

Moral Formation and War

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My task is to reflect on how we teach the morality of war and peace at the United States Naval Academy. I will focus on academic instruction regarding the morality of war, and, more particularly, the ethics course that I have taught for the past decade or so. As I understand it, my task is primarily descriptive and analytical: to articulate how we teach the ethics of war and not necessarily to show that we do so better than the alternatives. Of course, I am happy to talk about normative matters in the conversation that follows. Let me begin with three quick points.

First, I do not speak in any official capacity. My assessments are my own. They are, moreover, the assessments of a mere civilian, one who has not a scintilla of military experience. So I speak to you as one 'without authority.'

Second, the Naval Academy is a kind of national seminary – one that prepares, not priests or pastors, but military officers. Very, very broadly speaking, the primary wartime function of an officer is not to fight but to lead others who fight. But leading subordinates in war is only one of an officer's potential responsibilities. Consequently, the Naval Academy cannot sensibly prepare Midshipmen only for leadership in war. Rather, it's formative aims are broader, roughly, to inculcate in Midshipmen skills, sensibilities, and virtues that enable them to lead others in war and peace. My discussion reflects that reality and so some of what I have to say focuses on moral instruction about officership, broadly construed, rather than about war. In the end, I believe, these cannot be separated.

Third, and finally, Midshipmen learn all sorts of things about the morality of war outside of formal academic settings. Moreover, what they learn outside of class can be every bit as formative as what they learn inside. It's one thing to discover that St Augustine condemns cruelty in war and quite another for a revered company officer do so. The latter will often make a more powerful and lasting impression than the former. Of course, if it turns out that her company officer lusts after cruelty, then it is, so far forth, less likely that her reading of Augustine will stay with her. In short, academic instruction has its role to play but only as one element of a much broader formative process

With these initial points in the background, let me specify some curricular nuts and bolts.

Moral Reasoning for Naval Leaders

Prior to the beginning of her third year at the Naval Academy, each Midshipmen must complete “Moral Reasoning for Naval Leaders,” a semester long course of instruction that affords Midshipmen an opportunity to reflect on the moral duties of military officers and the temptations to which inhabitants of that social role are characteristically beset. Each iteration of that course is delivered by a team of instructors composed of one civilian academic and three to five military officers. Each team abides by a rough and ready division of labor. Basically, the civilian is responsible for the philosophical content of the course: every Monday for fifteen weeks each civilian professor lectures to about 80 Mids on some canonical philosophical or theological text. After every philosophy lecture, small groups of Midshipmen meet twice weekly with experienced officers to reflect on how the theoretical material addressed earlier in the week bears on some particularized scenario. In short, “Moral Reasoning for Naval Leaders” attempts to meld moral theorizing and practical wisdom by means of close pedagogical cooperation between philosophers and officers.

As you can imagine, this cooperative effort can be quite difficult, even fractious. So, for example, military officers are sometimes frustrated by the abstractness of philosophical conceptions that purportedly bear on realities that they have experienced at first hand. By contrast, civilians can be impatient with, and even dismissive of, the anecdotal 'sea stories' by means of which officers often intend to convey moral wisdom. A thorough discussion of such difficulties would take us far afield. Suffice to say that, as I see it, the cooperative educative effort between civilians and officers is best accomplished when both parties respect their vocational limitations. When this happens, the arranged marriage of abstract philosophy and concrete experience, between civilian and military, theory and practice, provides Mids what I take to be an opportunity to reflect critically on very difficult moral questions that they might one day have to answer them in earnest.

Philosophical Content of “Moral Reasoning for Naval Leaders”

Let me now turn to the elements of “Moral Reasoning for Naval Leaders” for which I and my civilian colleagues are primarily responsible – its philosophical content. For the most part, we cover material that you will find in a standard introductory ethics course in any public university—readings from Plato's **Republic**, Aristototele's **Nichomachean Ethics**, Aquinas' **Summa**, Kant's **Groundwork**, Rawls' **Theory of Justice**, Mill's **On Liberty**, and so on. So the first two thirds of the course wends its way through a familiar range of topics – relativism, utilitarianism, rational autonomy, human dignity, universalization, positive and negative liberty, the Difference Principle, and the like. The point throughout is to introduce Mids to the various and sundry reasons that moral agents ought to take into consideration as they go about determining how they ought to act. Of course, we attempt to tailor these discussions to the particularities of their vocation. So, for example, we discuss utilitarianism by reflecting on a whole range of cases in which Mids have to make difficult tradeoffs – whether to send a second helicopter out to rescue a first that has already gone down in a storm, whether to close a hatch on crew members in a

submarine that would otherwise sink, and so on.

The last third of “Moral Reasoning for Naval Leaders” directly addresses the morality of war. Here, I take it, institutional realities shape the content of our curriculum. It does so in a number of respects. I will mention three.

First, given that the Naval Academy prepares Mids to serve in an institution one of the primary functions of which is, as they say, to “break things and kill people,” and given that they know that before they show up, most Mids are strongly inclined to affirm the moral permissibility of the use of military violence in war. For better or worse, our students assume as a matter of course that some wars can, and do, pass moral muster. Frankly, we do little to challenge that assumption and our curriculum reflects that fact: we have no formal place for a robust discussion of pacifism, no readings from Hauerwas, Yoder, or Holmes, nothing of the sort.

Second, as you might expect, the vocational aims of the Naval Academy lead us to accord pride of place to the so-called “Just War Tradition.” The five weeks we spend on the morality of war are pervasively shaped by concepts, claims, and readings that lie well within the broad confines of that amorphous and disputatious tradition of thought. So, for example, we begin by addressing *ad bellum* issues with familiar just war conceptions – just cause, legitimate authority, and right intention – and by reflecting on familiar texts from Aquinas and Walzer as well as less familiar work by David Rodin and Jeff McMahan. Then we spend a number of weeks on *in bello* issues, those that arise in conventional military conflict between nation states as well as those that arise in conflict between nation-states and various non-state actors. In recent years, we have focused ever more narrowly on the latter – drone strikes against members of terrorist organizations, counter-insurgency, cyberwar and so on.

Third, institutional realities also shape how we teach the Just War Tradition – how we understand its component claims, what we emphasize, and so on. So, for example, to reflect with future officers on the morality of war is to reflect with young men and women who might very well be called to direct the military violence to which the Just War Tradition's various provisions most obviously apply. This vocational reality naturally shapes one's understanding of the tradition's point and purposes. As I see it, the moral point of the Just War Tradition, if it has one, is not to help its adherents resolve interesting theoretical quandaries or to provide them with a handy decision procedure to be employed when they happen to reflect on some particularly nettlesome moral quandary. Rather its primary purpose, or at least, a main purpose, is to discipline the thoughts and emotions of its adherents so that they are cognitively and emotionally equipped to wage war with justice. It's a way of thinking and conceiving of war that, one hopes, shapes the manner in which its adherents construe war and thereby the emotions they experience when they are caught up in violent communal conflict. War engages the emotions and their emotions need to be morally disciplined if soldiers, sailors, and marines are to fight in ways that respect basic moral norms.

Given this very broad understanding of the Just War Tradition, I accord what I take to be unusual importance to the so-called Right Intention Requirement. Let me expand a bit on this point. In my judgement, many contemporary treatments of the tradition give short shrift to the claim that wars must be fought with right intent. When they do affirm this claim, many theorists understand it in a rather narrow manner: simply put, warring parties must be motivated to fight by the reasons that make war permissible. So, for example, if the United States is to wage a just war in response to Iraq's invasion of Kuwait, then, say, the Iraqi invasion of Kuwait must constitute an egregious injustice, that injustice must provide a just cause for wage war and the civilian authorities in the United States must be properly motivated by that egregious injustice to respond with military violence.

But this is a rather crimped understanding of the right intention requirement. Consider, by contrast, Aquinas' paradigmatic exposition: "It may happen that, even if war be declared by legitimate authority and for a just cause, it is nonetheless rendered unlawful through a wicked intention. Hence, Augustine says: 'The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and such like things, all these are rightly condemned in war.'" Aquinas here takes the right intention requirement to apply to a very wide range of internal states: "greed," "cruelty," "an unpacific spirit," "the desire to do harm," the "thirst for vengeance," "the lust to dominate" – all of these varied kinds of internal state manifest a lack of "righteous intention." By privileging the right intention requirement, and by following Aquinas in construing it to cover a whole range of internal subjective states – desires, attitudes, hopes, intentions, motives and so on, we have the opportunity to reflect with Mids on a wide diversity of questions of great importance to them, both as human beings and as officers: Is it appropriate for me to experience joy upon the killing of enemies who are most assiduously trying to kill me and those with whom I have bonded? (Joy that is occasioned *by* the death of enemy combatants – which is not the same as joy *in* the death of enemy combatants – is apparently a very common accompaniment of combat.) May I cultivate in myself and my subordinates an attitude of professional detachment, one in which my enemies are construed, say, not as human beings with family members who love them, and not as predatory animals devoid of moral standing, but as legitimate targets whose 'hostile acts' the extant rules of engagement permit me to kill? Must I feel sadness, or guilt, or regret when I justly kill another human being? May I hate those who torture a captured comrade, or pound nails into the legs of helpless children, or attack me with bombs affixed to handicapped noncombatants? Reflection on such questions naturally raises further, and perhaps deeper, issues. What spiritual resources do I have to draw on should it turn out that I really am

responsible for the death of a subordinate? How can I be forgiven for wrongs committed against human beings I have killed and who are therefore not able to forgive me? How am I going to deal with my impending death?

I have to say that, in my judgment, we do not excel in addressing questions of the latter sort – religious or spiritual questions, matters of guilt, forgiveness, and dread. It's a strange kind of seminary education, I have to say: we emphasize the importance of the virtues, of the 'high standards' to which Mids are accountable, but we say precious little about how they are to respond to the moral failings that will inevitably afflict them. We wax eloquent about the law and are mute about the gospel. Perhaps potted conceptions of proper relations between church and state impede us from doing so. Perhaps these questions are too hard to answer ... or, at least, too hard without appealing to robust and controversial conceptions of the good that we cannot officially affirm even at a national seminary. I should say that we spend a week discussing Stoicism, which I take to include a kind of religious vision, and one that speaks very powerfully to many Midshipmen. It provides an opportunity to reflect with them on death – an uncomfortable topic but one that I have found most Mids eager to discuss. But moral failure and how to respond to it – for the most part we leave it to Mids to figure that out on their own. (There is a wonderful book – Karl Marlantes' *What It Is Like To Go To War* – that articulates the importance of such questions for combat soldiers. If you are interested in these issues, and haven't read it, I heartily recommend it to you. Also his novel on the Vietnam War, *Matterhorn*.)

Let me make three final points about the role of the Just War Tradition in our curriculum. Despite our heavy reliance on the Just War Tradition, that conception of the morality of war enjoys a somewhat unusual normative standing – a kind of informal orthodoxy. What does that mean? So far as the Naval Academy is concerned, no particular formulation, and not even the tradition itself, is the correct or preferred conception of the morality of war. Correlatively, a Midshipman may without prejudice reject any and all formulations thereof. After all, affirmation of a philosophical conception of the morality of war cannot be a *requirement* of officership any more than can an affirmation of utilitarianism, or the divine command theory of morality, or any of the other philosophical theories to which we introduce our students. That said, most Midshipmen and most of the military officers who help to deliver “Moral Reasoning for Naval Leaders” do in fact affirm some version of the JWT and typically assume that others will as well. As I said, the Just War Tradition enjoys only an informal orthodoxy, one that Midshipmen are encouraged, but can hardly be required, to inhabit.

Second, the privileged place we accord to the Just War Tradition helps us to achieve one of our central moral aims. Here a bit of background will be helpful. Prior to the beginning of their third year, Mids may leave the academy at any time, for any reason, and without any financial penalty or military obligation. But at the beginning of their third year, each must make a formal commitment to complete the final two years of his education and thereafter five years of active duty service. Plausibly, a Midshipmen can sincerely and in good conscience make her so-called “2 for 7 commitment” only if she has some clear understanding of the duties that follow from her making that commitment. One of the most important goals of “Moral Reasoning for Naval Leaders” is to provide Mids with the opportunity to wrestle with the normative implications of that commitment. Of course, the duties of military officership can be quite onerous. One of the most onerous *legal* duties of a military officer is that each must comply with the determinations of the relevant civilian authorities to go to war. Moreover, the military officers I know invariably believe that they are also *morally* bound to exhibit that kind of deference: each takes a solemn oath –their Oath of Commissioning – that is tacitly understood to generate a morally binding obligation to obey procedurally correct Congressional and Presidential mandates to wage war. One of the main reasons we discuss the *ad bellum* components of the Just War Tradition is to compel Mids to reflect on whether they can take that oath sincerely and with a good conscience. We say, in effect, “Here are the preferred standards for assessing war, but you must realize that you must make a binding commitment that might very well require you to fight in a war that violates those standards.” I should note that we don't specify how they ought to decide, that some small number of Midshipmen conclude that they cannot in good conscience undertake the relevant moral or legal obligation, but that most conclude that they can.

Third, and finally, although Midshipmen must take an oath that legally binds them to fight in even unjust wars, that oath does not oblige them to obey any and every legal order directed at them by a duly authorized superior. For of course a military professional is required not to obey an *illegal* order. And many legal orders are foolish, or flatly immoral, or would be either foolish or immoral were the recipient to obey their most natural interpretation. We discuss many such cases, some of which arise in the context of war. About such cases, we rely on an understanding of civil disobedience inspired by Martin Luther King's Letter from a Birmingham jail: when an officer takes feasible measures to be released from a legal but egregiously immoral order, then she may disobey that order so long as she does so in public and is willing to accept the consequences of disobedience. We have plenty of opportunity to impress upon Midshipmen that disobedience of this sort normally happens only once in an officer's career – at its termination. Disobedience is permissible, and even laudable, but potentially ruinous.

The Role of Military Officers in Delivering “Moral Reasoning for Naval Leaders”

So far I have focused primarily on the philosophical content of “Moral Reasoning for Naval Leaders,” as I take it that this is most directly relevant to our discussion today. But I should note that the most distinctive, and the most important, features of that course have little to do with what we civilians teach. Rather, I judge that the degree to which “Moral Reasoning for Naval Leaders” achieves something of moral significance is a function of the contributions of the military officers who help to deliver that course. Let me conclude by briefly discussing the part they play in our collaborative project.

Each semester, roughly 30 Navy and Marine officers – Commanders, Captains, Colonels and the occasional Admiral – volunteer to help teach “Moral Reasoning for Naval Leaders.” They are drawn from the pool of rotational officers tasked to help run the Naval Academy. They must have at least twenty years of experience in the military and so typically serve in leadership positions across the Yard. So the way in which “Moral Reasoning for Naval Leaders” is staffed manifests a significant commitment of institutional resources: it's roughly the equivalent of having a university's Deans, Registrar, and Vice Presidents volunteer to take a leading role in delivering a course of moral instruction that shapes each and every student on campus.

The participation of military officers serves a number of important purposes. I will briefly mention only a few. First, it helps to foster a common moral language and culture throughout the Naval Academy. As I noted at the outset, the moral formation of Midshipmen is best achieved when what they learn in class is reinforced throughout the Academy. Given that the military officers who help to deliver “Moral Reasoning for Naval Leaders” also work with the football team, serve on the Commandant and Superintendent's staff, hold the positional equivalent of the Dean of the College or Arts and Humanities or School of Engineering, they are well-positioned to pursue the Naval Academy’s robust formative aims across the Yard. So, for example, some of the officers who help to teach “Moral Reasoning for Naval Leaders” also participate in a mentoring program for the captains of sports teams in which they are encouraged to understand their experience as a leader in sports as preparation for small-unit leadership in the fleet. (I don't mean to be too starry-eyed about this – I'm describing an ideal of pervasive moral formation that is, of course, only imperfectly achieved.)

Second, officers serve as mentors and models for young future officers on whom they can have a profoundly powerful formative impact. It's one thing for an ectomorphic academic to prate about the discriminate use of military violence and quite another for a brawny Marine Colonel with decades of military experience to say the same thing. The former might be able to formulate the principle of discrimination with greater precision but without near the credibility. This simple fact makes the robust participation of military officers absolutely crucial – a necessary causal condition of the achievement of the Naval Academy's core formative aims.

Third, and finally, the participation of military officers powerfully shapes the content of “Moral Reasoning for Naval Leaders”. Most particularly, the steady stream of rotational officers – many of whom are recently returned from combat environments – provides an equally steady stream of realistic and contemporary case studies. As I noted above, “Moral Reasoning for Naval Leaders” is supposed to marry theory and practice, abstraction and application. The participation of experienced officers insures that Mids have the opportunity to reflect on morally difficult scenarios that they might very well face with conversation partners who are well-positioned to appreciate the practical complexities raised therein.

I don't have the time to describe the many case studies we have accumulated over the years, much less to specify in detail how they implicate issues of general moral principle. So let me leave you with one important and contentious example.

First a bit of background. Many Midshipmen are serious about their faith, not merely nominal adherents. Consequently, they sincerely intend to live and act in ways that reflect their faith commitments, not only as Midshipmen, citizens, or human beings, but also as future officers. We can therefore hardly avoid reflecting with them on the role that their religious commitments properly play in the vocation for which they are being prepared. The following case study, whose central actor was for years an instructor in “Moral Reasoning for Naval Leaders,” provides an ideal opportunity for Mids to reflect on the proper role of their religious convictions in professional military settings.

An unmarried sailor is deployed on Diego Garcia, a remote island in the Indian Ocean. She learns that she is pregnant, wants to get an abortion, but cannot return to the United States until her 20th week. Of course, she has access to military doctors, but they are forbidden by Congressional mandate to perform abortions. There are no civilian doctors on the island. So she requests emergency leave to return to the United States. But she neither has a right to emergency leave, nor does she satisfy the eligibility requirements for emergency leave. Nevertheless, military regulation accords to the Commanding Officer (CO) broad discretion as to how he exercises his authority to grant emergency leave. As it happens, the CO takes friendship with to God to preclude intentionally killing the innocent and so the intentional killing of a fetal human being. Consequently, he denies her request. Of course, he recognizes that he lacks the authority to prohibit her from getting an abortion: because she has a legally protected right to get an abortion, any such order would lack normative force. Rather, the CO takes himself to have no obligation to help her commit such a grave moral injustice. Given that he is under so such obligation, he takes the grave moral injustice she intends to commit as an acceptable reason to make a decision he

indisputably has the authority to make ... that is, to grant or deny emergency leave.

There is a great deal to say about this case. But I have been encouraged to raise unanswered questions. I am happy to do so and leave you with one of the questions about this case that we put to our students: whatever your position on abortion, do we want officers in the United States military to bracket their religiously grounded convictions regarding the moral status of vulnerable human beings – whether as an experienced CO of a military base in the Indian Ocean or as a young lieutenant commanding his first platoon in Fallujah?