeper conversation in your units.

Perhaps the most tragic situations in war occur when well-intentioned soldiers mistakenly kill noncombatants. When unjust combatants refuse to wear uniforms, just soldiers bear the burden of identifying those who have forfeited their bubbles. Determining "hostile intent" is a big challenge for our soldiers, who often have to make split-second, life-or-death judgments with incomplete information. Good rules of engagement provide guidelines to assist that decision-making process. Nevertheless, given the complexity of combat, mistakes happen. The ROE will likely permit some immoral killing and condemn some morally justified killing, and soldiers will make well-intentioned, good-faith errors in distinguishing between noncombatants and combatants. It is critical that our soldiers understand that they are not morally to blame when they kill someone whom they thought had forfeited his bubble but in fact had not. Perhaps no argument will assuage their regret, but looking into their eyes and telling them, "You made the right moral decision with the information you had at hand" can only help. The vocabulary of *rights* and *bubbles* can help our soldiers make and justify their judgment calls, not only to 15-6 investigators but, more importantly, to their own consciences.

If the argument presented here makes sense, then we ought to do something about it. In addition to opening the conversation in our units, we can embed the ideas in our training. In AARs, we routinely ask questions like, "Why did you flank left?" and "Why did you decide to detain that person?" We can also ask, "Why was it morally right to kill that person?" As with anything else, our soldiers will become proficient through training. Killing is central to our profession, and it is a huge moral issue. We already train our soldiers to kill effectively; let's train them to live effectively after they kill.

Opening the Conversation in Your Unit

A lot more could be said, but this article covers the basics for launching a conversation in our units around the moral justification for killing in war and the natural feelings that killing stirs. A commander-initiated conversation will make your soldiers comfortable with the topic and provide them a shared vocabulary for talking about it. As Grossman says, "We are only as sick as our secrets." A professional dialogue among you and your soldiers will be a lot healthier than the tortured internal monologues that so many soldiers are currently experiencing.

If you want to share these ideas with your soldiers, a PowerPoint presentation can be downloaded in the Leadership topics of the CompanyCommand and PlatoonLeader professional forums (<http://CC.army.mil> and <http://PL.army.mil>), where you can also discuss the ideas expressed here. Access to the forums is restricted to currently commissioned officers and cadets. If you are ineligible for CC and PL and would like a copy of the full presentation, e-mail me at peter.kilner@us.army.mil. I may be overseas for a few weeks in February with limited connectivity, so please be patient.

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...becoming more effective.



Art by Jody Harmon

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